

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES**

**PUBLIC**

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

Arthur Lee Bentley, III  
A. Lee Bentley, III

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

U.S. Attorney, Middle District of Florida

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.

U.S. Attorney's Office  
Middle District of Florida  
400 North Tampa Street, Suite 3200  
Tampa, Florida 33602

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

1959; Tuscaloosa, Alabama

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.

University of Virginia School of Law  
Charlottesville, Virginia  
August 1980-May 1983  
Juris Doctor (J.D.) degree conferred in May 1983

University of Georgia  
Athens, Georgia  
September 1977-June 1980  
Bachelor of Business Administration (B.B.A.) degree conferred in June 1980

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.

- a. U.S. Attorney's Office for the Middle District of Florida, 2000-present  
400 North Tampa Street, Suite 3200  
Tampa, Florida 33602  
  
Acting U.S. Attorney, July 2013-present  
First Assistant U.S. Attorney and Criminal Chief, 2010-July 2013  
First Assistant U.S. Attorney, 2008-2010  
Criminal Chief, 2007-2008  
Assistant U.S. Attorney, 2000-2007
- b. Hogan & Hartson, LLP (now Hogan Lovells), 1990-2000  
555 Thirteenth Street, NW  
Washington, DC 20004  
  
Equity Partner, 1994-2000  
Non-Equity Partner, 1993  
Associate, 1990-1992
- c. Sutherland Asbill & Brennan, LLP, 1989-1990  
999 Peachtree Street, NE, Suite 2300  
Atlanta, Georgia 30309  
  
Associate
- d. U.S. Attorney's Office for the Southern District of Florida, 1988-1989  
99 N.E. 4th Street  
Miami, Florida 33132  
  
Special Assistant U.S. Attorney
- e. United States Department of Justice, Office of Legal Counsel, 1985-1987  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
  
Attorney-Advisor
- f. Supreme Court of the United States, 1984-1985  
1 First Street, NE  
Washington, DC 20543  
  
Law Clerk to the Hon. Lewis F. Powell, Jr.

- g. United States Court of Appeals for the Fourth Circuit, 1983-1984  
Clement F. Haynsworth, Jr. Federal Building  
300 East Washington Street  
Greenville, South Carolina 29601

Law Clerk to the Hon. Clement F. Haynsworth, Jr.

- h. King & Spalding, LLP, June/July 1982  
1180 Peachtree Street  
Atlanta, Georgia 30309

Summer Associate

- i. McDaniel, Chorey & Taylor (dissolved), June/July 1981  
127 Peachtree Street, NE  
Atlanta, Georgia 30303

Summer Associate

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 have not served in the military. I was not required to register with 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.

"Honorary Junior Member, United States Secret Service," for chairing the Legal Subcommittee planning security for the 2012 Republican National Convention, August 2012

"Outstanding Service Award from the Judges of the United States District Court for the Middle District of Florida," August 2008

"Recognition of Outstanding Prosecutive Skills and Assistance," from the Federal Bureau of Investigation, November 2001

University of Virginia School of Law: Order of the Coif; Notes & Virginia Editor,  
Virginia Law Review

University of Georgia: First Honors Graduate; Outstanding Graduate in the Terry College of Business Administration; Arthur H. Carter Scholarship (for top undergraduate accounting student); National Merit Scholar

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.
- a. Lawyer Advisory Committee on Rules, U.S. District Court for the Middle District of Florida, 2013-present
  - b. Goldburg/Cacciatore Inn of Court, Master (temporarily inactive), 2000-present
  - c. Grievance Committee, U.S. District Court for the Middle District of Florida, 2005-2011
  - d. Federal Bar Association of Tampa Bay, Executive Committee, 2002-2003

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.

District of Columbia Bar – admitted on May 25, 1991

Pennsylvania Bar (inactive) – admitted on November 16, 1987

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.

I was admitted to practice in the United States Supreme Court on September 20, 1991. Throughout the 1990s, I was admitted to practice before numerous United States Courts of Appeals and United States District Courts. Most such admissions were obtained in connection with an appearance in a single case, and I no longer have any records relating to them. For the past 13 years, I have practiced exclusively in the United States District Court for the Middle District of Florida.

To my knowledge, I have had no lapses in membership.

**Memberships:**

- c. 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.

Gold Shield Foundation, Inc., 2013-present (charitable organization that provides immediate financial assistance and a college education for the spouse and dependent children of central Florida law enforcement officers and firefighters killed in the line of duty)

Boy Scouts of America, Gulf Ridge Council, 2006-present (adult leader of Pack 4 and Troop 4 in various capacities)

Hyde Park United Methodist Church, 2000-present

Tampa Theatre Foundation, Board Member and Secretary, 2001-2008 (charitable organization devoted to the preservation of the city-owned Tampa Theatre, an architectural landmark on the National Register of Historic Places that has been visited by over one million Hillsborough County schoolchildren)

- d. 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.

None to my knowledge.

**11. 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.

I have done my best to identify all books, articles, reports, letters to the editor, editorials and other published material, including through review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be some items I have been unable to identify, find, or remember. I have located the following:

Note, "Malpractice Suits Against Local Counsel or Specialists," 68 Virginia Law Review 571 (1982). 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.

None.

- 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.

None.

- 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.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through review of personal files and searches of publicly available databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

- i. On May 22, 2009, I served on a panel at the Federal Sentencing Guidelines Seminar at the Clearwater Beach Hilton in Clearwater, Florida. The panel addressed Chapter III adjustments to the U.S. Sentencing Guidelines. Also participating on the panel were Chief Assistant Federal Defender James Skuthan and a representative from the U.S. Sentencing Commission. No notes or transcript available.

- ii. On May 14, 2010, I served on a panel at the Federal Sentencing Guidelines Seminar at the Vinoy Hotel in Saint Petersburg, Florida. The panel addressed Chapter III adjustments to the U.S. Sentencing Guidelines. Also participating on the panel were Chief Assistant Federal Defender James Skuthan and a representative from the U.S. Sentencing Commission. No notes or transcript available.
- iii. On December 2, 2010, I spoke at the investiture of U.S. Attorney Robert E. O'Neill at the United States District Courthouse in Tampa, Florida. The remarks were primarily of a personal nature. No notes or transcript available. A copy of an article in the Tampa Tribune referencing the remarks is supplied.
- iv. On June 27, 2013, I spoke at the retirement celebration for U.S. Attorney Robert E. O'Neill at 400 N. Tampa Street in Tampa, Florida. The remarks were primarily of a personal nature. No notes or transcripts available. Copies of articles appearing in the Tampa Tribune and the Tampa Bay Times referencing the remarks are supplied.
- v. On August 22, 2013, I spoke at the investiture of Circuit Judge Laurel Moore Lee, a former Assistant U.S. Attorney who had been appointed to the state bench. The ceremony was held at the Hillsborough County Courthouse in Tampa, Florida. The remarks were primarily of a personal nature. No notes or transcript available.
- vi. On September 18, 2013, I spoke at the Congressional Budget Luncheon at the United States District Courthouse in Tampa, Florida. I was asked by U.S. District Judge Elizabeth Kovachevich to speak about budget issues facing our Office. Notes supplied. A copy of a Tampa Bay Times article about the luncheon, in which I was quoted, also is supplied.
- vii. On December 9, 2013, I spoke to the Tampa Bay Chapter of the Federal Bar Association at its "State of the District" luncheon, which was held at the University Club in Tampa, Florida. I briefly described our Office, its work, and its budget. No notes or transcript available.
- viii. On February 13, 2014, I spoke at the Tampa Bay Federal Agencies Black History Month Celebration, which was held at Hillsborough Community College in Tampa, Florida. The brief remarks were about significant civil rights litigation and Justice Thurgood Marshall. No notes or transcript available. A copy of a Florida Sentinel-Bulletin article about the event is supplied.

- ix. On April 10, 2014, I spoke at a Human Trafficking and Domestic Sex Trafficking Forum at Keiser University in Tampa, Florida. The remarks were about several human trafficking cases prosecuted by the U.S. Attorney's Office for the Middle District of Florida. No notes or transcripts available. A copy of a Tampa Tribune article about the forum, in which I was quoted, is supplied.
  - x. On April 25, 2014, I spoke at a Tampa Bay Fair Housing Consortium at the Pinellas Realtor Organization in Clearwater, Florida. The remarks were about civil cases arising under the Fair Housing Act handled by the U.S. Attorney's Office for the Middle District of Florida. No notes or transcript available.
  - xi. On April 29, 2014, I spoke at the Florida Fair Housing Summit at the Rosen Centre Hotel in Orlando, Florida. The brief remarks focused on the need for private citizens to bring potential Fair Housing Act violations, as well as potential civil rights violations, to the attention of the Department of Justice. No notes or transcript available.
- 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.

I have done my best to identify all interviews given, including through review of personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember.

I have located the following:

"Law Chases Fluid Meth Market," Lakeland Ledger, January 1, 2005. Copy supplied.

"Man guilty in drug overdose death," St. Petersburg Times, July 21, 2007. Copy supplied.

"Dealer's At Fault In Overdose," Tampa Tribune, July 21, 2007. Copy supplied.

"New U.S. attorney demotes chief of Fort Myers office," News-Press (Ft. Myers, Florida), November 19, 2010. Copy supplied.

"Trio of white supremacists sentenced in 1998 killings," Tampa Tribune, January 27, 2012. Copy supplied.



“Former WellCare executives found guilty, acquitted of fraud charges,” Tampa Tribune, June 10, 2013. Copy supplied.

“Bentley now region’s chief U.S. attorney,” Tampa Bay Times, July 10, 2013. Copy supplied.

“U.S. attorney, agencies reviewing Zimmerman case,” Tampa Tribune, July 21, 2013. Copy supplied.

“New U.S. attorney brings wide background, work ethic to job,” Tampa Tribune, July 22, 2013. Copy supplied.

“Public defender’s office facing harsh cutbacks,” Tampa Tribune, July 28, 2013. Copy supplied.

“Legal experts examine call for fewer mandatory drug sentences,” Tampa Tribune, August 13, 2013. Copy supplied.

“Drug cases get new scrutiny,” Tampa Bay Times, August 13, 2013. Copy supplied.

“Barry Cohen representing family of slain Chechen tied to Boston bombing,” Tampa Tribune, August 14, 2013. Copy supplied.

“Mandatory minimums keep many nonviolent people behind bars,” Tampa Tribune, August 17, 2013. Copy supplied.

“Dad of shot Chechen meets with U.S. Attorney in Tampa,” Tampa Tribune, August 21, 2013. Copy supplied.

“Feds charge man with trying to kill federal judge in Jacksonville home,” Florida Times-Union, September 30, 2013. Copy supplied.

“After 90 years, Boy Scout troop relocates over decision on gays,” Tampa Tribune, December 12, 2013. Copy supplied.

“Obama gives clemency to Tampa drug dealer,” Tampa Tribune, December 22, 2013. Copy supplied.

“For local federal prosecutors, a banner year in financial collections,” Tampa Bay Times, January 20, 2014. Copy supplied.

“‘Buyer beware’ is message as stolen art returned to Italians,” Tampa Tribune, January 27, 2014. Copy supplied.

“Law enforcement cracking Bitcoin black markets,” Tampa Tribune, February 2, 2014. Copy supplied.

“Tampa area turning corner on ID theft tax fraud plague,” Tampa Tribune, February 16, 2014. Copy supplied.

“Arsenal to fight ID theft growing,” Tampa Tribune, March 9, 2014. Copy supplied.

“Working through the wait,” Business Observer, March 14, 2014. Copy supplied.

“Trafficking forum keys on safe houses,” Tampa Bay Times, April 11, 2014. Copy supplied.

“Shifting standards in drug cases yield uneven sentences,” Tampa Tribune, April 28, 2014. Copy supplied.

**12. 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.

None.

- 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.

13. **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;

Supreme Court of the United States, 1984-1985  
1 First Street, NE  
Washington, DC 20543

Law Clerk to the Hon. Lewis F. Powell, Jr.

United States Court of Appeals for the Fourth Circuit, 1983-1984  
Clement F. Haynsworth, Jr. Federal Building  
300 East Washington Street  
Greenville, South Carolina 29601

Law Clerk to the Hon. Clement F. Haynsworth, Jr.

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

I have not practiced alone.

- 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.

U.S. Attorney's Office for the Middle District of Florida, 2000-present  
400 North Tampa Street, Suite 3200  
Tampa, Florida 33602

Acting U.S. Attorney, July 9, 2013-present  
First Assistant U.S. Attorney and Criminal Chief, 2010-July 8, 2013  
First Assistant U.S. Attorney, 2008-2010  
Criminal Chief, 2007-2008  
Assistant U.S. Attorney, 2000-2007

Hogan & Hartson, LLP (now Hogan Lovells), 1990-2000  
555 Thirteenth Street, NW  
Washington, DC 20004

Equity Partner, 1994-2000  
Non-Equity Partner, 1993  
Associate, 1990-1992

Sutherland Asbill & Brennan, LLP, 1989-1990  
999 Peachtree Street, NE, Suite 2300  
Atlanta, Georgia 30309

Associate

U.S. Attorney's Office for the Southern District of Florida, 1988-1989  
99 N.E. 4th Street  
Miami, Florida 33132

Special Assistant U.S. Attorney

United States Department of Justice, Office of Legal Counsel, 1985-1987  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Attorney-Advisor

- 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 not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

From 1985 to 1987, I worked as an Attorney-Advisor in the Office of Legal Counsel at the U.S. Department of Justice. The Office of Legal Counsel provided formal and informal legal advice to the President and Executive Branch agencies.

From 1988 to 1989, I served as a Special Assistant U.S. Attorney in the U.S. Attorney's Office for the Southern District of Florida prosecuting criminal cases.

From 1989 to 2000, I was engaged in private practice handling many different types of civil litigation. Most of my work involved complex commercial disputes, but I also handled environmental, patent infringement, and personal injury litigation. In addition to litigating in federal and state courts throughout the United States, I also handled a number of matters in binding arbitration proceedings.

Since 2000, I have served in the U.S. Attorney's Office for the Middle District of Florida prosecuting criminal cases. The investigations and trials that I personally have handled have involved, among other things, narcotics offenses, violent crimes, firearms offenses, crimes against children, and financial frauds. I continue to maintain a small docket of my own matters in addition to my current supervisory and managerial responsibilities. In 2012, for example, I handled a bank fraud case that resulted in two guilty pleas during jury selection. Currently, I am handling a complex wire fraud and money laundering investigation.

- ii. your typical clients and the areas at each period in which you have specialized.

At the Office of Legal Counsel, I represented the President and Executive Branch agencies. Most of the work involved research and the drafting of legal opinions on the constitutionality of proposed legislation, the statutory basis for proposed regulations, presidential powers, and asserted claims of executive privilege.

From 1989 to 2000, I was engaged in the private practice of law, handling many different types of complex civil litigation. Most of the cases involved large dollar commercial disputes, but I also engaged in environmental, patent infringement, and personal injury litigation. Most of my clients were large or medium-sized corporations, including News Corp, Comark Communications, and CVS.

At the U.S. Attorney's Offices for the Southern and Middle Districts of Florida, I have represented only one client, the United States of America. Throughout, I personally have handled and continue to handle only criminal matters. Since 2008, I also have had responsibility for supervising the Civil and Appellate Divisions of the U.S. Attorney's Office for the Middle District of Florida.

- 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.

From 1985 to 1987, my work in the Office of Legal Counsel did not involve litigation. Since then, all of my work has involved litigation.

From 1988 to 1989, as a Special Assistant U.S. Attorney in the U.S. Attorney's Office for the Southern District of Florida, I typically was in court several times a week, often on a daily basis. All of my appearances were in federal court on criminal matters.

From 1989 to 2000, I was in private practice and appeared in court less frequently. Although I had civil trials, in court I more often was addressing discovery matters and arguing motions to dismiss and for summary judgment. Approximately 75 percent of my appearances were in federal court and approximately 20 percent were in state court, all on civil matters. The remaining approximately 5 percent of my work was before panels in binding arbitration proceedings.

From 2000 through the present, I have practiced in the U.S. Attorney's Office for the Middle District of Florida. During my first seven years as a "line" AUSA, I was in court on a regular basis, often several times a week. Since becoming part of the Office's senior management team in 2007, I have been in court less frequently, but have continued to maintain a small docket of my own criminal matters and to serve as the "duty" Assistant U.S. Attorney for at least two weeks each year. All of my appearances have been in federal court on criminal matters.

- i. indicate the percentage of your practice in:

1. federal courts;
2. state courts of record;
3. other courts;
4. administrative agencies.

In the U.S. Attorney's Offices for the Southern District of Florida (1988-1989) and the Middle District of Florida (2000-present), 100 percent of my practice has been in federal court.

In private practice (1989-2000), approximately 75 percent of my practice was in federal court, approximately 20 percent was in state court, and approximately five percent was before panels in binding arbitration.

I have not practiced in other courts or before administrative agencies.

ii. indicate the percentage of your practice in:

1. civil proceedings;
2. criminal proceedings.

In the U.S. Attorney's Offices for the Southern District of Florida (1988-1989) and the Middle District of Florida (2000-present), 100 percent of my practice has been in criminal proceedings.

In private practice (1989-2000), 100 percent of my work was in civil proceedings.

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.

Although I have not kept a log of the cases that I have tried, I believe that I can estimate the number with reasonable accuracy. I have tried 39 cases, all but two of which resulted in verdicts. A mistrial was declared in those two cases. In one case, the jury was unable to reach a verdict; in the other case, shortly after deliberations began, one juror alleged that another was engaged in misconduct.

In 29 trials I was sole counsel, in four I was lead counsel, and in six I was associate counsel. In each of the six cases in which I was associate counsel, I played a significant role in preparing the matter for trial and in presenting the case to the jury, often examining as many witnesses as the lead counsel.

i. What percentage of these trials were:

1. jury;

38 jury trials

2. non-jury

1 non-jury or bench trial

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.

While at Hogan & Hartson, LLP, I worked with other firm attorneys on briefs filed in the Supreme Court of the United States. The only three that I can specifically recall are: (i) a petition for writ of certiorari filed on behalf of the Southern Pacific Transportation Company (copy supplied); (ii) a petition for writ of certiorari filed on behalf of Soldier of Fortune Magazine, Inc. (copy supplied); and (iii) an amicus brief filed on behalf of the U.N. High Commission for Refugees (copy supplied).

I may have worked with Hogan & Hartson lawyers on other briefs filed in the Supreme Court, but I do not have a specific recollection of having done so and have been unable to find any such briefs online. I have never argued before the Supreme Court.

14. **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.

- (i) **United States v. James Robertson, ET AL.**, No. 8:08-CR-240-T-17TBM (M.D. Fla.); 736 F.3d 1317 (11th Cir. 2013).

**Party Represented and Dates of Representation:** United States; May 2008-January 2012.

**Court and Judge:** United States District Court for the Middle District of Florida; the Hon. Elizabeth A. Kovachevich.

**Co-Counsel:** The Hon. Laurel Moore Lee (former Assistant U.S. Attorney), Circuit Court for the Thirteenth Judicial Circuit (Hillsborough County), 800 East Twiggs Street, Tampa, Florida 33602, telephone number (813) 276-2968.



**Opposing counsel:** (Defendant Robertson) Bjorn Brunvand, Esq., 615 Turner Street, Clearwater, Florida 33756, telephone number (727) 446-8147; and the Hon. William Matthewman (former criminal defense attorney), United States Magistrate Judge, United States District Court for the Southern District of Florida, 701 Clematis Street, Room 221, West Palm Beach, Florida 33401, telephone number (561) 803-3440.

(Defendant Hulse) Jeffrey G. Brown, Esq., Brown & Doherty, 450 Carillon Parkway, Suite 120, Saint Petersburg, Florida 33716, telephone number (727) 299-0099.

(Defendant Marovskis) Daniel M. Hernandez, Esq., 902 N. Armenia Street, Tampa, Florida 33609, telephone number (813) 875-9694.

(Defendant Hoover) Timothy J. Fitzgerald, Esq., Farmer & Fitzgerald, 102 W. Whiting Street, Suite 501, Tampa, Florida 33602, telephone number (813) 228-0095.

**Summary:** The U.S. Attorney's Office for the Middle District of Florida (USAO-MD FL) convicted James Robertson and three other individuals of violating a federal racketeering statute by murdering two homeless men in the Tampa area in September 1998.

Robertson and his co-defendants were members of the Tampa chapter of "Blood and Honour," an organization of about a dozen members who espoused a deep hatred of African-Americans, Jews, and the homeless. On the night of September 12, 1998, the four men drove around Tampa looking for homeless individuals to beat, an activity they referred to as "bum rolling." They first attacked Alfred Williams, a homeless African-American male, who they found sleeping on the porch of an abandoned building. The four beat Mr. Williams with their fists, boots, and a wooden club. Ultimately, Robertson drove a tire iron into Mr. Williams's eye socket.

Later that evening, the four defendants drove to a secluded area just north of Tampa where they knew homeless people often slept. There, they found Richard Arseneau, a homeless white male, sleeping on an old lawn chair. After they beat Mr. Arseneau, co-defendant Corey Hulse drove an axe into his skull.

Initially, the murders were thoroughly investigated by the Tampa Police Department and the Hillsborough County Sheriff's Office, but no viable suspects were identified and the cases became "cold." Five years later, Robertson, hoping to have his federal sentence for an unrelated bank robbery reduced, told the FBI that he had witnessed the two homicides, although he was extremely vague regarding the details and denied being involved. A lengthy investigation followed, which included identifying the other murderers, covertly recording conversations between two of them, and locating and interviewing members of

“Blood and Honour” from the late 1990s.

Two of the four pled guilty long before trial and a third, Corey Hulse, who was extradited from Germany, pled guilty a few days before. Robertson filed a motion to dismiss the charges on the ground that another Assistant U.S. Attorney and an FBI agent had agreed to grant him immunity for the statements that he made about the murders, which was denied following an evidentiary hearing.

Following a trial of approximately two weeks, the jury returned a verdict finding Robertson guilty of both murders in aid of racketeering, and he received two concurrent life sentences. His co-defendants received substantial but lesser sentences because of their cooperation with the government.

- (ii) **United States v. Brandon Erwin**, No. 8:06-CR-39-T-30EAJ (M.D. Fla.); 2009 WL 2986763 (11th Cir. 2009).

**Party Represented and Dates of Representation:** United States; December 2005-October 2007.

**Court and Judge:** United States District Court for the Middle District of Florida; the Hon. James S. Moody, Jr.

**Co-Counsel:** None.

**Opposing Counsel:** Maria Guzman, Esq., Federal Public Defender’s Office, 201 South Orange Avenue, Suite 300, Orlando, Florida 32801, telephone number (407) 648-6338; and Donald R. West, Esq., Don West Law Group, PA, 636 W. Yale Street, Orlando, Florida 32804, telephone number (407) 425-9710.

**Summary:** USAO-MD FL convicted Brandon Erwin of distributing cocaine and methadone to an individual who died from a resulting overdose.

On November 29, 2005, Andrew Culver’s body was discovered on the floor of a room at a luxury hotel in Tampa. A bottle containing methadone and Xanax tablets was on the nightstand, and empty beer bottles were spread throughout the room. An autopsy determined that Mr. Culver died “as a result of intoxication by the combined effects of cocaine and methadone.” The Hillsborough County Medical Examiner’s report also found that Mr. Culver had consumed alcohol, Xanax, and ecstasy prior to his death.

During an unrelated investigation, Erwin unexpectedly confided to a confidential informant that he had distributed methadone to Mr. Culver shortly before he died. The Drug Enforcement Administration thereafter opened an investigation focused primarily upon Erwin’s role in the overdose death. It was necessary to establish that Erwin had distributed both the methadone and the cocaine that the medical examiner had identified as joint causes of Mr. Culver’s death.

Following a two-week trial, the jury returned a verdict of guilty on all counts. Erwin was sentenced to a term of imprisonment of 20 years, which was the minimum sentence for the distribution of drugs resulting in death.

- (iii) **United States v. David Sabio, ET AL., No. 8:01-CR-19-T-23TBM (M.D. Fla.); 82 F. App'x 221 (11th Cir. 2003).**

**Party Represented and Dates of Representation:** United States; February 2001-September 2002.

**Court and Judge:** United States District Court for the Middle District of Florida; the Hon. William J. Castagna.

**Co-Counsel:** None.

**Opposing Counsel:** (Defendant Sabio) Anne F. Borghetti, Esq., 520 Second Avenue South, St. Petersburg, Florida 33701, telephone number (727) 502-0300.

(Defendant Machado) Carl H. Lida, Esq., 7805 S.W. 6th Court, Plantation, Florida 33324, telephone number (954) 472-5001.

(Defendant Austin) Bart T. Heffernan, Esq., Marinosci Law Group, PC, 100 West Cypress Creek Road, Suite 1045, Fort Lauderdale, Florida 33309, telephone number (754) 264-3190.

**Summary:** USAO-MD FL convicted David Sabio, a long-time DEA informant, and two others with conspiring to import cocaine and marijuana from Jamaica into the United States.

In early January 2001, Sabio and Colin Machado told a United States Customs informant that they needed help transporting 500 to 900 kilograms of cocaine from Jamaica to the west coast of Florida. Sabio said that he and Machado could deliver the cocaine by boat to a pre-determined location off the coast of the Cayman Islands, but asked the informant to arrange for a fishing vessel to take the cocaine from there to Pinellas County. For the next two months, the confidential informant, acting at the direction of a United States Customs agent, had dozens of recorded meetings and telephone calls with Sabio and Machado planning the smuggling venture.

When Sabio and Machado got to Jamaica, a crackdown by local law enforcement prevented them from obtaining the cocaine. They asked the informant to transport a few tons of marijuana instead, and he agreed. Sabio and Machado brought about 2,500 pounds of marijuana to the pre-determined location in the Caribbean and off-loaded it to an unmarked United States Customs boat captained by an undercover Cayman Islands police officer. The marijuana was then taken

by United States Customs to Pinellas County, Florida, where Sabio believed that he would be able to pick it up for distribution in the United States. Sabio and Machado were arrested when they returned to Florida, as was Patricia Austin, a third defendant, who had served as a communications link between Sabio and the informant.

At trial, Sabio raised a public authority defense, claiming that he was not guilty because he had committed the criminal act at the direction of law enforcement. Following a two-week trial, the jury rejected that defense and found Sabio guilty on the sole count of the indictment. Sabio was sentenced to a term of imprisonment of 30 years; his co-defendants, who pled guilty and cooperated, received lesser sentences.

- (iv) **Comark Communications v. Harris Corporation**, No. 95-2123 (E.D. Pa.); 1997 WL 87260 (E.D. Pa.); 1998 WL 150946 (E.D. Pa); 156 F.3d 1182 (Fed. Cir. 1998).

**Party Represented and Dates of Representation:** Comark Communications; April 1995-September 1998.

**Court and Judge:** United States District Court for the Eastern District of Pennsylvania; the Hon. Louis C. Bechtle.

**Co-Counsel:** David A. Kikel, Esq., Kenealy Vaidya, LLP, 515 E. Braddock Road, Suite B, Alexandria, Virginia 22314, telephone number (703) 778-6607.

**Opposing Counsel:** The Honorable Donald F. Parsons, Jr. (former patent litigation attorney), Delaware Court of Chancery, New Castle County Courthouse, 500 North King Street, Wilmington, Delaware 19801, telephone number (302) 255-0509; Donald R. Dunner, Esq. (on appeal), 901 New York Avenue, NW, Washington, DC 20001, telephone number (202) 408-4062.

**Summary:** My client, Comark Communications, which manufactured and sold high-power UHF television transmitters, won a final judgment of approximately \$20 million in a patent infringement case against its much larger competitor, Harris Corporation.

Comark developed and patented a device for its common amplification transmitter that eliminated distortion in the audio signal caused by the video signal. Two years after Comark began marketing its transmitter, Harris developed a similar device for its own common amplification transmitter. Prior to marketing its new transmitter, Harris obtained a letter from counsel opining that its anti-distortion device did not infringe the Comark patent.

After a 20-day trial, the jury returned a verdict finding that Harris had breached the Comark patent and that the breach had been willful. The jury further

determined that Comark's compensatory damages were \$7.7 million. On the basis of the jury's finding of willful infringement, the district court later doubled Comark's damages. The court also awarded attorneys' fees and prejudgment interest, raising Comark's final recovery to approximately \$20 million. I played the primary role in drafting the appellate brief and argued the case before the Federal Circuit, which affirmed the judgment below.

(v) **United States v. Heberto Yesquen-Estupinan, ET AL., No. 8:07-CR-50-T-24TGW (M.D. Fla.).**

**Party Represented and Dates of Representation:** United States; February 2007-May 2010.

**Court and Judge:** United States District Court for the Middle District of Florida; the Hon. Susan C. Bucklew.

**Co-Counsel:** None.

**Opposing Counsel:** (Defendant Yesquen-Estupinan) Louis Casuso, Esq., 111 N.E. 1st Street, Suite 603, Miami, Florida 33132, telephone number (305) 374-1500.

(Defendant Estupinan-Portocarrero) Martin L. Roth, Esq., 101 N.E. 3<sup>rd</sup> Avenue, Suite 1430, Ft. Lauderdale, Florida 33301, telephone number (954) 745-7697.

**Summary:** USAO-MD FL convicted Heberto Yesquen-Estupinan, the principal shipper for a major Colombian drug cartel, and his cousin of conspiring to transport cocaine on vessels subject to the jurisdiction of the United States.

On September 16, 2004, a United States Coast Guard ship interdicted the "Lina Maria," an unregistered fishing vessel, in the eastern Pacific Ocean. The ten Colombian mariners on board claimed to be fisherman, and there were sharks and bait in the hold. After hours of searching, however, the Coast Guard found approximately 12,000 kilograms of cocaine in a large hidden compartment. At the time, it represented the largest maritime cocaine seizure in history, and the market value of the cocaine was conservatively estimated to be \$240 million. The mariners aboard the "Lina Maria" were brought to Tampa to face federal drug charges.

Just six days later, the Coast Guard interdicted another fishing vessel, the "San Jose," in the eastern Pacific Ocean and found approximately 10,500 kilograms of cocaine in its hidden compartment. At the time, this seizure was the third largest in history, and the market value of the cocaine was conservatively estimated to be \$210 million. The eight Colombian mariners aboard the "San Jose" likewise were transported to Tampa to face federal drug charges.

The cocaine seized from both fishing vessels belonged to the powerful Norte del Valle cartel. Investigation revealed that the true owner of the vessels was Yesquen-Estupinan, the cartel's principal shipper. We further established that the "Lina Maria" and "San Jose" together had made over a dozen successful smuggling trips in the two years prior to being interdicted by the Coast Guard. The cocaine that they carried on those earlier trips had a market value conservatively estimated at over \$1 billion.

The defendants went into hiding for a time. Defendants Yesquen-Estupinan and Estupinan-Portocarrero were arrested in Colombia and were extradited to the Middle District of Florida. A third charged defendant, co-conspirator Rusbel Chavez-Guevara, is believed to be dead.

Estupinan-Portocarrero pled guilty early, agreed to cooperate, and was sentenced to a prison term of over 12 years. Yesquen-Estupinan pled guilty shortly before trial and was sentenced to a 22-year prison term.

(vi) **Comsat Corporation v. News Corporation Ltd., ET AL., CV 96-7528 SVW (C.D. Cal.).**

**Party Represented and Dates of Representation:** News Corporation Ltd.; October 1996-April 2000.

**Court and Judge:** United States District Court for the Central District of California; the Hon. Steven V. Wilson.

**Co-Counsel:** Jonathan L. Abram, Esq., Hogan Lovells, 555 Thirteenth Street, NW, Washington, DC 20004, telephone number (202) 637-5681.

**Counsel for Other Non-Adverse Parties:** (Grupo Televisa) Douglas H. Flaum, Esq., Paul Hastings LLP, 75 East 55th Street, New York, New York 10022, telephone number (212) 318-6259.

(Panamsat) Robert A. Schwinger, Esq., Chadbourne & Parke, LLP, 30 Rockefeller Plaza, New York, New York 10112, telephone number (212) 408-5364.

**Opposing Counsel:** Edward Han, Esq., Arnold & Porter, LLP, 555 Twelfth Street, NW, Washington, DC 20004, telephone number (202) 942-5000.

**Summary:** Comsat, a satellite provider established by Congress, unsuccessfully sued my client, News Corporation, a multi-national media company, alleging that when News canceled an order for 14 transponders on a communications satellite, it became liable for liquidated damages in the amount of \$260 million.

This matter was similar to a complex breach of contract action. However,

because Comsat was a common carrier, the rights and responsibilities of the parties were governed not by a contract, but instead by a lengthy tariff filed with the Federal Communications Commission (FCC).

The case was heavily litigated, both before the FCC and in federal district court. Scores of depositions were taken, including those of the News Corporation Chairman, Rupert Murdoch, and other top officers of the parties. The briefing and argument on every issue was extensive; it took several sets of briefs and three separate hearings to resolve the motions and cross-motions for summary judgment. Ultimately, the district court ruled in favor of News Corporation with respect to all of the claims made by Comsat.

- (vii) **United States v. James Long, ET AL., 8:06-CR-110-24MAP (M.D. Fla.); 2008 WL 612594 (11th Cir. 2008).**

**Party Represented and Dates of Representation:** United States; February 2006-March 2007.

**Court and Judge:** United States District Court for the Middle District of Florida; the Hon. William J. Castagna.

**Co-Counsel:** None.

**Opposing Counsel:** (Defendant Long) Stephen A. Leal, Esq., 3900 North Boulevard, Tampa, Florida 33603, telephone number (813) 224-9818.

(Defendant Williams) Pedro Amador, Jr., Esq., 2203 N. Lois Avenue, Suite 925, Tampa, Florida 33607, telephone number (813) 250-0556.

(Defendant King) Joseph C. Bodiford, Esq., 284 Crystal Grove Boulevard, Tampa, Florida 33558, telephone number (813) 222-0032.

**Summary:** USAO-MD FL successfully prosecuted James Long, Leon Williams, and Ernest King for conspiring to possess cocaine and carrying firearms in furtherance of a plan to rob a cocaine stash house.

The criminal investigation began when a confidential informant told the Bureau of Alcohol, Tobacco and Firearms (ATF) that Long and Williams had been bragging about having committed armed home invasions of drug stash houses. The informant subsequently introduced Long and Williams to an ATF undercover agent, who told them that he worked as a courier for a drug trafficker who stored up to 40 kilograms of cocaine in various stash houses around the Tampa Bay area. The undercover agent had several recorded meetings with Long, Williams, and a third subject, King, in which they planned the armed robbery of a stash house. With no prompting from the undercover agent, the subjects talked at length about tying up the occupants of the stash house and executing them.

Following a four-day trial, Long was found guilty on all counts and sentenced to a term of life imprisonment. Williams and King, who pled guilty prior to trial, were each sentenced to terms of imprisonment of 25 years.

- (viii) **United States v. Cuthel, ET AL., No. 87-741-CR (S.D. Fla.); 903 F.2d 1381 (11th Cir. 1990); 920 F.2d 840 (11th Cir. 1991).**

**Party Represented and Dates of Representation:** United States; January 1988-January 1989.

**Court and Judge:** United States District Court for the Southern District of Florida; the Hon. Stanley Marcus.

**Co-Counsel:** Myles Malman, Esq. (former Assistant U.S. Attorney), 3107 Stirling Road, Suite 101, Fort Lauderdale, Florida 33312, telephone number (954) 322-0065.

**Opposing Counsel:** (Defendant Cuthel) Harold F. Keefe, Esq., 19220 E. Oakmont Drive, Hialeah, Florida 33015, telephone number (305) 409-2115.

(Defendant Marden) Jay R. Moskowitz, Esq., Sands & Moskowitz, PA, 2333 Brickell Avenue, Suite A1, Miami, Florida 33129, telephone number (305) 285-1500.

(Defendant Sokoloff) Joel Kaplan, Esq., 100 N. Biscayne Boulevard, Suite 2100, Miami, Florida 33132, telephone number (305) 374-2111.

(Defendant Fernandez) Robert C. Stone, 33 S.E. 5th Street, Suite 100, Boca Raton, Florida 33432, telephone number (561) 338-4844.

(Defendant Tomlinson) Keith C. Haymes, Esq., P.O. Box 565775, Miami, Florida 33256, telephone number (305) 379-7900.

(Defendant Griek) Stephen Mechanic, Esq., 11900 Biscayne Boulevard, Suite 807, North Miami, Florida 33181, telephone number (305) 893-5999.

(Defendant Rodriguez) Anthony J. Natale, Esq., Federal Public Defender's Office for the Southern District of Florida, 150 W. Flagler Street, Suite 1700, Miami, Florida 33130, telephone number (305) 530-7000.

(Defendant Hoover) A. Scott Miller, Esq., no longer practicing law and could not be located.

**Summary:** The U.S. Attorney's Office for the Southern District of Florida (USAO-SD FL) convicted William Cuthel, a pilot, and five other individuals of



conspiring to import tons of marijuana into the United States by means of air drops in the Florida Keys.

The defendants were part of an elaborate drug smuggling operation directed by Randy Fink, who owned multiple planes and a fleet of speedboats. Throughout the first half of the 1980s, Cuthel and other pilots working for Fink picked up tons of marijuana at dirt airstrips in the jungles of South America and transported it to the Florida Keys, where it was dropped into the water. Waiting speedboats picked up the bales of marijuana and took them ashore, often at remote locations selected by one of three United States Customs agents whom Fink had on his payroll.

In 1985, Fink expanded his operation to the New Orleans area. He was arrested shortly thereafter when law enforcement authorities seized over 25 tons of marijuana that members of his organization were off-loading onto a shrimp boat off the Louisiana coast. Fink immediately agreed to plead guilty to federal charges in the Eastern District of Louisiana and help the government make cases against his co-conspirators. Several indictments followed, including the one in this case, which focused upon Fink's organization in south Florida.

During the three-week trial, there were a number of interesting developments, including Fink's breach of his plea agreement and decision to testify as a witness for the defense instead of for the prosecution. The jury returned guilty verdicts against six of the eight defendants going to trial and acquitted a seventh. The eighth defendant, a woman who clearly was the least culpable of the group, was acquitted by the judge before the case went to the jury. The six defendants convicted at trial were sentenced to terms of imprisonment ranging from 18 months to 10 years.

- (ix) **Clement v. Peoples Drug Stores, Inc.**, 89-CA-6594 (D.C. Sup. Ct.); 634 A.2d 425 (D.C. 1993).

**Party Represented and Dates of Representation:** Peoples Drug Stores, Inc. (acquired by CVS Caremark Corp. during course of representation); February 1990-December 1993.

**Court and Judge:** District of Columbia Superior Court; the Hon. Ronald P. Wertheim.

**Co-Counsel:** William D. Nussbaum, Esq., Hogan Lovells, 555 Thirteenth Street, NW, Washington, DC 20004, telephone number (202) 637-5722.

**Opposing Counsel:** W. David Allen, Esq., 1130 Connecticut Avenue, NW, Suite 540, Washington, DC 20036, telephone number (202) 408-9750.

**Summary:** My client, Peoples Drug Stores, Inc., successfully defended a

wrongful death negligence action filed by Mary Clement, the widow of the manager of a Peoples drug store in southeast Washington, DC.

The plaintiff's husband had been murdered by an unidentified gunman in the parking lot moments after he and an unarmed security guard had locked the store for the evening. The plaintiff alleged that Peoples had failed to provide adequate security at the store. According to the plaintiff, because the store was in a "high crime neighborhood," Peoples should have employed an armed security guard and installed better lighting in the parking lot.

At the close of the plaintiff's case, which lasted approximately two weeks, the court directed a verdict in favor of Peoples. The court found that the murder of Mr. Clements was not reasonably foreseeable and that the law did not require Peoples to employ an armed security guard. The court further found that the plaintiff had not presented sufficient evidence to establish that the parking lot was inadequately lit.

- (x) **United States v. Elizabeth Gatlin, No. 8:04-CR-95-23TBM (M.D. Fla.); 2006 WL 2567587 (11th Cir. 2006).**

**Party Represented and Dates of Representation:** United States; March 2004-March 2005.

**Court and Judge:** U.S. District Court for the Middle District of Florida; the Hon. William J. Castagna.

**Co-Counsel:** None.

**Opposing Counsel:** Maria Guzman, Esq., Federal Public Defender's Office, 201 South Orange Avenue, Orlando, Florida 32801, telephone number (407) 648-6338; and Adam B. Allen, Esq., Federal Public Defender's Office, 400 North Tampa Street, Suite 2700, Tampa, Florida 33602, telephone number (813) 228-2715.

**Summary:** USAO-MD FL convicted Elizabeth Gatlin of distributing methamphetamine and discharging a firearm at law enforcement officers executing a search warrant at her home.

On several occasions, Gatlin sold methamphetamine to an undercover Polk County Sheriff's Office detective. Within minutes of the final sale, which was inside Gatlin's residence, sheriff's deputies executed a search warrant and entered through the back door. As the deputies moved down the hall toward her, Gatlin fired two shots at them, narrowly missing. Gatlin then retreated to her bedroom, where more shots were fired before she was subdued.

Following a one-week trial, the jury returned a verdict of guilty on all counts.

Gatlin was sentenced to a total term of imprisonment of 20 years, which included a ten-year term of imprisonment for firing at the sheriff's deputies.

15. **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.)

(a) Supervision of the Criminal Division

For the past six years, the bulk of my time has been spent supervising the USAO-MD FL Criminal Division, which employs approximately two-thirds of the Assistant U.S. Attorneys in the district. The only district in the nation that tries more criminal cases annually is the Southern District of Florida, which is roughly twice as large. The Middle District of Florida also excels in most other significant statistical categories. In Fiscal Year 2013, for example, the Middle District of Florida was at or near the top in the number of cases charged involving crimes against children (first), violent crime (third), terrorism (fourth), and significant narcotics (OCDETF) offenses (fourth).

I am perhaps most proud of our Criminal Division's accomplishments in the area of white collar crime. The year before I assumed responsibility for the Criminal Division, we ranked twelfth in the Country in the number of white collar crime prosecutions; in Fiscal Year 2013, we ranked third. Two white collar crime programs designed to address problems of special concern to the district deserve special mention: the mortgage fraud surge and the stolen identity refund fraud (SIRF) initiative.

In 2008 and 2009, the national mortgage fraud crisis was centered in Florida, where the LexisNexis Mortgage Fraud Index (MFI) was twice what it was in the next highest state. In late 2009, our Criminal Division, along with the FBI and other law enforcement partners, planned and implemented a mortgage fraud "surge," designed to charge as many mortgage cases as possible on an expedited basis. Although mortgage fraud cases are document-intensive and often time-consuming to prepare, we charged approximately 75 mortgage fraud cases over the next nine months. From Fiscal Year 2009 through Fiscal Year 2012, we were first in the nation in the number of mortgage fraud cases indicted

Two years ago, we faced another critical problem in the Middle District of Florida, in the form of criminals' use of stolen identities to file fraudulent federal income tax returns, often referred to as SIRF. Our Criminal Division, working with IRS-Criminal Investigation, established the Tampa Bay Alliance, a group comprised of federal, state, and local prosecutors and law enforcement agents

dedicated to prosecuting as many SIRC cases as possible with available resources. Last fiscal year, our Office prosecuted 92 SIRC cases, and many of the defendants we have convicted have received significant prison terms. For example, Rashia Wilson, the self-described "Queen of Tax Fraud," was sentenced to 21 years in prison.

In addition to my work on the mortgage fraud surge and the SIRC initiative, over the past six years I have been involved in every aspect of the Criminal Division's work, setting all policies and prosecution guidelines. I have reviewed virtually every request from a prosecutor to seek a significant sentence reduction for a cooperator, a grant of immunity for a witness, or a target's income tax records. I have reviewed and made changes to almost every important indictment, including all involving public corruption, terrorism, or money laundering. In addition, I have reviewed almost every application for a wiretap that our Office has made.

(b) Supervision of the Civil Division

For the past five years, as First Assistant U.S. Attorney and now Acting U.S. Attorney, I have supervised the Office's Civil Division. The Civil Division has fewer lawyers than the Criminal Division, and its cases typically do not garner the same public attention. However, the Civil Division's work is of great importance to the District, and its success over past few years has been remarkable.

The 22 AUSAs in our Civil Division have extremely heavy workloads. Last fiscal year, we led the nation with over 7,000 new civil cases filed or defended by our AUSAs. The Civil Division obviously has large "volume dockets," which include bankruptcy, immigration, and Social Security matters. However, our Civil Division AUSAs also defend large numbers of more complex cases, such as those alleging employment discrimination, medical malpractice, and personal injury. I have encouraged our AUSAs to be more aggressive in the defense of cases and to try them when necessary. This approach has resulted in both significant trial victories and favorable settlements. In Fiscal Year 2013, for example, the United States paid only two percent of the total amount claimed by the plaintiffs in 21 medical malpractice cases in the district.

Perhaps our Civil Division's greatest success has been in the area of affirmative civil enforcement litigation, where the United States is the plaintiff. Most of these cases originate as *qui tam* complaints filed by "whistle-blowers" alleging that health care providers, defense contractors, or other large companies have submitted false claims for payment to the federal government. When these allegations have merit, our Office intervenes in the litigation, seeking to recover damages under the False Claims Act from the company that has defrauded the government.

In the five fiscal years before I became First Assistant U.S. Attorney, our affirmative civil recoveries averaged approximately \$7.5 million annually. Over

the last five years, these recoveries have increased approximately fourteen-fold, averaging about \$108 million per year.

(c) Security for the 2012 Republican National Convention in Tampa

The 2012 Republican National Convention was held in Tampa on August 26-30, 2012. About 18 months before the convention commenced, a steering committee was established to oversee the development of a comprehensive security plan to protect the delegates and the public. Thereafter, I met regularly—often several times a week—with leaders from federal, state, and local law enforcement agencies in the Tampa Bay area to discuss intelligence gathered regarding significant threats and to devise an overall security plan.

Among other things, I chaired the Legal Subcommittee, which provided legal advice to the steering committee, the City of Tampa, and various law enforcement agencies involved in developing the security plan. The Legal Subcommittee addressed issues such as free speech zones, parade routes, state and local event legislation, special training for law enforcement officers, and the protection of sensitive law enforcement information. We also made contingent plans for mass arrests, which we obviously hoped would be unnecessary.

Organizers expected over 15,000 protesters at the convention, including a handful intent on committing violent acts. Due in part to a forecast hurricane, the number of protesters at the Tampa convention was much smaller, about 2,000, and the security arrangements kept everyone safe while at the same time protecting their First Amendment rights. There were only two arrests in Tampa related to the convention. The President of the Florida American Civil Liberties Union praised the security plan and said, “I don’t know that anybody can complain that they were not allowed to get their message out.” After the convention, the United States Secret Service formally recognized my work as chair of the Legal Subcommittee.

16. **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.

In May 1992, I spent one week as an instructor at the Kessler-Edison Program for Trial Techniques, which is for second-year students at the Emory University School of Law in Atlanta, Georgia. The program is designed to teach law students trial advocacy skills, such as laying the foundation for documentary and other physical evidence, conducting the direct and cross-examination of witnesses, and making effective opening statements and persuasive closing arguments. Most of my time was spent critiquing students practicing these skills in a mock courtroom setting. To the best of my recollection, there was no syllabus.

17. **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, although as a federal employee I participate in the Thrift Savings Plan.

18. **Outside Commitments During 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.

19. **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).

I earn a salary as a federal employee. For other information, see my SF-278 as provided by the Office of Government Ethics.

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

See attached net worth statement.

21. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics officials.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

In the event of a potential conflict of interest, I will consult with ethics officials in the Department of Justice.

22. **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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

During the time that I was in private practice at Hogan & Hartson, I participated in its large pro bono practice. Among other things, I filed an amicus brief in the United States Supreme Court on behalf of the U.N. High Commissioner for Refugees in Immigration and Naturalization Service v. Zacarias, No. 90-1342 (opinion at 502 U.S. 478 (1992)); filed a D.C. Court of Appeals brief on behalf of the Children's Defense Fund in Quattlebaum v. Barry, No. 92-CV-504 (opinion at 671 A.2d 881 (1995)); and assisted in the briefing of one of many habeas petitions filed on behalf of a Florida death row inmate, John Ferguson.

I have also been active in Hyde Park United Methodist Church, volunteered in its "soup kitchen" on Sunday morning, coached youth sports teams, worked on public school fundraisers, spoken at local schools, and participated in community "clean-ups." However, the bulk of my volunteer time over the past decade has been devoted to the Tampa Theatre Foundation and the Boy Scouts of America.

The Tampa Theatre Foundation is a non-profit charitable organization devoted to the preservation of the city-owned Tampa Theatre, an architectural gem built in 1926 that is on the National Register of Historic Places. As over one million Hillsborough County schoolchildren have visited the theatre on field trips, it is a place for education as well as entertainment. From 2001 to 2008, I served on the Foundation board as its corporate secretary, responsible for the board's minutes and routine legal matters relating to its incorporation. I also participated in fundraisers and planning for the acquisition of real property essential to the theatre's long-term survival.

My most significant volunteer commitment since 2006 has been to the Boy Scouts of America. From 2006 to mid-2010, I was an adult leader in Cub Scout Pack 4, primarily as a den leader or assistant den leader. From mid-2010 through the present, I have been an adult leader with Boy Scout Troop 4, serving as both an Assistant Scoutmaster and Committee Chair, a position that I still hold. Among other things, I have served as the adult leader on a 53-mile backpacking trip on the Appalachian Trail and a 77-mile backpacking trip at the Philmont Scout Ranch in New Mexico. As Committee Chair, I also am responsible for assigning responsibilities to all other adult volunteers, maintaining the troop's charter, and approving all Eagle projects.

AFFIDAVIT

I, A. Lee Bentley, III, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

May 12, 2014  
(DATE)

A. Lee Bentley III  
A. LEE BENTLEY, III

Amy P. O'Neal  
(NOTARY)

