

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Armando Omar Bonilla

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

Judge, United States Court of Federal Claims

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 Department of Justice  
Office of the Deputy Attorney General  
950 Pennsylvania Avenue, NW, 4th Floor  
Washington, District of Columbia 20530

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

1967; New York, New York

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.

1989 – 1992, Seton Hall University School of Law; J.D. (*magna cum laude*), 1992

Summer 1989, Wake Forest University School of Law, Council on Legal Education  
Opportunity Fellow (pre-law summer institute), no degree

1985 – 1989, West Virginia University; B.A., May 1989

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.

2010 – present

United States Department of Justice  
Office of the Deputy Attorney General  
950 Pennsylvania Avenue, NW, 4th Floor  
Washington, District of Columbia 20530  
Associate Deputy Attorney General (March 2014 – present)  
Senior Counsel to the Deputy Attorney General (2010 – 2014)

2002 – 2010

United States Department of Justice  
Criminal Division  
Public Integrity Section  
Bond Building, 12th Floor  
1400 New York Avenue, NW  
Washington, District of Columbia 20530  
Trial Attorney

2001 – 2002

United States Department of Justice  
Criminal Division  
Asset Forfeiture and Money Laundering Section  
Bond Building, 2nd Floor  
1400 New York Avenue, NW  
Washington, District of Columbia 20530  
Trial Attorney

1994 – 2001

United States Department of Justice  
Civil Division  
Commercial Litigation Branch  
1100 L Street, NW, 12th Floor  
Washington, District of Columbia 20530  
Trial Attorney

1996 – 1998 (academic years)

The George Washington University Law School  
2000 H Street, NW  
Washington, District of Columbia 20052  
Adjunct Professor of Law

1992 – 1994

United States District Court for the District of New Jersey  
Chambers of the Honorable Garrett E. Brown, Jr.  
United States District Judge  
42 E. State Street

Trenton, New Jersey 08608  
Law Clerk to Judge Garrett E. Brown, Jr.

1990 – 1992 (academic years)  
Seton Hall University School of Law  
One Newark Center  
Newark, New Jersey 07102  
Teaching Assistant (Contracts I & II) to Professor Susan Block-Lieb

Summer 1991  
Clapp & Eisenberg, PC  
One Newark Center  
Newark, New Jersey 07102  
Summer Associate

1989 – 1990 (summer and holiday breaks)  
Wharfside-Chef's International  
101 Channel Drive  
Point Pleasant, New Jersey 08724  
Waiter

1987 – 1989 (summer and holiday breaks)  
First DeWitt Savings & Loan  
1161 Burt Tavern Road  
Bricktown, New Jersey 08724  
Teller

Other Affiliations (uncompensated):

2001 – 2003  
The Castle on Logan Circle Homeowners Association  
1301 O Street, NW  
Washington, District of Columbia 20005  
President

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 United States military. I timely registered for 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.

Attorney General's Award for Distinguished Service (2011)  
 Special Commendation, United States Department of State, Office of the  
 Inspector General, Office of Investigation (2009)  
 Assistant Attorney General's Award (Criminal Division) for Ensuring the Integrity  
 of Government (2006 & 2008)  
 Special Commendation Award, Civil Division, United States Department of Justice  
 (2000)  
 Federal Bar Association Younger Federal Lawyers Award (1999)  
 Letters of Commendation for Extraordinary Trial Work from Attorney General  
 Janet Reno and FBI Director Louis J. Freeh (1998)  
 Letter of Commendation for Extraordinary Litigation Skills, United States Air Force  
 (1998)  
 Attorney General's Honors Program (1994)  
 Graduated *magna cum laude* from Seton Hall University School of Law (1992)  
 Editor-in-Chief, Seton Hall Constitutional Law Journal (1991 – 1992)  
 Seton Hall Interschool Appellate Moot Court Competition, Winning Team, Best Oralist  
 and Best Brief (1991)  
 Council on Legal Education Opportunity Fellow (Summer 1989)  
 West Virginia University Greek Man of the Year (1989)  
 West Virginia University "Mr. Mountaineer," Second Place (award based on academic  
 achievement and extracurricular involvement) (1989)  
 Pi Kappa Phi Fraternity National Student of the Year, Third Place (1988)  
 West Virginia University Mountain Honorary (top 25 student leaders) (1987 – 1989)  
 Eagle Scout, Boy Scouts of America (1985)

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 Honors Program Hiring Committee (2009 – present)  
 Barrister, Edward Bennett Williams Inn of Court (2011 – present)  
 Department of Homeland Security Maritime Migration Senior Oversight Group  
 (2010 – present)  
 Department of Justice (Criminal Division) Diversity Committee (2010)  
 Department of Justice Investment Review Board (2010 – 2012)  
 Department of Justice Law Enforcement Operations Chiefs Working Group (2014)  
 Department of Justice Priority Goal: Violent Crime (December 2013 – February 2014)  
 Team Leader  
 Department of Justice Prison Rape Elimination Act Working Group (2014)  
 Federal Interagency Drug Endangered Children Task Force (2011 – 2012)  
 Government Accountability Office Audit Liaison (2010 – present)  
 Health Care Fraud Prevention and Enforcement Action Team (2010 – 2011)  
 Hispanic Bar Association of the District of Columbia (2011 – present)  
 Endorsements Committee Member (2013 – present)  
 Hispanic National Bar Association (2013 – present)

Identity Theft Steering Committee – implementing the recommendations of the  
2008 President’s Identity Theft Task Force Report (2010 – present)  
International Criminal Police Organization (INTERPOL) Evolving Fund Working Group  
(2012 – 2013)  
Justice Prisoner and Alien Transportation System Executive Committee (2010 – present)  
National Commission on Forensic Science (2013)  
President’s Task Force on Puerto Rico (2012 – present)  
Protective Services Working Group (2010 – 2012)  
Seton Hall University School of Law Class of 1992 Reunion Committee (2007 & 2012)  
United States Court of Federal Claims Bar Association (1994 – 2001, 2013 – present)  
White House Public Safety Working Group (2010 – 2011)

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.

New Jersey, 1992  
District of Columbia, 2011

In addition, although I was notified by the Pennsylvania Board of Bar Examiners that I passed the July 1992 Pennsylvania bar examination on November 13, 1992, I never submitted the paperwork to be officially sworn in as a member of that bar. There have been no lapses in my New Jersey or District of Columbia bar memberships.

- 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.

Supreme Court of the United States, 2007  
United States Court of Appeals for the First Circuit, 2003  
United States Court of Appeals for the Third Circuit, 2006  
United States Court of Appeals for the Fifth Circuit, 2003  
United States Court of Appeals for the Federal Circuit, 1994  
United States District Court for the Northern District of Georgia, 2006  
United States District Court for the District of Nevada, 2005  
United States District Court for the District of Puerto Rico, 2003  
United States District Court for the District of the Virgin Islands, 2003  
United States Court of Federal Claims, 1994

To the best of my knowledge and belief, there have been no lapses in my membership in any of these courts.

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.

Holy Trinity School Fathers' Club (2010 – present)

The Castle on Logan Circle Homeowners Association (2001 – 2003)

President

- 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, or 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 organizations listed above 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, and 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.

With James M. Kinella, "Military Pay," in *The United States Court of Federal Claims: A Deskbook for Practitioners* (4th ed. Apr. 1998). Copy supplied.

*Municipal Noise Ordinance Imposing Mandatory Adherence to Sound Amplification Guidelines Constitutes a Valid Time, Place, and Manner Restriction on Protected Speech*, 1 SETON HALL CONST. L.J. 451 (1991). 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.

I served as the interim Team Leader of the Violent Crime Agency Priority Goal from December 2013 to February 2014 during the transition between two permanent Team Leaders. In this role, I did not draft any publications, but I did approve two website pages. I have listed those below:

Team Leader, Department of Justice Priority Goal: Violent Crime (FY 2015) (“Goal Overview” and “Performance Indicators”), available at <http://www.performance.gov/content/violent-crime-0#overview> and <http://www.performance.gov/content/violent-crime-0#indicators>.

- 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.

United States Department of Justice Statement Regarding Inspector General Report on the Handling of Former Known or Suspected Terrorists Admitted into the Federal Witness Security Program (May 16, 2013). Copy supplied.

Public Summary: Department of Justice’s Response to the Office of the Inspector General’s Draft Interim Audit Report entitled *Department of Justice’s Handling of Known or Suspected Terrorists Admitted into the Federal Witness Security Program* (Apr. 19, 2013) (document dated May 6, 2013; publicly released on May 16, 2013). Copy supplied.

United States Department of Justice’s Scientific and Research Integrity Policy (draft published Apr. 3, 2012; final published Aug. 1, 2013). Copies supplied.

- 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.

Feb. 25, 2014: Guest Speaker, “Law and Lawyering in DC,” University of California-Washington Center, Washington, DC. My remarks and responses to questions posed by third-year law students during a round-table discussion focused on legal policymaking and my career in public service. I have no notes, transcript, or recording. The University

of California-Washington Center is located at 1608 Rhode Island Avenue, NW, Washington, DC 20036.

Apr. 18, 2013: Panelist, "Representing Clients before Congress," Edward Bennett Williams Inn of Court, Washington, DC. My remarks and responses to questions focused on investigating and prosecuting individuals who provide false testimony before Congress or obstruct Congressional proceedings. I have no notes, transcript, or recording. The Edward Bennett Williams Inn of Court is located at United States District Court for the District of Columbia, 333 Constitution Avenue, NW, Washington, DC 20001.

Apr. 13, 2011: Keynote Speaker, Samuel J. Heyman Public Service Lecture, Seton Hall University School of Law, Newark, NJ. My remarks and responses to questions focused on my career in public service. I have no notes, transcript, or recording, but press coverage is supplied. Seton Hall University is located at One Newark Center, Newark, NJ 07102.

Oct. 27, 1999: Speaker, "From *Haggar* to *Hitachi* – Customs at the Crossroads," Customs Lawyers Association Seventh Annual Conference on Recent Trends in Customs Law, Washington, DC. Copy of the paper I prepared for the conference, which served as the basis for my remarks and responses to questions, supplied.

- 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.

Charlie Savage, "Justice Dept. Lost Track of Terrorists, Report Says," New York Times, May 16, 2013. Copy supplied.

Throughout my career with the Department of Justice, both in the Civil and Criminal Divisions, I drafted a number of press releases issued by the Department's Office of Public Affairs in connection with the civil cases I litigated, the criminal cases I prosecuted, and the appellate cases I argued. I have provided all of those that I could locate, which also should be available at <http://www.justice.gov/opa/pr/2014/May/>, although it is possible that I may have missed some:

Press Release, *More Than \$40 Million Worth of Gold, Silver and Jewelry Forfeited in International Money Laundering Case: Ten Tons of Assets Forfeited in Black Market Peso Exchange Investigation*, U.S. Department of Justice, Apr. 12, 2010. Copy supplied.

Press Release, *Former Department of Labor Chief of Staff Pleads Guilty for Failing to Report Gifts from Former Lobbyist Jack Abramoff*, U.S. Department of Justice Federal Bureau of Investigation, April 7, 2010. Copy supplied.



Press Release, *Former Congressional Chief of Staff Sentenced for Honest Services Fraud Conspiracy*, U.S. Department of Justice, July 30, 2009. Copy supplied.

Press Release, *Fourth Person Pleads Guilty to Illegally Accessing Confidential Passport Files*, U.S. Department of Justice, July 10, 2009. Copy supplied.

Press Release, *Former Social Worker Sentenced for Role in Scheme to Defraud Department of Veterans Affairs and Obstructing Justice*, U.S. Department of Justice, June 29, 2009. Copy supplied.

Press Release, *Former State Department Employee Sentenced for Illegally Accessing Confidential Passport Files*, U.S. Department of Justice, March 23, 2009. Copy supplied.

Press Release, *Third Individual Pleads Guilty to Illegally Accessing Confidential Passport Files*, U.S. Department of Justice, January 27, 2009. Copy supplied.

Press Release, *Two Virgin Islands Commissioners Sentenced in \$1.4 Million Bribery and Kickback Scheme*, U.S. Department of Justice, August 14, 2008. Copy supplied.

Press Release, *Two Virgin Islands Commissioners Convicted in \$1.4 Million Bribery and Kickback Scheme*, U.S. Department of Justice, February 8, 2008. Copy supplied.

Press Release, *Former Congressional Chief of Staff Pleads Guilty to Honest Services Fraud Conspiracy*, U.S. Department of Justice, December 7, 2007. Copy supplied.

Press Release, *Former Government Official Sentenced in \$1.4 Million Virgin Islands Bribery Scandal*, U.S. Department of Justice, May 3, 2007. Copy supplied.

Press Release, *Former Government Official Is Third to Plead Guilty in \$1.4 Million Virgin Islands Bribery Scandal*, U.S. Department of Justice, September 26, 2006. Copy supplied.

Press Release, *Two Plead Guilty In \$1.4 Million Virgin Islands Bribery Scandal*, U.S. Department of Justice, July 12, 2006. Copy supplied.

Press Release, *Former Justice Department Attorney Pleads Guilty to Criminal Conflict of Interest Charge*, U.S. Department of Justice, June 14, 2006. Copy supplied.

Press Release, *Chinese National Pleads Guilty to Fraudulently Obtaining U.S. Citizenship: Defendant Agrees To Cooperate In Ongoing Investigation Into \$500 Million Bank Of China Embezzlement*, U.S. Department of Justice, April 26, 2005. Copy supplied.

Press Release, *Virgin Islands Senator Indicted on Fraud and Theft Charges*, U.S. Department of Justice, August 13, 2004. Copy supplied.

Press Release, *Former FBI Biologist Pleads Guilty to Filing False DNA Laboratory Reports*, U.S. Department of Justice, May 18, 2004.

Press Release, *Defendant Sentenced on Charges of Perjury, Obstruction of Investigation of Theft from San Juan Aids Institute*, U.S. Department of Justice, October 16, 2003. Copy supplied.

Alumni Profile, Seton Hall Law Magazine, Vol. 1 at 10-11 (Oct. 1999). 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 any judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_
  - i. Of these, approximately what percent were:  
jury trials: \_\_\_\_%  
bench trials: \_\_\_\_% [total 100%]  
  
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 the case; (2) the outcome of the case; (3) the name and contact information or counsel who had a significant role in the trial of the case; and (3) 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 any 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.

I have not held public office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

- 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.

I have not been a member of, held office in, or rendered services to, any political party or election committee. I have not held a position or played a role in any political campaign.

**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 1992 to 1994, I served as a law clerk to the Honorable Garrett E. Brown, Jr., United States District Judge, United States District Court for the District of New Jersey.

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

I have never 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.

1994 – 2001  
United States Department of Justice  
Civil Division  
Commercial Litigation Branch  
1100 L Street, NW, 12th Floor

Washington, District of Columbia 20530  
Trial Attorney

2001 – 2002

United States Department of Justice  
Criminal Division  
Asset Forfeiture and Money Laundering Section  
Bond Building, 2nd Floor  
1400 New York Avenue, NW  
Washington, District of Columbia 20530  
Trial Attorney

2002 – 2010

United States Department of Justice  
Criminal Division  
Public Integrity Section  
Bond Building, 12th Floor  
1400 New York Avenue, NW  
Washington, District of Columbia 20530  
Trial Attorney

2010 – present

United States Department of Justice  
Office of the Deputy Attorney General  
950 Pennsylvania Avenue, NW, 4th Floor  
Washington, District of Columbia 20530  
Associate Deputy Attorney General (March 2014 – present)  
Senior Counsel to the Deputy Attorney General (2010 – 2014)

- 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 an 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.

Following my clerkship, I have devoted my entire 20 years of legal practice to public service at the United States Department of Justice. I have served as a civil litigator, a criminal prosecutor, an appellate advocate, and a manager and senior policy advisor.

From 1994 to 2001, I served as a Trial Attorney in the Civil Division's Commercial Litigation Branch. During my time in the Civil Division, I litigated over 100 cases before the United States Court of Federal Claims, and I briefed and argued over 50 appeals before the United States Court of Appeals for the Federal Circuit. The cases I handled involved civil lawsuits filed against the United States and its agencies and instrumentalities. The cases centered on government contracts, military pay, civilian personnel law, veterans' benefits, international trade, and constitutional, statutory and regulatory challenges to federal agency actions. I also filed and litigated fraud counterclaims and special pleas in fraud.

From August 2001 to July 2010, I served as a Trial Attorney in the Criminal Division, first in the Asset Forfeiture and Money Laundering Section (August 2001 to July 2002) and then the Public Integrity Section (2002 to 2010). During my time in the Criminal Division, I directed over 50 criminal investigations and led prosecutions involving money laundering, public corruption, and fraud. The criminal charges I prosecuted involved: bribery and kickbacks; honest services mail and wire fraud; theft of federal funds; conspiracy; conflict-of-interest; obstruction of justice; perjury; making false statements; tax evasion; money laundering; structuring currency transactions; and unauthorized computer access. I also litigated criminal forfeiture issues and petitions for writs of habeas corpus and briefed and argued appeals. I appeared before federal courts across the country, worked with and supervised attorneys and law enforcement agents nationwide, and worked with foreign governments in joint investigations.

In 2010, I was asked to join the Office of the Deputy Attorney General as a Senior Counsel to the Deputy Attorney General. In March 2014, I was promoted to Associate Deputy Attorney General. Since joining the Office of the Deputy Attorney General, my in-court experience has been limited to handling the post-conviction proceedings in two cases I prosecuted during my tenure in the Criminal Division. My primary responsibilities in the Office of the Deputy Attorney General have included: advising the Deputy Attorney General on a range of legal, legislative, and policy issues relating to criminal justice, law enforcement, firearms, and forensic science; providing leadership and oversight to, among other components, the United States Marshals Service, INTERPOL Washington, the United States Parole Commission, and the Access to Justice Initiative; chairing and serving on a number of intra- and interagency task forces and working groups; and briefing members of Congress and their staffs.

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

As an attorney for the Department of Justice for two decades – as a civil litigator, a criminal prosecutor, an appellate advocate, and a manager and senior policy advisor – my client has been, broadly speaking, the United States.

- 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 1994 through 2010, my practice was exclusively in litigation and my court appearances were frequent. Since joining the Office of the Deputy Attorney General in 2010, my practice has focused on management, oversight, policy, and legislative matters and my court appearances have been infrequent.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 99%
- 2. state courts of record: 0%
- 3. other courts: 0%
- 4. administrative agencies: 1%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 50%
- 2. criminal proceedings: 50%

- 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.

Between 1994 and 2001, while in the Civil Division, I tried eight cases to judgment, all as lead counsel for the United States. During that time, I also litigated a significant number of cases to final judgment as lead counsel for the United States, through the filing and arguing of dispositive motions. From 2001 through 2010, while in the Criminal Division, I tried five cases to verdict, four as lead counsel for the United States and one as second chair. During that time, I also negotiated dozens of guilty pleas as lead counsel for the United States.

- i. What percentage of these trials were:

- 1. jury: 40%
- 2. non-jury: 60%

- 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 been counsel of record or personally argued any case before the Supreme Court of the United States. I have participated in drafting five briefs in opposition to petitions for writs of certiorari handled by the Office of the Solicitor General:

*Griffin v. Secretary of Veterans Affairs*, 537 U.S. 947 (2002) (brief in opposition, 2002 WL 32135715) (cert. denied)

*Small v. United States* and *Neptune v. United States*, 528 U.S. 821 (1999) (consolidated brief in opposition, 1999 WL 33641058) (cert. denied)

*Porter v. United States*, 528 U.S. 809 (1999) (brief in opposition, 1999 WL 33641211) (cert. denied)

*Bestfoods v. United States*, 528 U.S. 810 (1999) (brief in opposition, 1999 WL 33641299) (cert. denied)

*Routen v. West*, 525 U.S. 962 (1998) (brief in opposition, copy supplied) (cert. denied)

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. Griles*, No. 1:07-cr-079 (D.D.C) (Judge Huvelle).

Between 2006 and 2007, while in the Criminal Division's Public Integrity Section, I served as lead counsel for the United States in the criminal investigation and prosecution of Mr. Griles, the former Deputy Secretary of the United States Department of the Interior, who was involved in illicit dealings with former lobbyist Mr. Abramoff. On March 23, 2007, Mr. Griles pleaded guilty in the United States District Court for the District of Columbia to obstructing a United States Senate investigation into the Abramoff lobbying scandal. The former Deputy Secretary was sentenced to ten months in prison, followed by three years of supervised release, ordered to perform 100 hours of community service, and fined \$30,000.



As lead counsel, I led the criminal investigation, conducted grand jury proceedings, engaged in plea negotiations, represented the United States during the plea hearing, prepared the United States' sentencing memoranda, and presented oral argument at the sentencing hearing. For my handling of the *Griles* case and other Abramoff-related matters, I received the Attorney General's Award for Distinguished Service in September 2011.

Co-counsel in *Griles*: Kartik K. Raman, currently an Assistant United States Attorney in the United States Attorney's Office for the Northern District of Illinois, 219 S. Dearborn Street, 5th Floor, Chicago, IL 60604 (312.469.6026).

Opposing counsel in *Griles*: Barry M. Hartman of K&L Gates LLP, 1601 K Street, NW, Washington, DC 20006 (202.778.9338), and Brian W. Stolarz currently with Jackson Kelly, PLLC, 1875 Connecticut Avenue, NW, Suite 1110, Washington, DC 20009 (202.973.0204).

2. *GBQC Architects v. United States*, No. 98-399C (Fed. Cl.) (Judge Miller).

Between April 1998 and September 1999, while in the Civil Division, I served as lead counsel for the United States and the Smithsonian Institution in a lawsuit filed in the United States Court of Federal Claims by the architecture firm hired to design the National Museum of the American Indian on the National Mall in Washington, DC. The architecture firm was challenging its termination for default and seeking reinstatement and \$2 million in damages. In exchange for converting the termination for default into a termination for convenience, the architecture firm voluntarily dismissed its complaint and agreed to pay nearly \$500,000 to the Smithsonian Institution in re-procurement costs. On September 28, 1999 – the day the lawsuit was dismissed – the formal groundbreaking ceremony for the National Museum of the American Indian was held on the National Mall.

As lead counsel, I briefed and argued a motion for partial dismissal, proposed a government counterclaim, conducted discovery, and represented the government in mediation conducted by the presiding judge.

Agency Counsel: James I. Wilson, Assistant General Counsel, Smithsonian Institution, 1000 Jefferson Drive, SW, Room SI-302/MRC 012, Washington, DC 20560 (202.357.2583).

Opposing counsel: Terrence M. McShane of Lee & McShane, PC, 1211 Connecticut Avenue, NW, Suite 425, Washington, DC 20036 (202.530.8102).

3. *United States v. Plaskett*, Crim. No. 2007-60, 2008 WL 3833838 (D.V.I. Aug. 13, 2008) (Chief Judge Gomez), *aff'd*, 355 Fed. Appx. 639, 2009 WL 4643819 (3d Cir. Dec. 2, 2009) (Circuit Judges McKee, Fuentes, and Nygaard), *cert. denied*, 130 S. Ct. 3398 and 131 S. Ct. 614 (2010).

Between 2007 and 2012, while in the Criminal Division's Public Integrity Section and then the Office of the Deputy Attorney General, I served as lead counsel for the United States and the

government of the United States Virgin Islands in the criminal investigations and prosecutions of a number of high-ranking Virgin Islands government officials and businessmen. Specifically, the defendants were involved in a \$1.4 million government contract bribery and kickback scheme and a subsequent scheme to obstruct a joint federal and local task force investigation and a grand jury investigation. Prior to trial, four defendants pleaded guilty. In February 2008, following a three-week jury trial in the United States District Court of the Virgin Islands, two members of the governor's cabinet were convicted on bribery and obstruction of justice charges. The defendants were sentenced to prison terms of nine years and seven years and ordered to pay over \$1 million in restitution. The United States Court of Appeals for the Third Circuit affirmed the convictions and sentences. The United States Supreme Court denied the petitions for writs of certiorari.

As lead counsel, I directed the criminal investigations, conducted grand jury proceedings, engaged in plea negotiations, represented the United States during the plea hearings, drafted and argued pre- and post-trial motions, first-chaired the trial, prepared the United States' sentencing memoranda, presented oral argument at the sentencing hearings, drafted the United States' consolidated appellate brief to the Third Circuit (decided without oral argument), drafted the United States' responses to the petitions for habeas corpus relief, and first-chaired the habeas corpus hearing. In November 2008, my trial team received the Assistant Attorney General's Award (Criminal Division) for Ensuring the Integrity of Government.

Co-counsel: Michael Ferrara, currently an Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York, 1 St. Andrews Plaza, New York, NY 10007 (212.637.2526); Peter M. Koski, currently a Deputy Chief of the Public Integrity Section, Criminal Division, U.S. Department of Justice, 1400 New York Avenue, NW, Washington, DC 20530 (202.307.3589); and John P. Pearson, currently an Assistant United States Attorney in the United States Attorney's Office for the Southern District of Texas, 1000 Louisiana Street, Suite 2300, Houston, TX 77002 (713.567.9342).

Opposing counsel: Gordon C. Rhea of Richardson, Patrick, Westbrook & Brickman LLC, 1037 Chuck Dawley Blvd., Building A, Mount Pleasant, SC 29464 (843.727.6656) (defendant Plaskett); Treston E. Moore of Moore, Dodson & Russell, PC, 5035 (14A) Norre Gade, Suite 1, Charlotte Amalie, St. Thomas, U.S. Virgin Islands 00804 (340.777.5490) (defendant Biggs); Charles J. Grant of Grant & Lebowitz, LLC, 1515 Market Street, Suite 705, Philadelphia, PA 19102 (215.789.3100) (defendant Marchena); Jeffrey L. Ertel, currently with the Georgia Indigent Defense Council, 985 Ponce De Leon Avenue, Atlanta, GA 30306 (404.894.2595) (defendant Griffin); Francis E. Jackson of The Law Center, Windward Passage, P.O. Box 6591, St. Thomas, U.S. Virgin Islands 00802 (340.776.1577) (defendant Blyden); Arturo R. Watlington, Jr., Esq., #3 Store Gronne Gade, St. Thomas, U.S. Virgin Islands 00804 (340.774.9697) (defendant Modeste); and Clive Rivers, Esq., Nisky Center, Suite 233, Veterans Drive, Charlotte Amalie, St. Thomas, U.S. Virgin Islands 00804 (340.776.4666) (defendant Brewley).

4. *Bestfoods v. United States*, 165 F.3d 1371 (Fed. Cir.) (Circuit Judges Newman, Schall, and Bryson), *cert. denied*, 528 U.S. 810 (1999); *Bestfoods v. United States*, 260 F.3d 1320 (Fed. Cir.

2001) (Circuit Judges Newman and Bryson and Senior Circuit Judge Archer).

Between 1998 and 2001, while in the Civil Division, I served as lead counsel for the United States and the Department of the Treasury in two affirmative appeals from the United States Court of International Trade to the United States Court of Appeals for the Federal Circuit. Both appeals involved the authority vested in the Secretary of the Treasury to implement and administer the 1994 North American Free Trade Agreement (NAFTA) as it pertained to the country of origin marking requirements of the Tariff Act of 1930. In the first appeal, the Federal Circuit held that the Secretary of the Treasury acted lawfully in promulgating regulations applying a rule-oriented tariff-shift method (rather than the traditional case-by-case adjudicatory approach) to determine whether goods imported from NAFTA countries are “substantially transformed” in the United States and, thus, exempted from the country of origin marking requirements of the Tariff Act of 1930. The United States Supreme Court denied the petition for a writ of certiorari. *Bestfoods v. United States*, 165 F.3d 1371 (Fed. Cir.) (Circuit Judges Newman, Schall, and Bryson), *cert. denied*, 528 U.S. 810 (1999). In the second appeal, following the remand, the Federal Circuit held that the Secretary of the Treasury acted lawfully in withholding a de minimis exception under the federal marking statute for most agricultural products. *Bestfoods v. United States*, 260 F.3d 1320 (Fed. Cir. 2001) (Circuit Judges Newman and Bryson and Senior Circuit Judge Archer).

As lead counsel, I drafted the government’s appellate briefs, argued both appeals before the Federal Circuit, and prepared the draft brief in opposition to the petition for a writ of certiorari for the Office of the Solicitor General. Because of my work on this case, I was invited to speak at the Seventh Annual Conference on Recent Trends in Customs Law, “From *Haggar* to *Hitachi*, Customs at the Crossroads,” presented by the Customs Lawyers Association (Oct. 1999).

Agency Counsel: Louis W. Brenner, Jr., Attorney, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Room 2000, Washington, DC 20530 (202.622.1941); and Monika R. Brenner, Attorney Advisor, United States Customs Service, Office of Regulations & Rules, 1300 Pennsylvania Avenue, NW, Ronald Reagan Building, 3rd Floor, Washington, DC 20229 (202.927.1254).

Opposing counsel: John M. Peterson of Neville Peterson LLP, 17 State Street, Suite 1900, New York, NY 10004 (212.635.2730).

5. *AU Duong Quy (a/k/a “Lost Army Commandos”) v. United States*, No. 95-309C (Fed. Cl.) (Judge Margolis); *Mattes v. Witschonke*, Civ. No. 98-1907-SH (S.D. Fla. Nov. 4, 1998) (Judge Highsmith), *rev’d Mattes v. Chairman, Vietnamese Commandos Compensation Comm’n*, 173 F.3d 817 (11th Cir. 1999) (*per curiam*) (Circuit Judge Marcus, Senior Circuit Judge Hill, and District Judge Adams).

Between 1997 and 2000, while in the Civil Division, I served as lead counsel for the United States and the United States Department of Defense in a breach of contract action filed in the United States Court of Federal Claims by nearly 300 individuals identified as the “Lost Army Commandos.” The complaint alleged that the Central Intelligence Agency had

agreed to pay each plaintiff, South Vietnamese nationals, \$2,000 per year to conduct covert intelligence missions deep inside North Vietnam in the 1950s and 1960s. The plaintiffs were purportedly captured and interned for up to 25 years by the government of North Korea and, under the terms of the alleged covert contract, sought \$50,000 each in damages. While this action was pending, Congress passed the Commandos Compensation Act of 1996, Pub. L. No. 104-201 § 657, 110 Stat. 2422, 2584 (1996), which, among other things: established the Vietnamese Commandos Compensation Commission within the Department of Defense to adjudicate and remit payment to legitimate claims submitted within an eighteen month period; statutorily capped attorney fees at 10%; and precluded judicial review of any decision rendered by the Commission. In February 2000, upon the government's motion and demonstration that the Vietnamese Commandos Compensation Commission had been established and was timely processing claims, the Court of Federal Claims dismissed the action with prejudice.

In the interim, in March 1998, the Department of Defense was notified by the Federal Bureau of Investigation that an attorney representing the majority of the Vietnamese claimants was retaining attorney fees well in excess of the statutory cap imposed by Congress. When efforts to resolve the issue failed, the United States notified the attorney that the Commission would begin to remit payments directly to his clients. The attorney filed suit in the United States District Court for the Southern District of Florida seeking declaratory judgment as to the appropriateness of his attorney fees and a writ of mandamus to prevent the Commission from disbursing funds to his clients directly. Following an expedited bench trial conducted in October 1998, the district court granted the attorney's requests for relief, concluding that the Act did not preclude such pre-existing fee arrangements. On the government's appeal, the United States Court of Appeals for the Eleventh Circuit held that the district court erred in exercising jurisdiction over the matter in contrast to Congress' express "No Right to Judicial Review" provision in the Commandos Compensation Act. The Eleventh Circuit remanded the case with instructions to vacate all orders entered.

As lead counsel for the United States in the litigation filed in both the Court of Federal Claims and the Southern District of Florida, I drafted the government's pleadings, motions, and pre- and post-trial briefs; presented oral argument before both trial courts; counseled the Vietnamese Commandos Compensation Commission; first-chaired the district court trial; and assisted in drafting the government's appellate brief filed in the Eleventh Circuit.

Agency Counsel: J. Bradford Wiegmann, currently a Deputy Assistant Attorney General, National Security Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, 7th Floor, Washington, DC 20530 (202.514.1057).

Civil Division Appellate Section Attorney who argued the Eleventh Circuit Appeal: Thomas M. Bondy, currently a Deputy Assistant Director, Office of the General Counsel, Federal Bureau of Investigation, 935 Pennsylvania Avenue, NW, Washington, DC 20535 (202.324.3870).

Opposing Counsel: John C. Mattes, 1401 Bricknell Avenue, Suite 800, Miami, Florida 33131 (305.448.3377); David K. Tucker of Tucker & Kotler, PA, 2151 LeJeune Road, Suite 300,

Coral Gables, Florida 33134 (305.461-3627); and Scott A. Eash, currently a Professor of Law at Concord Law School, 10866 Wilshire Boulevard, Suite 1200, Los Angeles, CA 90024 (800.439.4794).

6. *Griffin v. Secretary of Veterans Affairs*, 288 F.3d 1309 (Fed. Cir.) (Circuit Judges Clevenger and Dyk and Senior Circuit Judge Archer), *cert. denied*, 537 U.S. 947 (2002).

Between 2001 and 2002, while in the Civil Division and then the Criminal Division's Asset Forfeiture and Money Laundering Section, I served as lead counsel for the United States and the Department of Veterans Affairs (VA) in a First Amendment facial challenge to a VA regulation governing the display of flags in 119 national veterans' cemeteries. In a lawsuit filed in the United States Court of Appeals for the Federal Circuit, the Sons of Confederate Veterans organization challenged the VA's denial of their request to amend or waive the regulation to permit the daily display of a large Confederate flag at a national cemetery where the remains of Confederate soldiers were buried. Under the VA regulation, the Confederate flag can be flown in national veterans cemeteries on Memorial Day and Confederate Memorial Day (in states where that holiday is observed) and to mark individual gravesites. The VA regulation states that only the American flag and the National League of Families POW/MIA flag may be on permanent display. The Federal Circuit held that the VA regulation does not violate the First Amendment on its face, notwithstanding the discretion vested in government officials to grant or deny exceptions to the regulation. The United States Supreme Court denied the petition for a writ of certiorari.

As lead counsel, I drafted the government's appellate brief and argued the case before the Federal Circuit.

Agency counsel: Deputy Assistant General Counsel Richard J. Hipolit and Staff Attorney Martin Sendek of the U.S. Department of Veteran Affairs Office of General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420 (202.273.6325).

Opposing counsel: Michael F. Wright, currently of Steptoe & Johnson LLP, 2121 Avenue of the Stars, Suite 2800, Los Angeles, CA 90067 (310.734.3268).

7. *United States v. Janowsky*, 133 F.3d 888 (Fed. Cir. 1998) (Chief Judge Mayer, Senior Circuit Judge Archer, and Circuit Judge Lourie); *United States v. Janowsky*, No. 90-3846C (Fed. Cl. Aug. 25, 1998) (Judge Turner).

Between 1997 and 1998, while in the Civil Division, I served as lead counsel for the United States and the Federal Bureau of Investigation (FBI) in a decade-old, multi-million dollar breach of contract and Fifth Amendment Takings Clause lawsuit filed in the Court of Federal Claims by a former cooperative witness and his wife. In exchange for their cooperation and the use of their business in a public corruption and organized crime investigation, the plaintiffs alleged that the FBI agreed to purchase or at least guarantee the sale of their business. The plaintiffs argued in the alternative that the FBI effectively took their business without just compensation. The Court of Federal Claims twice dismissed the complaint on the government's filing of successive

dispositive motions. Following the second reversal, the case was remanded for trial. At the conclusion of the bench trial, the Court of Federal Claims granted the United States' motion for a directed verdict and awarded costs to the government. A third appeal was not filed.

As lead counsel, I argued the second appeal before the Federal Circuit and first-chaired the trial. For my handling of the *Janowsky* case, I received letters of commendation from FBI Director Louis J. Freeh and Attorney General Janet Reno in October and December 1998, respectively.

Agency counsel in *Janowsky*: M. Sean O'Neill, currently an Attorney Advisor in the Office of the Inspector General, U.S. Department of Justice, 1425 New York Avenue, NW, 13th Floor, Washington, DC 20530 (202.514.9539).

Opposing counsel in *Janowsky*: David E. Vandercoy, currently a Professor at Valparaiso University School of Law, 656 S. Greenwich Street, Valparaiso, IN 46383 (219.465.7865).

8. *Small v. United States*, 36 Fed. Cl. 43 (1996), *as amended*, 37 Fed. Cl. 149 (1997) (Judge Wiese), *aff'd*, 158 F.3d 576 (Fed. Cir. 1998), *as amended*, 180 F.3d 1343 (Fed. Cir.) (Circuit Judges Plager, Clevenger, and Gajarsa), *cert. denied*, 528 U.S. 821 (1999).

Between 1995 and 1999, while in the Civil Division, I served as lead counsel for the United States and the United States Air Force in a series of cases filed in the United States Court of Federal Claims and the United States District Court for the District of Columbia. The lead case was *Small v. United States*. In these cases, retired officers challenged, among other things, the Air Force's statutory and regulatory authority to use review panels in conducting officer promotion boards. Following contrary opinions simultaneously-issued by the Court of Federal Claims, the United States Court of Appeals for the Federal Circuit affirmed the Air Force's long-standing practice. The United States Supreme Court denied the petitions for writs of certiorari.

As lead counsel in these cases, I conducted discovery, briefed and argued cross-motions for summary judgment, briefed and argued the appeals before the Federal Circuit, and prepared the draft consolidated brief in opposition to the petitions for writs of certiorari for the Office of the Solicitor General. For my work on these cases, I received a Letter of Commendation from the Air Force in 1998 and a Civil Division Special Commendation Award in March 2000.

Agency counsel in *Small*: Lt. Col. Ralph A. Bauer (USAF-ret.), currently with International Launch Services, 1875 Explorer Street – Suite 700, Reston, VA 20190 (571.633.7400).

Opposing counsel in *Small*: Guy J. Ferrante of King & Everhard, P.C., 8019 Daffodil Court, Springfield, VA 22152 (703.644.2009).

9. *Vereda, Ltda. v. United States*, 41 Fed. Cl. 495 (1998), *vacated in part*, 46 Fed. Cl. 12 (1999), *amended*, 46 Fed. Cl. 569 (2000) (Judge Smith), *pet'n for interlocutory appeal granted*, 250 F.3d 2000 (Fed. Cir. 2000) (table) (Circuit Judges Rader, Gajarsa, and Linn), *rev'd*, 271 F.3d 1367 (Fed. Cir. 2001) (Circuit Judges Clevenger, Schall, and Dyk).

Between 1998 and 2001, while in the Civil Division and then the Criminal Division's Asset Forfeiture and Money Laundering Section, I served as lead counsel for the United States and the Drug Enforcement Administration (DEA) in a case filed in the United States Court of Federal Claims involving the criminal seizure and administrative forfeiture of an airplane used in narcotics trafficking. Seeking to collaterally challenge the actions taken by the DEA and to recover money damages, the mortgagee of the aircraft, who claimed an innocent ownership interest, asserted that the forfeiture amounted to an illegal exaction, a taking of property without just compensation in violation of the Fifth Amendment, and an excessive fine in violation of the Eighth Amendment. The Court of Federal Claims twice granted-in-part and denied-in part the government's motions to dismiss, holding that the court had jurisdiction to consider the merits of the Takings Clause claim. After granting the government's petition for an interlocutory appeal, the United States Court of Appeals for the Federal Circuit reversed the trial court's jurisdictional ruling and remanded the case with instructions to enter judgment in favor of the United States.

As lead counsel, I drafted and filed with the Court of Federal Claims the government's motion for reconsideration, as well as the motion to certify the jurisdictional issue for interlocutory appeal and to stay further proceedings. I also drafted and filed with the Federal Circuit the government's petition for interlocutory appeal and, once granted, the government's merits briefs. I argued the appeal before the Federal Circuit.

Agency counsel: John Hieronymus, currently with Madison Associates, Inc., P.O. Box 2627, Leesburg, VA 20177 (703.777.6617).

Opposing Counsel: Mark L. Whitaker, currently with Baker Botts, The Warner, 1299 Pennsylvania Avenue, NW, Washington, DC 20004 (202.639.7785).

10. *United States v. Speed Joyeros, S.A.*, No. 00-CR-960-JBW (E.D.N.Y.) (Judge Weinstein).

Between 2001 and 2002, while in the Criminal Division's Asset Forfeiture and Money Laundering Section, I served on the prosecution team that led to the first United States indictment and convictions of offshore businesses engaged in the illicit black-market peso exchange – a money laundering operation through which narcotics proceeds generated in the United States were exchanged for Colombian pesos and then used to purchase goods in the Colon Free Zone of Panama. The defendants owned and operated two wholesale jewelry businesses in Panama used by Colombian narcotics traffickers to launder United States currency. On March 20, 2002, on the eve of trial, the owner of the two businesses, Yardena Hebroni, and her two companies pleaded guilty to conspiracy to commit money laundering in the United States District Court for the Eastern District of New York. Ms. Hebroni was sentenced to 27 months in prison, followed by three years supervised release, the forfeiture of her businesses, and fined \$200,000. In total, over \$40 million in jewelry was seized by and forfeited to the United States from the Panamanian businesses.

As a member of the prosecution team, I assisted in the investigation and trial preparation, drafted pretrial motions, participated in the plea negotiations, assisted in the drafting of the government's sentencing memoranda, and participated in the sentencing hearing. *United States*

*v. Hebroni*, No. 02-1106, 37 Fed. Appx. 549 (2d Cir. Mar. 13, 2002) (Circuit Judges Leval, Calabresi, and Cabranes); *United States v. Speed Joyeros, S.A.*, 204 F. Supp. 2d 412 (E.D.N.Y. 2002) (Judge Weinstein).

Co-counsel: Eric Snyder, currently with Kobre & Kim LLP, 1919 M Street, NW, Washington, DC 20036 (202.664.1904); and Laurel Loomis Rimon, currently an Assistant Litigation Deputy, Office of Enforcement, Consumer Financial Protection Bureau, 1700 G Street, NW, Washington, DC 20552 (202.435.7966).

Opposing counsel: Larry J. Silverman, 26 Broadway, 18th Floor, New York, NY 10004 (212.425.1616).

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 my current position, I advise the Deputy Attorney General on numerous issues, make policy judgments and recommendations, oversee certain Department components, serve on a number of Department and interagency task forces and working groups, review proposed legislation, and provide briefings to members of Congress and their staff. For example, between 2012 and 2013, I served as a United States representative on the INTERPOL Evolving Fund Working Group which explored whether the international law enforcement organization could and should accept private funding to better perform its core mission of information sharing.

I have never performed any lobbying activities.

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.

1996 – 1998: While employed by the United States Department of Justice, I served as an Adjunct Professor of Law at The George Washington University Law School. I taught legal research and writing and appellate advocacy to first-year law students. I do not have a copy of the syllabus.

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.



Other than my participation in the Federal Government's Thrift Savings Program and the Federal Employees Retirement System, I do not have any arrangements for deferred income or future benefits from previous business relationships.

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.

I have no plans, commitments, or agreements to pursue outside employment if confirmed.

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).

See attached Financial Disclosure 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.

My wife serves as an Administrative Patent Judge for the United States Patent and Trademark Office (USPTO). Although unlikely, it is possible that a patent at issue in a dispute filed in the United States Court of Federal Claims under 28 U.S.C. § 1498 could be subject to proceedings at the USPTO. If I am confirmed, and if that situation ever presents itself, either I or my wife (or both) immediately would self-recuse from the matter(s) to avoid any potential conflict of interest or appearance of impropriety. I am unaware of any other individuals, family or otherwise, that are likely to present potential conflicts of interest. If confirmed, I also would recuse myself from all cases in which I was either directly or indirectly involved during my entire tenure at the Department of Justice. For matters in which I was not involved, or handled by the Department of Justice after my departure, I would apply the standards of 28 U.S.C. § 455 and the Code of Conduct for United States Judges, as well as any other pertinent principles of judicial ethics, to determine whether to recuse myself from other matters.

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

procedure you will follow in determining these areas of concern.

If confirmed, I would consult applicable rules, canons, and decisions addressing conflicts of interest, including 28 U.S.C. § 455 and the Code of Conduct for United States Judges, and any other materials addressing conflicts of interest and appearances of conflicts of interest. Based on that consultation, I would compile a comprehensive list of matters for easy flagging of potential conflicts of interest. In close cases, I would consult other judges and any persons designated by the court or judicial organizations to provide advice on such questions as they arise.

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.

Because I have been in public service my entire career, my pro bono activities have been restricted. However, my tenure at the Department of Justice has afforded me a number of opportunities to serve the disadvantaged. In 2011, for example, while serving in the Office of the Deputy Attorney General, I was responsible for overseeing the final development and public roll-out of law enforcement tools designed to raise awareness, help train, and foster a coordinated response between law enforcement, first responders, medical professionals, teachers, and members of the community who come in contact with the estimated nine million children in the United States who live in households where a parent or other adult abuses, manufactures, or distributes illicit drugs.

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.

On February 5, 2013, I submitted a letter to the White House Counsel's Office expressing my interest in serving as a judge on the United States Court of Federal Claims. In late August 2013, an official from the White House Counsel's Office contacted me to discuss my interest. Since September 4, 2013, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On November 12, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On May 21, 2014, the President submitted my nomination to the Senate.

- 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.

AFFIDAVIT

I, Armando Omar Borilla, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

05-22-2014

(DATE)

[Signature]

(NAME)

[Signature]

(NOTARY)

District of Columbia: SS

Subscribed and sworn to before me, in my presence,

this 22nd day of May, 20 14

by Armando Omar Borilla

Brianna Walton, Notary Public

My Commission Expires 10/14/2018

