

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Seth Robert Aframe

2. **Position**: State the position for which you have been nominated.

United States Circuit Judge for the First Circuit

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Attorney's Office for the District of New Hampshire
53 Pleasant Street
Concord, New Hampshire 03301

Hopkinton, New Hampshire

4. **Birthplace**: State year and place of birth.

1974; Boston, Massachusetts

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1996 – 1999, Georgetown University Law Center, J.D. (*magna cum laude*), 1999

1992 – 1996, Tufts University, B.A. (*summa cum laude*), 1996

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2007 – present

United States Attorney's Office for the District of New Hampshire
53 Pleasant Street

Concord, New Hampshire 03301
Chief of Criminal Division (2023 – present)
Appellate Chief (2010 – present)
Deputy Chief of Criminal Division (2022 – 2023)
Assistant United States Attorney, Criminal Division (2010 – present)
Assistant United States Attorney, Civil Division (2007 – 2010)

2008 – present
University of New Hampshire, Franklin Pierce School of Law
2 White Street
Concord, New Hampshire 03301
Adjunct Professor of Law

2006 – 2007
Boston University School of Law
765 Commonwealth Avenue
Boston, Massachusetts 02215
Instructor of Legal Research and Writing

2003 – 2007
The Honorable Jeffrey R. Howard
United States Court of Appeals for the First Circuit
55 Pleasant Street
Concord, New Hampshire 03301
Judicial Law Clerk

2000 – 2003; summer 1998
Choate Hall & Stewart
2 International Place
Boston, Massachusetts 02110
Associate (2000 – 2003)
Summer Associate (1998)

1999 – 2000
The Honorable Judith A. Cowin
Massachusetts Supreme Judicial Court
1 Pemberton Square, Suite 2500
Boston, Massachusetts 02108
Judicial Law Clerk

1998 – 1999
Professor Carlos Manuel Vazquez
Georgetown University Law Center
600 New Jersey Avenue, Northwest
Washington, DC 20001
Research Assistant

Summer 1997
The Honorable Margaret R. Hinkle
Massachusetts Superior Court
3 Pemberton Square
Boston, Massachusetts 02018
Intern

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I timely registered for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Georgetown University Law Center, Order of the Coif (1999)

Tufts University
James Vance Elliot Prize in Political Science (1996)
Phi Beta Kappa (1996)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

Attorney General's Appellate Chiefs' Working Group (2012 – 2016)

Federal Practice Institute, United States District Court for the District of New Hampshire,
Chair, Criminal Law Session (2018 and 2023)

Merit Selection Panel for United States Magistrate Judge Daniel Lynch (2013)

United States Court of Appeals for the First Circuit, Rules Advisory Committee
Chair (2021 – 2023)

United States Department of Justice Appellate Chiefs' Conference
Planning Member (2016 – 2017)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Massachusetts, 2000

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the First Circuit, 2002

United States District Court for the District of Massachusetts, 2001

United States District Court for the District of New Hampshire, 2006

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Civics 603, Concord, New Hampshire, Volunteer (2020 – present)

Hopkinton, New Hampshire School Board, Member (2020 – 2021)

Hopkinton, New Hampshire Superintendent Search Committee
Chair (2021)

Hopkinton Youth Sports Association, Hopkinton, New Hampshire
Volunteer (2014 – 2018)

Temple Beth Jacob, Concord, New Hampshire
Trustee (2022 – present)
Immediate Past President (2017 – 2021)
President (2015 – 2017)
First Vice-President (2014 – 2015)
Second Vice-President (2012 – 2014)
Trustee (2010 – 2012)

We The People, Concord, New Hampshire, Volunteer (2014)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization

that invidiously discriminates on the basis of race, sex, religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the listed organizations currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Concord Monitor, *Reelect Norm Goupil* (Feb. 11, 2022). Copy supplied.

New Hampshire Bar News, *Johnson and Its Implications* (July 2016). Copy supplied.

Temple Beth Jacob, *Bulletin* (June 2017). Copy supplied.

Temple Beth Jacob, *Bulletin* (Nov. 2016). Copy supplied.

Temple Beth Jacob, *Bulletin* (Oct. 2016). Copy supplied.

Temple Beth Jacob, *Bulletin* (Sept. 2016). Copy supplied.

Temple Beth Jacob, *Bulletin* (June 2016). Copy supplied.

Temple Beth Jacob, *Bulletin* (May 2016). Copy supplied.

Temple Beth Jacob, *Bulletin* (Apr. 2016). Copy supplied.

Temple Beth Jacob, *Bulletin* (Feb. 2016). Copy supplied.

Temple Beth Jacob, *Bulletin* (Jan. 2016). Copy supplied.

Temple Beth Jacob, *Bulletin* (Sept. 2015). Copy supplied.

Temple Beth Jacob, *Bulletin* (Nov. 2014). Copy supplied.

Temple Beth Jacob, *Bulletin* (May 2014). Copy supplied.

Temple Beth Jacob, *Bulletin* (Mar. 2014). Copy supplied.

Temple Beth Jacob, *Bulletin* (Jan. 2014). Copy supplied.

Temple Beth Jacob, *Bulletin* (Nov. 2013). Copy supplied.

Temple Beth Jacob, *Bulletin* (Nov. 2013). Copy supplied.

Temple Beth Jacob, *Bulletin* (May 2013). Copy supplied.

Temple Beth Jacob, *Bulletin* (Feb. 2013). Copy supplied.

Temple Beth Jacob, *Bulletin* (Nov. 2012). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

2020 Hopkinton School District Annual Report. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

In 2022, I served on an ad-hoc committee of federal criminal-law practitioners to draft a potential local rule concerning the government's discovery obligations in criminal cases. The draft rule was presented to the judges of the United States District Court for the District of New Hampshire but ultimately was not adopted. Final draft supplied.

I served as a member of the Hopkinton, New Hampshire School Board from March 2020 through March 2021. Recordings are provided for all meetings in which I participated except for May 7, 2020, for which no recording is available. I participated in meetings on the following dates:

March 18, 2021
March 4, 2021
February 18, 2021
February 4, 2021
January 21, 2021

January 16, 2021
January 9, 2021
January 7, 2021
December 22, 2020
December 17, 2020
December 12, 2020
December 10, 2020
December 4, 2020
November 19, 2020
November 19, 2020
November 5, 2020
October 29, 2020
October 26, 2020
October 15, 2020
October 1, 2020
September 10, 2020
September 3, 2020
August 27, 2020
August 20, 2020
August 13, 2020
August 10, 2020
August 6, 2020
July 23, 2020
July 9, 2020
July 2, 2020
June 25, 2020
June 25, 2020
June 18, 2020
June 4, 2020
May 21, 2020
May 19, 2020
May 7, 2020
April 30, 2020
April 23, 2020
April 16, 2020
April 2, 2020
March 26, 2020
March 19, 2020

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter.

If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best effort to identify the public speaking events in which I have participated, based on a review of my records and publicly available information:

September 29, 2023: Speaker, Criminal Law Update, Federal Practice Institute, United States District Court for the District of New Hampshire. Materials supplied.

September 11, 2023: Moderator, Hate Crimes and Hate Speech Forum, Temple Beth Jacob, Concord, New Hampshire. I discussed the distinction between protected hate speech and unprotected criminal conduct. I have no notes, transcript, or recording. The mailing address for Temple Beth Jacob is 67 Broadway, Concord, New Hampshire 03301.

June 8, 2023: Speaker, What Are Hate Crimes And Hate Speech?, Goffstown, New Hampshire Public Library, Goffstown, New Hampshire. I explained the distinction between protected hate speech and unprotected criminal conduct. I have no notes, transcript, or recording. The mailing address for Goffstown Public Library is 2 High Street, Goffstown, New Hampshire 03045.

March 1, 2023: Speaker, Case Study on *United States v. Freeman*, National Crypto Currency Enforcement Team Summit, United States Department of Justice, Washington, DC. I spoke to a group of United States Department of Justice prosecutors about my recent experience in this bitcoin, money-laundering trial. I spoke primarily about legal issues involving the prosecution of unlicensed money transmitting businesses in violation of 18 U.S.C. § 1960. I have no notes, transcripts, or recordings. The mailing address for the United States Department of Justice is 950 Pennsylvania Avenue, Northwest, Washington, DC 20530.

February 17, 2023: Moderator, An Attorney's Ethical Considerations When Speaking to the Press, New Hampshire Bar Association Winter Meeting, Manchester, New Hampshire. Recording supplied.

February 9, 2023: Speaker, Hate Crimes Forum, United States Department of Justice Community Relations Service, Manchester, New Hampshire. I spoke about the difference between hate speech and hate crimes, and I provided an overview of the federal criminal, civil-rights laws. I have no notes, transcript or recording, but press coverage is supplied. The address for the United States Department of Justice is 950 Pennsylvania Avenue, Northwest, Washington, DC 20530.

June 21, 2021: Speaker, From Soup to Nuts: Approaches to Post-Conviction Issues, New Hampshire Bar Association, Concord, New Hampshire. Recording

supplied.

March 5, 2021: Speaker, Hate Crime Training, Jewish Federation, Manchester, New Hampshire. Recording supplied.

March 2021: Speaker, Screening of *13th*, Temple Beth Jacob, Concord, New Hampshire. I spoke on a panel about the documentary *13th*. I have no notes, transcript, or recording. The mailing address for Temple Beth Jacob is 67 Broadway, Concord, New Hampshire 03301.

March 4, 2020: Speaker, Case Study on *United States v. Martinez et al.*, National Opioid Summit, United States Department of Justice. I spoke about my participation in the investigation and prosecution of this large-scale, fentanyl trafficking organization, including certain legal problems such as establishing venue when a drug-conspiracy is operating primarily in another district. I have no notes, transcript, or recording. The mailing address for the United States Department of Justice is 950 Pennsylvania Avenue, Northwest, Washington, DC 20530.

October 22, 2019: Speaker, Appellate Advocacy, New Hampshire Bar Association, Concord, New Hampshire. Recording supplied.

June 6, 2019: Speaker, Managing an Appellate Practice, Appellate Chiefs' Conference, United States Department of Justice, National Advocacy Center, Columbia, South Carolina. I spoke on a panel about managing a federal appellate practice within a United States Attorney's Office. I have no notes, transcript, or recording. The mailing address for the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

March 7, 2019: Speaker, Your Smart Phone and Your Privacy, Temple Etz Hayim, Derry, New Hampshire. I spoke about how law enforcement uses information obtained from electronic devices in criminal investigations and how recent Supreme Court cases have placed certain Fourth Amendment limitations on obtaining such information. I have no notes, transcript, or recording. The mailing address for Temple Etz Hayim is 1 ½ Hood Road, Derry, New Hampshire 03038.

November 24, 2018: Speaker, LASER Court, University of New Hampshire, Franklin Pierce Law School, Concord, New Hampshire. I spoke on a panel about the United State District Court for the District of New Hampshire's alternative drug court. I have no notes, transcript, or recording, but press coverage is supplied. The mailing address for University of New Hampshire, Franklin Pierce Law School is 2 White Street, Concord, New Hampshire 03301.

October 25, 2018: Speaker, Criminal Law Issues, Federal Practice Institute, United States District Court for the District of New Hampshire. Materials supplied.

June 8, 2017: Speaker, Managing an Appellate Practice, Appellate Chiefs' Conference, United States Department of Justice, National Advocacy Center, Columbia, South Carolina. I spoke as part of a panel on issues relating to managing a federal appellate practice within a United States Attorney's Office. I have no notes, transcript, or recording. The mailing address for the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

October 12, 2016: Speaker, President's Address, Temple Beth Jacob, Concord, New Hampshire. Remarks supplied.

October 4, 2012: Speaker, Effective Oral and Written Advocacy, Federal Practice Institute, United States District Court for the District of New Hampshire, Concord, New Hampshire. I spoke to a group of New Hampshire attorneys who practice in federal court about the best practices for drafting legal pleadings and presenting oral argument. I have no notes, transcript, or recording. The mailing address for the United States District Court for the District of New Hampshire is 55 Pleasant Street, Concord, New Hampshire 03301.

May 2011 (specific date unknown): Speaker, Appellate Advocacy and Legal Writing, Puerto Rico Federal Bar, San Juan, Puerto Rico. I spoke to the Federal Bar of Puerto Rico about effective strategies for appellate advocacy and legal writing. I have no notes, transcript, or recording. The mailing address for the Puerto Rico Federal Bar Association is 1225 Avenue de la Constitucion, San Juan, Puerto Rico 00907.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Man Resentenced to 35 Years in Prison for Fatal Armored Car Robbery, WMUR (June 2, 2023). Recording supplied.

Aria Dimezzo is Going to Jail for Running Unlicensed Crypto Exchange, livebitcoin.com (Apr. 26, 2023). Copy supplied.

Ian Freeman Convicted of Money Laundering and Other Federal Charges, The Keene Sentinel (Dec. 22, 2022). Copy supplied.

Hopkinton Voters Pass Operating Budget and Teachers Contract During Drive-Through Voting, Concord Monitor (Mar. 20, 2021). Copy supplied.

After Iowa Stumbles, New Hampshire Touts Smooth Voting Process, NHPR (Feb. 12, 2020). Copy supplied.

Man Whose Home Was Site of Double Murder Headed for September Trial on Drug Charges, The Rochester Voice (June 10, 2019). Copy supplied.

State Will Monitor Election Closely, Union Leader (Nov. 2, 2018). Copy supplied.

N.H. Election Officials Say State's Voting System Can Be Trusted, NHPR (Nov. 2, 2018). Copy supplied.

Man Sentenced to Decades in Prison For Sexually Assaulting Girl, 14, WMUR (Oct. 1, 2018). Copy supplied.

Prosecutor Won't Seek Criminal Charges Against Three Former Emergent Executives, The Deal Pipeline (Jan. 15, 2016). Copy supplied.

Eye on the Bench: First Circuit's Next Chief Judge Tough on Crime and Consumer Protection, U.S. Law Week (Apr. 21, 2015). Copy supplied.

Former Veterans Affairs Doctor Begins Picking Up, FoxNews (Nov. 14, 2010). Copy supplied (reprinted in multiple outlets).

Feds Want Browns' Weapon Cache, Concord Monitor (June 15, 2009). Copy supplied.

Coffee Shops Offer an Offee Shop Culture, Concord Monitor (Jul. 23, 2006). Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

- i. Of these cases, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

- ii. Of these cases, approximately what percent were:

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and

dissents.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

From 2020 to 2021, I served on the Hopkinton, New Hampshire School Board. I was elected in a non-partisan election to complete the term of a resigning Board member.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 1999 to 2000, I served as a judicial law clerk to Justice Judith A. Cowin of the Massachusetts Supreme Judicial Court.

From 2003 to 2007, I served as a judicial law clerk to Judge Jeffrey R. Howard of the United States Court of Appeals for the First Circuit.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never been a solo practitioner.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2000 – 2003
Choate Hall & Stewart
2 International Place
Boston, Massachusetts 02110
Associate

2007 – present
United States Attorney’s Office for the District of New Hampshire
53 Pleasant Street
Concord, New Hampshire 03301
Chief of Criminal Division (2023 – present)
Appellate Chief (2010 – present)
Deputy Chief of Criminal Division (2022 – 2023)
Assistant United States Attorney, Criminal Division (2010 – present)
Assistant United States Attorney, Civil Division (2007 – 2010)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator in alternative resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

After graduating law school in 1999, I began my legal career as a law clerk to Justice Judith A. Cowin of the Massachusetts Supreme Judicial Court. In that role, I drafted opinions for Justice Cowin in civil and criminal matters, recommended cases that the Court should accept for further appellate review, and helped Justice Cowin prepare for oral argument.

At the end of my one-year clerkship in 2000, I went to the Boston law firm of Choate Hall & Stewart, where previously I had been a summer associate. Choate Hall & Stewart is a large firm with approximately 250 attorneys. I worked as an associate for three years, practicing mostly employment law with some commercial litigation. The highlights of my experience at Choate were assisting in a Family and Medical Leave Act trial in federal court in Boston and an arbitration of a royalty dispute. I

also took depositions in a variety of civil cases and drafted a brief in an employment-discrimination case that was argued before the United States Court of Appeals for the First Circuit by another lawyer.

In 2003, I left Choate Hall & Stewart for New Hampshire to clerk for Judge Jeffrey R. Howard on the United States Court of Appeals for the First Circuit. I clerked for Judge Howard until 2007. In that time, I drafted opinions on a variety of civil and criminal topics, helped review opinions from other judges, and assisted Judge Howard prepare for oral argument.

In 2007, I joined the United States Attorney's Office for the District of New Hampshire to fill an opening in the Civil Division. In that role, I litigated medical malpractice, personal injury, administrative law, and employment discrimination cases. I also handled civil, asset-forfeiture matters. I tried to judgment one civil case involving an employment-discrimination claim under the Americans with Disabilities Act.

In 2010, I was appointed to serve as the Appellate Chief within the Criminal Division of the United States Attorney's Office, a position I still hold. Since 2010, I have written most of the First Circuit briefs submitted by my Office and have supervised the rest. My appellate responsibilities also include handling the post-appeal litigation arising from our prosecutions and the litigation that comes from the federal prison in Berlin, New Hampshire. In addition to my appellate practice, I have handled an active criminal docket, which has included 18 trials since 2011 on a variety of topics, including controlled substances, money laundering, child exploitation, firearms, and fraud. In 2022, I was appointed Deputy Chief of the Criminal Division and, in 2023, was promoted to Criminal Division Chief. As a result of these promotions, in addition to my appellate and trial work, I supervise the other prosecutors in the United States Attorney's Office.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

At Choate Hall & Stewart, I typically represented large and medium-sized companies involved in employment-related disputes before courts and administrative agencies. I also assisted these companies in drafting employment agreements and employee handbooks. In addition, I represented some large technology companies involved in litigation. In these cases, I usually performed legal research and document review. I also took several depositions.

At the United States Attorney's Office, I have represented the United States in criminal prosecutions and appeals. I also represented various federal agencies in civil litigation, including representing the Social

Security Administration in a trial.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Aside from my time as a judicial law clerk, my legal career has been in litigation. Since moving to the Criminal Division of the United States Attorney's Office in 2010, I have appeared in the United States District Court for the District of New Hampshire multiple times per week. I also have appeared several times per year before the United States Court of Appeals for the First Circuit. As an Assistant United States Attorney in the Civil Division from 2007 to 2010, I typically appeared in court a few times per month. At Choate Hall & Stewart, I appeared in court infrequently.

- i. Indicate the percentage of your practice in:

1. federal courts:	95%
2. state courts of record:	3%
3. other courts:	0%
4. administrative agencies:	2%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	25%
2. criminal proceedings:	75%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried 19 cases to verdict in the United States District Court for the District of New Hampshire. I was lead counsel in 16 cases and associate counsel in the others. Additionally, I have argued approximately 100 cases in the United States Court of Appeals for the First Circuit.

- i. What percentage of these trials were:

1. jury:	94%
2. non-jury:	6%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Freeman*, 21-cr-41-JL (D.N.H.) (Laplante, J.).

This was a prosecution against the defendant for operating a bitcoin-trading business that the defendant used to help fraudsters convert fraud proceeds into difficult-to-trace bitcoin. The defendant was charged, inter alia, with operating an unlicensed money transmitting business, 18 U.S.C. § 1960; conspiracy to launder money, 18 U.S.C. § 1956(h); and tax evasion, 26 U.S.C. § 7201.

I was lead counsel for the ten-day jury trial that ended with the defendant's conviction. Pre-trial, I researched, briefed, and argued the successful opposition to the defendant's motion to dismiss the § 1960 count on the ground that the major-questions doctrine prevented the United States Department of Treasury from promulgating regulations requiring virtual-currency trading companies to register as money-transmitting businesses. At trial, I examined and cross-examined several witnesses. I also drafted proposed jury instructions and motions in limine and delivered the closing argument and rebuttal.

Co-Counsel

Georgiana MacDonald

John Kennedy

United States Attorney's Office for the District of New Hampshire

53 Pleasant Street

Concord, NH 03301

(603) 225-1552

Opposing Counsel

Mark Sisti

Sisti Law Office

387 Dover Road

Chichester, NH 03258

(603) 224-4220

2. *United States v. Clough*, 17-cr-37-JL (D.N.H.) (Laplante, J.), *aff'd*, 978 F.3d 810 (1st Cir. 2020) (Howard, Lynch, and Thompson, Circuit Judges).

This case involved the Insys scandal, in which a drug company developed a fentanyl spray, Subsys, that it then bribed medical providers to prescribe to regular pain patients, even though the Food and Drug Administration approved Subsys only for use with end-stage cancer patients. *United States v. Simon*, 12 F.4th 1 (1st Cir. 2021). The defendant was a New Hampshire physician assistant, who received kickbacks in the form of fees for fictitious speaking engagements in exchange for prescribing Subsys to his patients, none of whom suffered from cancer. I tried the defendant and litigated his appeal. The defendant was convicted after a trial and sentenced to four years of imprisonment, which was affirmed by the First Circuit.

At trial, I delivered the opening statement and examined several witnesses, including the defendant's patients to whom he inappropriately prescribed Subsys. These patients suffered debilitating addiction because of the defendant prescribing them fentanyl spray. In addition, I prepared and examined the Food and Drug Administration physician who led the process for approving Subsys for end-stage cancer patients.

On appeal, the primary issue was whether the government had sufficiently proven a conspiracy to accept kickbacks. A provider may accept speaker fees as payment from a drug company so long as the fees are not connected to prescribing decisions. The Court of Appeals concluded that, even though there was no express agreement for a fee-for-script scheme, the circumstantial evidence permitted the jury to conclude that the defendant had a wink-and-nod agreement with Insys to accept payment for prescribing Subsys and that the speaking engagements were a sham.

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3. *United States v. Carpentino*, 17-cr-157-PB (D.N.H.) (Barbodoro, J.) (trial), *aff'd*, 948 F.3d 10 (1st Cir. 2020) (Lynch, Selya, and Lipez, Circuit Judges); *Carpentino v. United States*, 19-cv-237 (D.N.H.) (Barbodoro, J.).

This case, which I handled at trial, on appeal, and in post-trial proceedings on behalf of the United States, involved the defendant taking a 14-year-old, hearing-impaired female from New Hampshire to Vermont to engage in sexual activity in violation of 18 U.S.C. § 2423(a), the prohibition on the interstate transportation of a minor with the intent to engage in criminal sexual activity. The trial lasted four days, and the defendant was sentenced to 384 months of imprisonment. Pre-trial, I briefed and argued an objection to the defendant's motion to suppress his confession on the ground that it was obtained in violation of his *Miranda* rights. My primary trial roles were to deliver the opening statement and to conduct the examination of the victim. I also examined several other government witnesses and cross-examined defense witnesses.

The subsequent appeal concerned the admissibility of the defendant's confession. The defendant confessed to the Vermont State Police after reinitiating contact with the police following his invocation of the right to counsel. The main question presented on appeal was whether the defendant's reinitiating contact with police was sufficient, under *Edwards v. Arizona*, 451 U.S. 477 (1981), to permit the police to continue the interview of the defendant by providing new *Miranda* warnings. The First Circuit concluded that the defendant adequately reinitiated contact with the police by asking an officer what the maximum penalty would be for his offense. The Court also concluded that the defendant did not adequately reinvoke his right to counsel after reinitiating contact with the police and that his subsequent confession was voluntary. I wrote the government's briefs and argued the appeal.

Following the appeal, the defendant brought a § 2255 motion, asserting ineffective assistance of counsel. The defendant claimed that his lawyers should have called a DNA expert and obtained certain cell-phone data that would have confirmed his alibi. At an evidentiary hearing, I cross-examined the DNA and cell-phone-data experts called by the defense. The district court denied the defendant's motion.

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4. *U.S. Department of Justice v. Ricco-Jonas*, 18-mc-56-LM, 2018 WL 6718579 (D.N.H. Nov. 1, 2018) (Johnstone, M.J.), *R. & R. approved*, 2019 WL 251246 (D.N.H. Jan. 17, 2019) (McCafferty, J.), *aff'd*, 24 F.4th 718 (1st Cir. 2022) (Howard and Thompson, Circuit Judges).

Like many states, New Hampshire operates a prescription drug monitoring program database that collects and maintains information about prescriptions, including the drug type, the patient, and the provider. New Hampshire law makes the collected information confidential and requires a court order based on probable cause before any collected information may be released for law-enforcement purposes.

The United States Drug Enforcement Administration (DEA) sought to use an administrative subpoena, under 21 U.S.C. § 876(a), to obtain database records. New Hampshire refused because the DEA did not present a court order based on probable cause as required by state law. I represented the DEA in an action to enforce the subpoena. New Hampshire argued: (1) the Eleventh Amendment barred the DEA's action to enforce the subpoena; (2) the operative provision of the Controlled Substances Act did not authorize the DEA to direct an administrative subpoena to a state entity; and (3) the Fourth Amendment required a showing of probable cause before database information could be provided to law enforcement.

I researched, briefed, and argued these issues before the United States District Court for the District of New Hampshire and the United States Court of Appeals for the First Circuit. The DEA prevailed in the litigation. The First Circuit held that the Eleventh Amendment did not bar a federal court from enforcing a federal subpoena directed to a state official, the Controlled Substances Act authorized the DEA to issue an administrative subpoena to a state official, and the Fourth Amendment did not require a search warrant prior to the production of prescription records held in a state database.

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5. *United States v. Smith*, 16-cr-91-JL (D.N.H.) (Laplante, J.), *aff'd*, 919 F.3d 1 (1st Cir. 2019) (Lynch, Stahl, and Barron, Circuit Judges); *United States v. Smith*, 20-cv-1034 (D.N.H.) (Laplante, J.) (§ 2255).

This case, in which I represented the United States at trial, on appeal, and in post-appeal litigation, involved the defendant producing child-pornography images by raping a three-year-old girl and capturing the encounter on video using Google Glasses. The defendant was convicted and sentenced to 600 months of imprisonment. The conviction and sentence were affirmed on appeal.

The defendant gained access to the victim by befriending a family that had twin daughters. By forming a close relationship with the family over an extended period, the defendant eventually was able to be alone with the victim. An important part of the trial preparation was helping the victims' parents deal with feelings of guilt in allowing the defendant access to their daughter. There was substantial pre-trial suppression litigation over whether law enforcement had properly seized the defendant's computer and obtained his confession. I wrote the briefs on these issues and argued them in court. At the trial, which lasted three days, I examined several government witnesses, cross-examined the defendant, and delivered the closing argument and rebuttal.

On appeal, the case presented Fourth Amendment issues over when a person has sufficiently revoked the implied right for law enforcement to enter the curtilage of a home and whether any violation of that right tainted the defendant's consent to provide federal agents with access to his laptop computer. The First Circuit concluded that, even if the agents' entry onto the defendant's property violated the Fourth Amendment, the violation was sufficiently attenuated from the defendant's consent that the agents' seizure of the laptop was lawful.

There was an additional novel sentencing issue over whether, in a child-pornography-production case, the proper unit of prosecution is the creation of the image or the use of the child. This was important because, if the proper unit of prosecution was the use of the child during one continuous course of conduct, the defendant would have faced a shorter maximum penalty. The First Circuit agreed that different images depicting different sexual acts constitute separate crimes, even though the defendant produced the images during one continuous session with the child. I wrote the briefs and argued the appeal.

Post-appeal, the defendant brought a § 2255 motion in which he claimed that his lawyer

had been ineffective for failing to argue that his confession had been obtained by law enforcement's improper use of a ruse to gain access to the defendant's property. After a hearing, the district court rejected the defendant's argument, concluding that law enforcement's method of gaining access to the property was lawful.

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6. *United States v. Ackell*, 907 F.3d 67 (1st Cir. 2018) (Torruella, Thompson and Barron, Circuit Judges).

The defendant was charged with cyberstalking in violation of 18 U.S.C. § 2261A based on his use of a computer to extort the victim into continuing an on-line relationship by threatening to publish sexually explicit photographs of the victim. I handled the appeal in which the defendant argued primarily that the federal cyberstalking statute was invalid under the First Amendment because it was overbroad. I conducted the research, wrote the briefs, and presented the oral argument.

The First Circuit rejected the defendant's First Amendment claim and affirmed the conviction. While the Court acknowledged that there could be unconstitutional applications of the cyberstalking statute, those instances were few compared to the statute's plainly legitimate sweep. Therefore, an overbreadth challenge to the law failed.

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7. *United States v. Valenzuela*, 849 F.3d 477 (1st Cir. 2017) (Howard and Stahl, Circuit Judges, Souter, Associate Justice).

This case involved a sting operation by the Federal Bureau of Investigations (FBI) against the Sinaloa drug cartel headed by Joaquin Guzman-Loera (El Chapo). The FBI assumed the role of an organized crime operation seeking to facilitate the distribution of drugs primarily in Europe. The defendant in this case was an attorney who worked with the Sinaloa drug cartel to arrange the drug transfer.

I handled this case on appeal following a jury trial. I did the research, wrote the briefs, and conducted the oral argument. The primary issues were: (1) whether there was venue over the defendant in New Hampshire based on a single meeting between a co-conspirator and the FBI in New Hampshire that was orchestrated by the FBI for the purpose of obtaining New Hampshire venue; and (2) whether the Controlled Substances Act prohibited the charged conduct where the primary object of the conspiracy was to transfer drugs from Latin America to Europe.

The First Circuit affirmed the conviction. It rejected the contention that it was improper for the FBI to “manufacture” venue by arranging for a New Hampshire meeting. It also held that, even though the primary purpose of the conspiracy was to deliver drugs to Europe, there was a sufficient nexus to drug trafficking in the United States to permit prosecution under the Controlled Substances Act.

Opposing Counsel

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8. *United States v. Prieto*, 812 F.3d 6 (1st Cir. 2016) (Lynch, Stahl, and Kayatta, Circuit Judges).

This was a fraud prosecution that arose out of a mortgage-rescue scheme that the defendant operated between 2005 and 2008. The defendant was convicted after trial based on an indictment that charged him with a single, overarching scheme to defraud based on 86 different transactions involving multiple properties. I handled the appeal, conducting the research, writing the briefs, and presenting the oral argument.

The primary issues on appeal were whether the indictment was duplicitous and whether the trial evidence represented a constructive amendment of the indictment because the government charged a single, overarching scheme instead of individual counts associated with specific transactions. The First Circuit rejected these arguments. It concluded that

the government assumed the more difficult burden of proving a broader conspiracy but that doing so did not violate the defendant's right to notice of the charges or a fair trial.

Opposing Counsel

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9. *New Hampshire Right to Life v. United States Department of Health and Human Services*, 11-cv-585-JL (D.N.H.) (Laplante, J.), *aff'd*, 778 F.3d 43 (1st Cir. 2015) (Torruella, Howard, and Kayatta, Circuit Judges).

In this civil case under the Freedom of Information Act (FOIA), I represented the United States Department of Health and Human Services (HHS) in the district court and on appeal. I wrote the briefs and conducted the arguments in both the district and appellate proceedings. In 2011, HHS granted Title X funds to Planned Parenthood of Northern New England. To obtain the grant, Planned Parenthood provided HHS with several documents, including its operations manual.

New Hampshire Right to Life filed a request under FOIA with HHS for documents related to the grant, including Planned Parenthood's operations manual. It also sought certain internal emails related to the processing of the grant application. In response, HHS redacted portions of the Planned Parenthood manual and withheld certain emails. New Hampshire Right to Life objected to these redactions and withholdings.

The First Circuit affirmed the district court's order that HHS properly withheld the identified information. It concluded that the redacted portions of Planned Parenthood's operations manual were properly withheld under FOIA's Exemption Four, which shields from disclosure confidential, commercial information and that the emails were properly withheld under FOIA's Exemption Five, which shields from disclosure documents subject to attorney-client and deliberative- process privileges.

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10. *United States v. Gerhard et al.*, 615 F.3d 7 (1st Cir. 2010) (Lynch and Selya, Circuit Judges, Souter, Associate Justice).

I represented the United States in the appeals arising from the nine-month, armed stand-off between Edward and Elaine Brown, their supporters, and the United States Marshal

Service, after the Browns absconded following their tax-evasion convictions. The supporters' appeal presented multiple, difficult legal issues. The case was one of the first charged in the country involving an armed stand-off with the government that did not end in violence. Thus, some of the charging decisions were novel.

The primary issue was whether it violated the Double Jeopardy limitation on multiple punishments for the same offense to sentence the supporters for (1) a conspiracy to prevent United States officers from discharging their duties and (2) a conspiracy to interfere with the officers' discharging their duties. The First Circuit concluded that sentencing both conspiracies was proper under the Double Jeopardy Clause because one charge related to a conspiracy to stop federal officers from performing their duties in the first place while the other charge referred to a conspiracy to interfere with the officers once they had started performing those duties. I conducted the research, wrote the briefs, and argued the appeals. The First Circuit affirmed the convictions.

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to the cases described above, I have been involved in many important prosecutions that ended with guilty pleas. By way of example, I prosecuted the largest fentanyl-trafficking case ever brought in the District of New Hampshire. It involved more than 35 defendants, the use of Title III wires, and the seizure of large amounts of cash

and drugs. *United States v. Martinez et al.*, 18-cr-33-JL (D.N.H.). I also prosecuted a large health care fraud case that resulted in the convictions of a California man who bribed doctors to write false prescriptions and a hedge-fund executive who engaged in fraud to attempt to get insurance companies to pay on those false prescriptions. *United States v. Sorat*, 09-cr-98-PB (D.N.H.); *United States v. Phillips*, 10-cr-02-PB (D.N.H.). Further, I have handled almost all § 2255 motions in cases brought by the United States Attorney's Office and have litigated scores of § 2241 habeas petitions brought by federal inmates at the federal prison in Berlin, New Hampshire.

Beside litigating cases, I have held several other important duties within the United States Attorney's Office. Most prominently, for the past eight years, I have been the United States Attorney's representative on the District of New Hampshire's alternative drug court, LASER (Law-abiding, Sober, Employed, Responsible). LASER permits some low and mid-level drug defendants to participate in a year-long program to gain sobriety and life skills. Participants who graduate from LASER typically do not receive a prison sentence and sometimes have their charge reduced from a felony to a misdemeanor. I have multiple roles in LASER. First, I am involved in deciding who should be admitted to the program. The power to admit a defendant to LASER rests with the United States Attorney. Therefore, I review each case to make a recommendation on whether a particular person should be admitted. Second, I am part of the LASER team. Every two weeks, the presiding judge, the defense lawyer, the probation officer, a drug counseling specialist, and I meet to discuss the progress of each participant. After these meetings, there is an open-court session that I attend in which the presiding judge speaks with the participant about his or her progress. Finally, I handle the disposition of each LASER case, including recommending to the United States Attorney whether a particular participant's performance has been so exemplary that the government should reduce the charge to a misdemeanor.

I am also the District of New Hampshire's elections officer and civil rights coordinator. As the election officer, I coordinate with state and federal law enforcement to protect election security. I operate an election hotline for same-day election complaints about voting irregularities and participate in the investigation of election-related crime. I also consult with state partners on federal legal issues that may affect voting. As the civil rights coordinator, I work primarily with the Federal Bureau of Investigations to investigate and prosecute federal civil rights cases. In this capacity, I also have spoken to community groups about hate speech and hate crime.

In the last few years, I have had a supervisory role within the United States Attorney's Office. As the deputy criminal chief and criminal chief, I have been responsible for reviewing indictments and proposed case dispositions. I also spend a substantial amount of time mentoring my junior colleagues. In this regard, I often join my junior colleagues' contested cases so that I can work directly with them in an actual litigation. I also play a significant role in running our summer internship program and am frequently on hiring boards to hire new Assistant United States Attorneys.

Outside the United States Attorney's Office, my primary legal activity has been teaching.

I have taught First Amendment law, constitutional law, appellate advocacy, and conflicts of law at the University of New Hampshire, Franklin Pierce School of Law. I also have taught multiple continuing legal education classes for the New Hampshire Bar Association and the United States District Court for the District of New Hampshire. In addition, I am a frequent volunteer for Civics 603. This program allows high-school students to conduct a simulated oral argument in the New Hampshire Supreme Court and allows middle-school students to participate in a mock trial. I also frequently speak at local high schools about civics. Before most trials, I arrange to speak to a high-school civics class about how a federal criminal trial demonstrates the interplay of the three branches of our federal government. I then describe the basics of the case and facilitate a field trip where the class observes a day of the trial and speaks with the judge and opposing counsel.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

Since 2008, I have taught most years as an adjunct professor of law at the University of New Hampshire, Franklin Pierce School of Law.

2008 and 2011 – 2022: First Amendment Law. In this upper-level constitutional law course, I taught about the freedom of speech clause and the free exercise and establishment clauses. Syllabi for 2008, 2011, 2105, 2016, 2017, 2020, 2021, and 2022 supplied. I am unable to locate the syllabi from the other years.

2010: Appellate Advocacy. In this upper-level, legal writing course, I taught students how to draft an appellate brief and to prepare for an oral argument. I am unable to locate the syllabus for this course.

2017: Conflicts of Law. In this upper-level course, I provided a survey on conflicts of laws, which deals with determining the state law that applies in a particular tort or contract action, when the underlying facts took place in multiple jurisdictions. I am unable to locate the syllabus for this course.

2023: Constitutional Law II. This required course for second-year law students considers the law under the equal protection and due processes clauses of the Fourteenth Amendment as well as the speech and religion clauses of the First Amendment. Syllabus supplied.

In 2006 and 2007, I taught legal research and writing to first-year students at Boston University Law School. The curriculum for this course was established by the director of the legal research and writing program. I am unable to locate the syllabi for these courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted

contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I will strictly follow the Code of Conduct for United States Judges, the Massachusetts and New Hampshire Rules of Professional Responsibility, and all other applicable rules and ethical cannons governing recusal.

I would recuse myself from cases involving or affecting Mary Hitchcock Memorial Hospital, my wife's employer, and Dartmouth Health, the medical system of which her employer is part. I also would recuse myself from appeals involving any matter in which I was personally involved or supervised while I was employed at the United States Attorney's Office for the District of New Hampshire.

- b. Explain how you will resolve any potential conflict of interest, including the

procedure you will follow in determining these areas of concern.

I would evaluate and resolve any potential conflicts of interest by applying the rules and standards in 28 U.S.C. § 455, the Code of Conduct for United States Judges, the Published Advisory Opinions issued by the Committee on Codes of Conduct, and any relevant judicial decisions and opinions that address what constitutes a conflict or the appearance of a conflict. I also would consult with other judges, the First Circuit Clerk's Office, and the First Circuit Executive's Office.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have been in public service at the United States Attorney's Office for the past 16 years, and my ability to engage in outside legal representation is restricted. I have volunteered to work in the LASER program as one of my collateral duties. LASER provides services to certain individuals who have been charged with drug offenses and who suffer from addiction. While an associate attorney at Choate Hall & Stewart, I participated in assisting asylum seekers from Liberia in completing their asylum applications and preparing them for asylum interviews before immigration officials. I worked on these matters for approximately two to five hours per week. I also participated at Choate in pro bono civil rights cases under the supervision of more senior attorneys. The time I worked on these cases varied based on the stage of the litigation.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I sent a letter and resume to Senator Jeanne Shaheen on May 26, 2023, indicating my interest in being considered for the nomination. On May 31, 2023, I was requested by Senator Shaheen's and Senator Maggie Hassan's staff to complete a preliminary questionnaire, which I submitted on June 6, 2023. On June 16, 2023, I participated in an interview with members of Senator Shaheen's and Senator Hassan's staff. On July 24, 2023, I met separately with Senator Shaheen and Senator Hassan. On July 28, 2023, I was interviewed by attorneys from the White

House Counsel's Office. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On October 4, 2023, the President announced his intent to nominate me.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.