

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Allison Dale Burroughs

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

United States District Judge for the District of Massachusetts

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.

Office: Nutter McClennen & Fish, LLP  
155 Seaport Boulevard  
Boston, Massachusetts 02210

Residence: Waban, Massachusetts 02468

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

1961; Boston, Massachusetts

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

1985 – 1988, University of Pennsylvania Law School; J.D. (*cum laude*), 1988

1979 – 1983, Middlebury College; B.A. (*cum laude*), 1983

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.

2005 – present  
Nutter McClennen & Fish, LLP  
155 Seaport Boulevard

Boston, Massachusetts 02210  
Partner

1995 – 2005

U.S. Attorney's Office, District of Massachusetts  
One Courthouse Way, Suite 9200  
Boston, Massachusetts 02210  
Assistant United States Attorney (1995 – 2005)  
Organized Crime and Drug Enforcement Task Force (1995 – 1997)  
Economic Crimes Unit (1997 – 2005)  
Senior Litigation Counsel, Economic Crimes Unit (approximately 2000 – 2003)  
Money Laundering Coordinator, Economic Crimes Unit (approximately 1997 – 2005)  
Computer Crime and Telecommunications Coordinator, Economic Crimes Unit  
(approximately 1998 – 2005)  
Supervisor, Computer Hacking and Intellectual Property Section, Economic Crimes Unit  
(approximately 2002 – 2005)

1989 – 1995

U.S. Attorney's Office, Eastern District of Pennsylvania  
615 Chestnut Street, Suite 1250  
Philadelphia, Pennsylvania 19106  
Assistant United States Attorney  
Organized Crime and Racketeering Strike Force

1988 – 1989

Judge Norma L. Shapiro  
United States District Court for the Eastern District of Pennsylvania  
601 Market Street  
Philadelphia, Pennsylvania 19106  
Judicial Law Clerk

Summer 1988

Ropes & Gray  
800 Boylston Street  
Boston, Massachusetts 02109  
Summer Associate

July – August 1987

Williams & Connolly  
725 Twelfth Street, N.W.  
Washington, DC 20005  
Summer Associate

May – July 1987  
Mintz Levin Ferris Cohn Glovsky and Popeo, PC  
One Financial Center  
Boston, Massachusetts 02110  
Summer Associate

Summer 1986  
Hoyle Morris & Kerr (now defunct)  
One South Broad Street, Suite 1500  
Philadelphia, Pennsylvania 19107  
Summer Associate

Approximately September 1987 – May 1988  
University of Pennsylvania Law School  
3501 Sansom Street  
Philadelphia, Pennsylvania 19104  
First Year Legal Writing Instructor (approximately September 1987 – May 1988)  
Research Assistant for Professor Leo Levin (approximately September 1987 – May 1988)

January – August 1985  
Effective Government Committee (now defunct)  
Washington, DC  
Political Director

December 1984 – August 1985  
Voter Contact Services (now part of L2)  
Washington, DC  
Sales Consultant

August – November 1984  
Voter Contact Services  
(now part of L2)  
Honolulu, Hawaii  
Sales Consultant

January – August 1984  
Americans with Hart  
Washington, DC  
Regional Field Coordinator

October 1983 – January 1984  
Democratic Congressional Campaign Committee  
430 South Capitol Street, S.E.  
Washington, DC 20003  
Assistant Press Secretary

August – October 1983  
Congressman Matthew McHugh  
U.S. House of Representatives  
Washington, DC  
Congressional Intern

Fall 1983 – Summer 1984  
Bullfeathers of Capitol Hill  
410 First Street, S.E.  
Washington, DC 20003  
Waitress

Other Affiliations (uncompensated unless otherwise indicated)

2007 – present  
Womenade Boston  
Boston, Massachusetts  
Founding Member (2007)  
Board Member (2007 – present)  
Vice President (2007 – 2013)

2007 – present  
Mahoning Valley Scrappers  
c/o Michael K. Savitt  
HWS Group  
572 Washington Street  
Suite 7  
Wellesley, Massachusetts 02482  
Investor (0.5% class B membership interest)

Approximately 1998 – present  
Middlebury College  
14 Old Chapel Road  
Middlebury, Vermont 05753  
Class Agent (approximately 1998 – present)  
Class Secretary (2013 – present)

1996 – present  
Agassiz Village  
238 Bedford Street, Suite 8  
Lexington, Massachusetts 02420  
Board Member (1996 – present)  
Board President (2006 – 2013)

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 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.

**Professional:**

Chambers and Partners, Leading U.S. White-Collar Crime & Government Investigations  
Litigation Attorney (2010 – 2013)

Litigation Counsel of America, Fellow (2011 – present)

The Best Lawyers in America (2013, 2014)

Massachusetts Super Lawyers (2011 – 2014)

Super Lawyers Business Edition (2012, 2013)

Super Lawyers Top Women Attorneys in Massachusetts (2012, 2013)

2013 Corporate International Magazine Legal Award – Business Crime Lawyer of the  
Year in Massachusetts (2013)

2013 International Global Law Experts Awards – Business Crime Lawyer of the Year in  
Massachusetts (2013)

Federal Bureau of Investigation “In Appreciation for Your Prosecutive Skills Throughout  
the Years” (2005)

Internal Revenue Service plaque “In Recognition of Your Outstanding Contributions,  
Dedication and Support of the Boston Field Office of I.R.S. Criminal Investigation”  
(2005)

Director’s Award for Superior Performance as an Assistant United States Attorney  
(2004)

United States Customs Service Certificate of Appreciation (approximately 2003)

United States Secret Service Certificate of Appreciation “In Recognition of All Your  
Effort and Dedication in the U.S. Customs Service investigation of Barakaat North  
America Incorporated” (approximately 2002)

Boston Police, Detective Benevolent Society Award of Excellence (2001)

U.S. Customs “Queen of Money Laundering” plaque “In Recognition of Your Significant Contributions and Tireless Efforts in Support of Eliminating the Scourge of Money Laundering in New England” (2000)

Director’s Award for Superior Performance as an Assistant United States Attorney (1998)

United States Secret Service Certificate of Appreciation (1998)

Organized Crime Drug Enforcement Task Forces Certificate of Appreciation (1997)

Drug Enforcement Administration Certificate of Appreciation (1997)

New England Organized Crime Drug Enforcement Task force plaque “In Appreciation for Outstanding Work Conducted on Operation Crackdown” (approximately 1997)

F.B.I. and I.R.S. plaque for “Dedication and Outstanding Service” in “Cash Unlimited” Investigation (1995)

Director’s Award for Superior Performance as an Assistant United States Attorney (1994)

FBI plaque “In Recognition of your Outstanding Prosecutorial Support in the FBI Task Force Investigation of the Junior Black Mafia” (1993)

I also received other performance commendations from the Department of Justice and the U.S. Attorneys’ Offices, as well as various federal and state agencies and community groups for specific cases and outreach efforts.

Educational:

University of Pennsylvania Law Review, Editor (1987 – 1989)

University of Pennsylvania Law School, Selected to teach legal writing to first year students (1988 – 1989)

Middlebury College, Dean’s List (1980 – 1983)

Middlebury College, High Honors Political Science (1983)

Middlebury College, Mortar Board and College Scholar, awarded at graduation for academic performance, (1979 – 1983)

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.

American Bar Association

Boston Bar Association

- Criminal Law Section Steering Committee (2006 – present)
- Education Committee (2012 – present)
- Annual Meeting Luncheon Steering Committee (2011)
- Wrongful Conviction Task Force (2009)

First Circuit Rules Advisory Committee (2012 – 2014)

Litigation Counsel of America  
Fellow (2011 – present)

Massachusetts Supreme Judicial Court

- Appointed as Special Counsel to the Committee on Professional Responsibility for Clerks of the Courts (2011)
- Appointed as Special Counsel to the Committee on Professional Responsibility for Clerks of the Courts (2014)

National Association of Assistant U.S. Attorneys

Women's Bar Association

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.

Pennsylvania, 1989  
Massachusetts, 1996

From 1996 to 2012, I was inactive in Pennsylvania. In 2012, my status changed from “inactive” to “administratively suspended” as a result of administrative changes in categories of membership.

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

United States District Court for the Eastern District of Pennsylvania, 1989  
Massachusetts State Courts, 1996  
United States Court of Appeals for Sixth Circuit Court of Appeals, 2006

United States District Court for the District of Massachusetts, 2007  
United States Court of Appeals for the First Circuit, 2013

There have been no lapses in membership.

11. **Memberships:**

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

Agassiz Village (1996 – present)

Trustee and Board Member (1996 – present)

Board President (2006 – 2013)

Development and Events Committee (approximately 1997 – present)

Governance Committee (approximately 2006 – present)

Belmont Country Club (approximately 1995 – present)

Middlebury College Alumni Association (approximately 1998 – present)

Class Agent (approximately 1998 – present)

Reunion Committees (various)

Class Secretary (2013 – present)

National Association of Assistant U.S. Attorneys (approximately 1993 – 2011)

Newton Police Chief Search Committee (2013)

Womenade Boston (2007 – present)

Founding Member (2007)

Board Member (2007 – present)

Vice-President (2007 – 2013)

- 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.

My parents were members of the Belmont Country Club before I was born, and I became a member in my own right in 1996. During the early years of my membership, the Belmont Country Club gave male members preferential treatment, such as the early weekend tee times. Otherwise, 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, 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.

Summer 2014: “When is Hacking a Crime? Potential Revisions to the CFAA,” by Allison D. Burroughs, Benjamin L. Mack and Heather B. Repicky, Boston Bar Journal. Copy supplied.

June 2014: “The War on Buckyballs: Park Doctrine Gone Awry,” by Allison D. Burroughs and Dahlia Rin, Bloomberg BNA Product Safety & Liability Reporter. Copy supplied.

February 18, 2014: “Is Death Penalty Ever Worth the Cost?,” Boston Globe Podium Blog. Copy supplied.

May 22, 2013: “Caronia: Off-Label Marketing and the First Amendment” by Allison Burroughs and Timothy Reppucci, Boston Bar Association, published in connection with CLE “Health Care Fraud 2013: There Are New Sheriffs in Town.” Copy supplied.

November/December 2012: “Clues to the Future of the *Park* Doctrine” by Allison D. Burroughs and Dahlia Rin, FDLI Update. Copy supplied.

2012, 2009, 2008: “Off-Label Promotion: Government Theories of Prosecution and Facts That Drive Them” in *Off-Label Communications: A Guide to Sales and Marketing Compliance*, (2008, 2009 and 2012 eds.) (2009 edition reprinted in Food and Drug Law Journal, vol. 65, no. 3 2010). For each edition, I authored the chapter through Section III and contributed to Section V. Copies supplied.

July 2012: “Reasonable Expectations of Privacy in the Digital Age,” by Allison D. Burroughs and Heather B. Repicky, Association for Corporate Counsel – Northeast Chapter e-newsletter. Copy supplied.

April/May 2012: “The Whitey Bulger Case: Balancing the Rights of Victims and the Accused,” by Allison D. Burroughs, Dahlia Rin and Benjamin L. Mack, Criminal Law Bulletin. Copy supplied.

February 2012: “Supreme Court Rules That A Warrant Is Needed For GPS Tracking,” by Allison D. Burroughs and Heather B. Repicky, Nutter Client Advisory. Copy supplied.

December 29, 2011: "The Whitey Bulger Case and the Right to be Heard," by Allison Burroughs, Dahlia Rin and Benjamin L. Mack, Massachusetts Lawyer's Weekly. Copy supplied.

July 2011: "A Primer for Litigating Against the Massachusetts Securities Division," by Jonathan L. Kotliar and Allison D. Burroughs, The Boston Bar Journal. Copy supplied.

February 2010: "State Law Enforcement in New England and the Mid-Atlantic Affecting Pharmaceutical and Medical Device Companies," Allison D. Burroughs and Christopher R. Hall, Esq. of Saul Ewing, Client Advisory. I edited the portions relating to the New England states. Copy supplied.

February 2009: "'McNulty Memo' Changes Bit of Victory for Corporate Rights," by Allison D. Burroughs and Maya L. Sethi, New England In-House Newsletter. Copy supplied.

2009: CyberCrime: How to Handle Computer Crime Issues, published in connection with MCLE, Inc., seminar. I co-authored Section 2 ("Responding to a Data Security Breach: It's a Complex New World") with Matthew D. Hanaghan and Section 3 ("Your Company's Data is Threatened: Immediate Decisions About Whether to Involve Law Enforcement & How to Preserve Evidence?") with Seth P. Berman. Copy supplied.

2006: "The Investigation Checklist," Nutter Client Advisory. Copy supplied.

October 2006: "Deciding to Involve Law Enforcement When Your Computer System is Hacked Can Be a Tough Call," New England In-House Newsletter (reprinted as a Nutter Client Advisory). Copies supplied.

July 19, 2006: "Manipulation of Stock Options: Caution Flag Out as Problems Emerge Through SEC and DOJ Investigations," by Allison Burroughs and Sarah Walters, Nutter Client Advisory. Copy supplied. (Reprinted for the Suffolk Law School/Sawyer Business School Symposium on Ethics and Governance Enforcement: Implications for Domestic and Global Business, November 2006).

June 21, 2006: "Your Company's Computer System Has Been Compromised: What Factors Should You Consider in Deciding to Involve Law Enforcement?," published in connection with MIT Sloan CIO Symposium titled "Maximizing the Business Value of It." 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.

December 2009: “Getting it Right: Improving the Accuracy and Reliability of the Criminal Justice System in Massachusetts.” As a member of the Boston Bar Association Task Force, I researched some best practices and provided editorial input. Copy supplied.

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

October 24, 2011: Letter to the Charlestown Mothers Association regarding Agassiz Village. Although, as a Board member, my name appeared on the letterhead, I did not sign the letter; and, to the best of my knowledge, I did not participate or consult in any way in its preparation, and the Board was never asked to vote on or approve its contents. Copy supplied.

October 4, 2010: Letter to the Honorable Patrick Leahy, Russ Feingold, John Conyers, Jr., and Jerrold Nadler regarding *Citizens United v. FEC*. Copy 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.

After diligent review of my files, calendar, and the Internet, I have done my best to account for all speaking engagements below although it is possible that I have inadvertently left out an engagement.

From 2005 to the present, I have guest lectured at various classes. My guest lectures at the Franklin Pierce Law School and at a graduate level computer science class at MIT, involved discussions of computer crime statutes and prosecutions. I facilitated a module of the Harvard Law School first year law student problem solving course in 2012, and I regularly speak to the Harvard Law School Government Lawyer Class on various topics, including women in law, prosecutorial discretion, or transitioning to private practice after a career in government. I do not recall these events specifically, nor did I keep records of them.

From 1996 to the present, as part of my responsibilities with Womenade and Agassiz Village, I have given welcome remarks at various fundraising and outreach events. The focus of these remarks was to welcome people to the events and help educate them about Agassiz Village and Womenade. I do not recall these events specifically, nor did I keep records of them. The address for Agassiz Village is 238 Bedford Street, Suite 8, Lexington, Massachusetts 02420. Womenade has no physical address.

June 25, 2014: Panelist, “The Corporation as Victim: Cyber Crime, Hacking & Data Breach,” Association of Corporate Counsel (ACC) Northeast Chapter Program, Boston, Massachusetts. Outline and recording supplied.

March 24, 2014: Moderator, “Compliance Programs and Corporate Monitors – If the Compliance Program Fails, a Corporate Monitor May be Necessary,” Boston Bar Association, Boston, Massachusetts. I prepared the outline for and moderated the first panel on compliance programs. I also stepped in for a colleague and moderated the second panel on monitors using an outline that he prepared. Outlines supplied.

January 21, 2014: Co-host, “2014 White Collar Roundtable Breakfast,” New England Women in White Collar Defense, Boston, Massachusetts. The presentation was on recent developments in white collar law and practice. I discussed developments in health care investigations and prosecutions. I have no notes, transcript or recording. The New England Women in White Collar Defense does not have a physical address.

May 29, 2013: Moderator and panelist, “Avoiding the Crosshairs of Law Enforcement: New Technologies and Perspectives in Compliance,” Association of Corporate Counsel Northeast Chapter Program, Boston, Massachusetts. I moderated a discussion on innovations in compliance and spoke on the same topic. Materials made available to the attendees previously supplied in response to Question 12a.

May 22, 2013: Panelist, “Health Care Fraud 2013: There Are New Sheriffs in Town,” Boston Bar Association, Boston, Massachusetts. Materials previously supplied in response to Question 12a and recording supplied.

February 13, 2013: Panelist, “Fraud: Separating Fact from Fiction,” Turnaround Management Association (TMA) Northeast, Boston, Massachusetts. I believe that my remarks focused on red flags that might indicate fraudulent behavior and how fraud could impact a company. I have no notes, transcript or recording. The address for TMA Northeast is P.O. Box 266, Concord, Massachusetts 01742.

January 9, 2013: Panelist, “Theft of Trade Secrets and Other Business Information,” Boston Bar Association, Boston, Massachusetts. The presentation

was focused on protecting proprietary information and legal responses to the theft of trade secrets and other confidential information. I discussed the relevant statutes, as well as considerations of when and whether to involve law enforcement. I have no notes, transcript or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

December 10, 2012: Panelist, "Technology, Crime and the Workplace: New Developments and Strategies," Boston Bar Association, Boston, Massachusetts. The presentation was on issues arising from the increased use of technology in the workplace. I discussed the Computer Fraud and Abuse Act, the Stored Communications Act, and recent legal developments concerning GPS monitoring and employer access to employee social media accounts. I have no notes, transcript or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

November 19, 2012: Panelist, "Life Sciences Industry – Managing Increasing Legal Risks," Boston Bar Association, Boston, Massachusetts. The presentation was on the increasing legal risks faced by life sciences companies. I discussed strategies to mitigate enforcement risk. I have no notes, transcript or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

October 10, 2012: Panelist, "Technology, Crime & the Workplace: New Developments and Strategies for In-House Counsel," Association of Corporate Counsel (ACC) Northeast Chapter Program, Boston, Massachusetts. Materials previously supplied in response to Question 12a.

December 6, 2011: Panelist, "Hot Topics in Civil Enforcement: 2011 Review, 2012 Preview," Food and Drug Law Institute (FDLI) Enforcement, Litigation and Compliance Conference, Washington, DC. Annotated outline supplied.

October 20, 2011: Panelist, "Sentencing Issues Including Departures and Variances," U.S. District Court Seminar on Federal Sentencing, Boston, Massachusetts. The presentation was on sentencing issues. I discussed sentencing strategies from the defense perspective. I have no notes, transcript or recording. The address for the U.S. District Court is One Courthouse Way, Boston, Massachusetts 02210.

September 22, 2011: Panelist, "Sentencing: Getting Outside the Guidelines," National Association of Criminal Defense Lawyers' (NACDL) 7th Annual Seminar on Defending the White Collar Case, New York, New York. I discussed strategies to manage loss calculations under the Federal Sentencing Guidelines. I have no notes, transcript or recording. The address for NACDL is 1660 L Street, NW, 12th Floor, Washington, DC 20036.

April 27, 2011: Panelist, "From Investigation to Sentencing – What to Expect," New England High Tech Crime Conference, Boston, Massachusetts. Outline supplied.

April 13, 2011: Panelist, Federal Court Judicial Forum, Boston, Massachusetts. This is an annual forum that creates an opportunity for members of the bar to hear directly from the bench on federal practice and procedure. I was a member of the lawyer panel, which took turns asking the judges questions. I have no notes, transcript or recording. The address for MCLE, Inc. is Ten Winter Place, Boston, Massachusetts 02108.

February 16, 2011: Moderator, "Trying White Collar Cases," Boston Bar Association, Boston, Massachusetts. I moderated the portions of the panel discussion that focused on jury selection, technology in the courtroom and whether defendants should ever testify. I have no notes, transcript or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

December 13, 2010: Panelist, "What to Do When You Meet the Massachusetts Securities Division – A Defense Lawyer's Perspective," Boston Bar Association, Boston, Massachusetts. The presentation was on litigating before the Massachusetts Securities Division. I have no notes, transcript or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

October 2010: Presenter, Massachusetts CJA Panel on wiretaps, Boston, Massachusetts. I discussed the statutory requirements for getting a wiretap authorized and potential means of suppressing or limiting the use of wiretap information at trial. I have no notes, transcript or recording. The address for the U.S. Federal Defenders Office is 51 Sleeper Street, 5th Floor, Boston, Massachusetts 02210.

March 16, 2010: Panelist, "Crime and Computer Forensics in the Workplace: Search, Employment and Technical Issues When Bad Things Happen in Good Companies," Boston Bar Association, Boston, Massachusetts. Outline supplied.

February 18, 2010: Presenter, "Canary in the Mineshaft: State-Level Regulatory and Enforcement Trends," Boston, Massachusetts. PowerPoint supplied.

July 9, 2009: Faculty member, Seminar titled "Cybercrime: How to Handle Computer Crime Issues (MCLE, Inc. 2009)," Massachusetts Continuing Legal Education, Boston, Massachusetts. Materials previously supplied in response to Question 12a.

November 18, 2008: Moderator, "Criminal Law Section, Sentencing and Revocation Advocacy and Alternatives Post Gall and Kimbrough: What Works

and What Does Not,” Boston Bar Association, Boston Massachusetts. Panelists discussed impact of *Gall* and *Kimbrough* in sentencing. I have no notes, transcript or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

September 23, 2008: Co-leader, “Computer Search and Seizure,” Boston Bar Association, Boston, Massachusetts. Outline supplied.

May 18, 2007: Panelist, “Searching and Seizing Computers,” The Commonwealth of Massachusetts Administrative Office of the Trial Court, Judicial Institute training on “Cyber Issues for Judges,” Boston, Massachusetts. PowerPoint supplied.

November 16, 2006: Panelist, “Ethics & Governance Enforcement: Implications for Domestic and Global Business,” Suffolk University, Boston, Massachusetts. Materials previously supplied in response to Question 12a.

October 24, 2006: Program Co-Chair and Moderator, “Top Guns: Criminal Trial Attorneys,” Boston Bar Association CLE Seminar, Boston, Massachusetts. Outline supplied.

May 24, 2006: Moderator, “When a Government Investigation Looms: The Nuts and Bolts of Managing a Crisis,” Association of Corporate Counsel Northeast Chapter Program, Boston, Massachusetts. Materials previously supplied in response to Question 12a.

March 31, 2006: Speaker, “Criminal Enforcement of Anti-counterfeiting & Antipiracy,” Franklin Pierce Law Center Annual Symposium, Concord, New Hampshire. PowerPoint supplied.

February 16, 2006: Panelist, “Case Study: When Sweet Charity Goes Sour,” Association of Corporate Counsel (ACC) Northeast Chapter Program, Boston, Massachusetts. I participated in a case study. Factual scenario and PowerPoint supplied.

April 28, 2005: Panelist, “Computer Searches & Computer Crime Prosecutions,” Boston Bar Association CLE Seminar, Boston, Massachusetts. PowerPoint and notes supplied.

While at the U.S. Attorney’s Office for the District of Massachusetts from 1995 to 2005, I frequently spoke extemporaneously at various events related to my work. From approximately 1998 to 2005, these events included presentations to attendees at safety fairs, parent groups, and industry groups about Internet safety and security. From approximately 1996 to 2002, I participated in Citizen’s School, an after-school enrichment program for inner city children that involved them preparing and trying “criminal” cases before volunteer juries. I also lectured

on occasion at the Department of Justice's National Advocacy Center, including on topics such as basic trial advocacy, money laundering and violent gang prosecutions, although the materials used are law enforcement sensitive. As a general matter, I have no notes, transcript or recording of these events, and I did not keep records of which groups or dates were involved. The address for the District of Massachusetts is Federal Courthouse, One Courthouse Way, Suite 9200, Boston, Massachusetts 02210.

September 13, 2001: Co-speaker with Amy Baron Evans, "Computer Search and Seizure," ABA Regional White Collar Criminal Seminar, Boston, Massachusetts. Outlines supplied.

July 28, 2000: Panelist, "Cybercrime and Corporation Fraud: Rights and Remedies," Massachusetts Continuing Legal Education, Boston, Massachusetts. I discussed the U.S. Attorneys approach to combating cybercrime and reviewed the applicable laws. I have no notes, transcript or recording. The address for Massachusetts Continuing Legal Education is 10 Winter Place, Boston, Massachusetts 02108.

May 25, 2000: Panelist, "Cybercrime: the Role of State and Federal Law Enforcement for Victims of Electronic Crime," U.S. Attorney for the District of Massachusetts, Massachusetts Attorney General and Boston Bar Association, Boston, Massachusetts. Outline previously supplied in response to the September 13, 2001.

February 10, 2000: Speaker, "Cybercrime: Federal Law Enforcement and Options for Victims of Electronic Crime," Boston Bar Association, Boston, Massachusetts. Outline supplied.

January 20, 2000: Speaker, "Cracking Down on Cybercrime," Deloitte & Touche, Boston, Massachusetts. Outline supplied.

Approximately 1998: I travelled to Irkutsk, Siberia and Moscow, Russia with an Office of International Affairs delegation to teach law enforcement officials about U.S. computer crime laws and investigative strategies. We taught for approximately three days in Irkutsk and one day in Moscow. I spoke on the relevant statutes, U.S. legal process and prosecution strategies and priorities. I have no notes, transcript or recording. The address for the Department of Justice's Office of International Affairs is U.S. Department of Justice, Criminal Division, Office of International Affairs, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530.

- 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.

Ronnie Berke, *Dzhokhar Tsarnaev: If Convicted, Will He Get Death Sentence?*, CNN Wire, April 18, 2014. Article and video recording available at: <http://www.cnn.com/2014/04/18/justice/tsarnaev-death-penalty/>.

Holly Bailey, *The Mystery of Tamerlan Tsarnaev's Widow*, Yahoo News, April 14, 2014. Copy supplied.

Milton J. Valencia, *Case Cut Back in Patients' Death*, Boston Globe, April 4, 2014. Copy supplied. (Reprinted in multiple outlets).

Milton J. Valencia, Anush Elbakyan, *Tsarnaev Team May Favor a Trial Here*, Boston Globe, February 1, 2014. Copy supplied

Bob Oakes, *Ex-Prosecutor on How Seeking Death Penalty Affects Tsarnaev Case*, WBUR, January 31, 2014. Audio recording available at: <http://www.wbur.org/2014/01/31/burroughs-legal-ramifications-death-penalty-bombing>.

*Dzhokhar Tsarnaev 'Deserves Death,' Survivor Says*, WCVB, January 31, 2014. Article and video recording available at: <http://www.wcvb.com/news/local/metro/dzhokhar-tsarnaev-deserves-death-survivor-says/24216132#!VrhL1>.

John P. Finnegan, *Three Weeks After Hearing, Bomb-Threat Suspect Still Awaits Formal Indictment*, University Wire, January 10, 2014. Copy supplied.

John Zaremba, *Barred from Harvard Yard*, Boston Herald, December 19, 2013. Copy supplied. (quotations reprinted in multiple outlets).

*Harvard Bomb Hoax Suspect Released on Bail*, WHDH, December 18, 2013. Copy supplied.

*Former Prosecutor: Judge Understands How Important Bulger Case is to Boston*, NECN, November 14, 2013. Article and video recording available at: <http://www.necn.com/news/new-england/247946741.html>.

Patrick Clark, *The Buckyballs Guy is Suing the Feds Over Free Speech*, Businessweek, November 11, 2013. Copy supplied.

Holly Bailey, *Officer Who Released Marathon Bombing Suspect Photos Relieved of Duty; Legal Impact of Photos' Release Unclear*, Yahoo News, July 19, 2013. Copy supplied.

iTalk FM's the Boland Show, April 25, 2013. I have been unable to locate a copy.

Milton J. Valencia, *Saving Him from Death Penalty Will Be Likely Defense Focus*, Boston Globe, April 24, 2013. Copy supplied.

Ashby Jones and Jacob Gershman, *Boston Bombings: Legal Teams Both Have Terror-Case Experience*, The Wall Street Journal, April 24, 2013. Copy supplied. (reprinted in multiple outlets).

Ross Kerber and Scott Malone, *Public Defender Takes on Big Task in Boston Bombing Case*, Reuters, April 23, 2013. Copy supplied.

David Frank, *U.S. District Court Judge Stearns' Recusal Ruling on Bulger not the Final Word on Immunity*, Massachusetts Lawyers Weekly, March 12, 2013. Copy supplied.

Karen Anderson, *Many Are Skeptical as Bulger's Attorney Offers Name in Alleged Immunity Deal*, WBZ-TV, October 25, 2012. Article and video recording available at <http://boston.cbslocal.com/2012/10/25/prosecutors-skeptical-as-bulgurs-attorney-offers-name-in-alleged-immunity-deal>.

David Boeri, *Bulger's Defense Continues to Push for Later Trial Date*, WBUR, October 24, 2012. Article and audio recording available at: <http://www.wbur.org/2012/10/24/bulger-defense-continues-to-push-for-later-trial-date>.

Bob Oakes; Benjamin Swasey, *Former US Prosecutor 'Skeptical' of Bulger Immunity Claim*, WBUR, June 26, 2012. Article and Audio recording available at: <http://www.wbur.org/2012/06/26/bulger-case-legal>.

Radio Boston, *The Case Against Catherine Greig*, WBUR, July 14, 2011. Audio recording available at: <http://radioboston.wbur.org/2011/07/14/case-against-greig>.

Mark Arsenault and Stephanie Ebbert, *Despite Notoriety, Bulger No Easy Case*, Boston Globe, July 3, 2011. Copy supplied.

The Early Show, *Bulger Prosecution: Murder Charges the Priority*, CBS, June 29, 2011. Transcript supplied.

Peter Schworm, *Daunting Task for a Defender*, Boston Globe, June 28, 2011. Copy supplied.

Radio Boston, *Why a Lawyer Would Want to Defend "Whitey" Bulger*, WBUR, June 28, 2011. Audio recording available at: <http://radioboston.wbur.org/2011/06/28/defend-whitey-bulger>.

David Frank, *6th Circuit Decision Chills E-mail Seizures*, Rhode Island Lawyers Weekly, April 7, 2011. Copy supplied. (Reprinted in multiple outlets).

Massachusetts Lawyers Weekly Staff, *Bar Counsel Recommends Suspension for Auerhahn*, Massachusetts Lawyers Weekly, December 2, 2010. Copy supplied. (Reprinted in multiple outlets).

Marcella Bombardieri and Jonathan Saltzman, *Vast Body of Evidence Was Collected*, Boston Globe, November 19, 2010. Copy supplied.

Jonathan Saltzman, *Judge Quizzes Witness Who Said He Won't Testify in Turner Trial*, Boston Globe, October 13, 2010. Copy supplied.

David E. Frank, *U.S. Securities and Exchange Commission Widens Insider-Trading Net*, Massachusetts Lawyers Weekly, May 24, 2010. Copy supplied. (reprinted in multiple outlets).

Business Wire, *Nutter McClennen & Fish LLP Releases New Report that Details Aggressive Efforts by States to Regulate Pharmaceutical & Medical Device Firms*, April 20, 2010. Copy supplied.

Boston Bar Association, *Voices of the Bar*, April 9, 2009. Copy supplied.

Boston Bar Association, *Voices of the Bar*, March 11, 2009. Copy supplied.

Sacha Pfeiffer, *Judge Calls Lawyer's Fee 'Excessive,'* Boston Globe, April 30, 2008. Copy supplied.

Mary Alice Robbins, *Prosecutors Challenge Attorney's Fees for Whistle-Blowers' Claims*, Texas Lawyer, November 20, 2007. Copy supplied.

Sacha Pfeiffer, *US Says It's Blowing Whistle on Lawyer's Fee; Calls 33% Share of Award Unfair*, Boston Globe, November 10, 2007. Copy supplied.

David E. Frank, *'Dual Prosecution' by U.S. Attorney May Chill State Pleas*, Massachusetts Lawyers Weekly, August 21, 2006. Copy supplied. (Reprinted in multiple outlets).

Thanassis Cambanis, *Insider Job, with a Vengeance*, Chicago Tribune, June 1, 2003. Copy supplied.

Thanassis Cambanis, *Worker Vengeance Makes its Way Online*, Boston Globe, May 22, 2003. Copy supplied.

Thanassis Cambanis, *Jury Gets Money Transfer Case Somalian Followed Orders, Defense Says*, Boston Globe, April 30, 2002. Copy supplied.

Shelley Murphy, *Prosecutor Breaks into Big Time War Crimes Court Taps Boston Office*, Boston Globe, January 15, 2002. Copy supplied.

Edward Iwata, *Law Enforcers Report Spike in Cybercrime*, USA Today, August 31, 2001. Copy supplied.

Eric Convey and Greg Gatlin, *Staples, Office Depot Team Up in FBI Sting*, Boston Herald, December 7, 2000. Copy supplied.

Margaret Mannix and others, *The Web's Dark Side*, U.S. News & World Report, August 28, 2000. Copy supplied.

*Man Pleads Guilty in NASA Hacking Case*, Vero Beach Press Journal, June 30, 2000. Copy supplied. (Reprinted in multiple outlets).

Greg Gatlin, *Man Enters Guilty Plea in Bogus T-shirt Case*, Boston Herald, February 24, 2000. Copy supplied.

Ross Kerber, *Vandal Arrests Would Only Be the Beginning*, Boston Globe, February 11, 2000. Copy supplied.

Christopher Noble, *Cyber Crime Rising, Hard to Prosecute – US Official*, Reuters News, January 20, 2000. Copy supplied.

Kera Ritter, *Charity Racers Run Into Big Tow Trouble*, Boston Globe, September 13, 1999. Copy supplied.

Steven Wilmsen, *Firm Accused of High-Tech Scam Charged in \$20M Scheme*, Boston Globe, May 21, 1999. Copy supplied.

Todd Wallack, *Techno Terrorism; U.S. Feared Ripe for Cyberattacks; Gov't, Biz Push Computer Security; First of Two Parts*, Boston Herald, August 30, 1998. Copy supplied.

Ralph Ranalli, *Ex-Trooper Found Guilty of Selling Slugger's Rings*, Boston Herald, July 1, 1998. Copy supplied.

Ralph Ranalli, *Roxbury Drug Kingpin Found Guilty of Murder*, Boston Herald, March 28, 1997. Copy supplied.

Gary Cohn, *9 JBM Members Plead Guilty to Drug Charges/24 Members of the Violent Gang Have Now Been Convicted./"The JBM is Gone," A Prosecutor Said*, Philadelphia Inquirer, November 7, 1992. Copy supplied.

Gary Cohn, *Leader of JBM Sentenced to Life Aaron Jones Was Convicted of Conspiring to Distribute \$100 Million in Cocaine*, Philadelphia Inquirer, September 16, 1992. Copy supplied.

Emilie Lounsberry, *3 JBM Figures Guilty on Federal Drug Counts, Agree to Forfeit Fortune*, Philadelphia Inquirer, April 24, 1992. Copy supplied.

Kathy Brennan, *6 Indicted in National Coke Ring*, Philadelphia Daily News, August 22, 1991. Copy supplied.

Jim Smith and Kitty Caparella, *A Dealer to the End, He Cuts Trial Short for 20-Year Sentence*, Philadelphia Daily News, November 29, 1990. Copy supplied.

*Jury Says Ex-Guard, 2 Others Ran \$40 Million Cocaine Ring*, Allentown Morning Call, June 28, 1990. Copy supplied. (Reprinted in multiple outlets).

Bill Peterson, *Hope Simmers in 'Boiler Room'; Frustration Now Reigns at Hart's Headquarters*, Washington Post, July 4, 1984. Copy supplied. (Reprinted in multiple outlets).

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 offices.

- 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 for 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 offices.

- 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 elective 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 participated in a number of fundraising capacities on a volunteer basis. Although I cannot recall every fundraiser that I have sponsored or co-sponsored, they included fundraisers for Maura Healy for Attorney General of Massachusetts (May 29, 2014), John Connolly for Mayor of Boston (October 22, 2013), and Elizabeth Warren for U.S. Senator (March 8, 2012). In 2011, I volunteered as Jon Mitchell's fundraising chair in his successful campaign to become the Mayor of New Bedford, Massachusetts. In that capacity, I communicated with other people raising money for him and hosted fundraisers for him. In 2007, I participated in Senator Evan Bayh's exploratory committee prior to his decision not to run in the 2008 presidential election. I helped organize a fundraiser for him that was eventually cancelled when he decided not to run. I also believe that I may have done phone banking for other candidates in Massachusetts, but I do not recall them except as specified below.

In 1996, I obtained permission from the U.S. Attorney to work as an unpaid volunteer for Massachusetts Attorney General Scott Harshbarger's 1996 gubernatorial campaign through the contested primary, although I did not do any significant work in the general election. I planned and coordinated campaign efforts on primary day, including visibility events, get out the vote activities and candidate appearances. I also did some phone banking for him. I do not believe that I took a formal leave of absence, but instead used accrued leave hours for the time I spent out of the office. During this time in particular, I was careful to scrupulously adhere to all Department of Justice and related rules concerning participation in campaigns.

In 1988, I did some volunteer work for David Landau's congressional campaign in Pennsylvania and in approximately the same time frame did some work for John Zimmerman in a race also in Pennsylvania, although I do not recall the year or the office he was seeking. From approximately late 1985 to 1986, I worked on

U.S. Representative Bob Edgar's U.S. Senate race in Pennsylvania. In each of these campaigns, I helped with voter targeting or field operations, including phone banking, leafleting, and volunteer recruitment

From approximately January to August 1985, I was the Political Director of the Effective Government Committee, a PAC that U.S. Representative Richard Gephardt set up prior to his 1988 presidential run although I did not actually do any work for his 1988 presidential campaign.

Although perhaps not directly responsive, from approximately August 1984 to August 1985, I worked for Voter Contact Services, a company that provided computer-generated voter contact materials, such as street lists. I do not have access to any of the records of my employment, and I am not able to recall any of the individual campaigns with which I had contact during the time.

In early 1984, I was hired as a Regional Field Coordinator for U.S. Senator Gary Hart's 1984 presidential campaign. In that capacity, I was involved in field operations, primarily in California, Kansas, Missouri, and Nebraska. I also was active with delegate operations up to and through the Democratic Convention.

From October 1983 to January 1984, I was the Assistant Press Secretary for the Democratic Congressional Campaign Committee. In that capacity, I reviewed major United States papers and assembled press clippings concerning specific congressional races or political trends and developments relevant to the business of the Democratic Congressional Campaign Committee.

In elementary or middle school, I leafleted for David Mofenson for the Massachusetts House of Representatives, and I believe I did the same for Barney Frank for the Massachusetts House of Representatives.

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 1988 to 1989, I was a clerk for The Honorable Judge Norma L. Shapiro, District Judge for the United States District Court for the Eastern District of Pennsylvania.

- 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.

1989 – 1995

U.S. Attorney's Office, Eastern District of Pennsylvania  
615 Chestnut Street, Suite 1250  
Philadelphia, Pennsylvania 19106  
Assistant U.S. Attorney  
Organized Crime and Racketeering Strike Force

1995 – 2005

U.S. Attorney's Office, District of Massachusetts  
One Courthouse Way, Suite 9200  
Boston, Massachusetts 02210  
Assistant United States Attorney (1995 – 2005)  
Organized Crime and Drug Enforcement Task Force (1995 – 1997)  
Economic Crimes Unit (1997 – 2005)  
Senior Litigation Counsel, Economic Crimes Unit  
(approximately 2000 – 2003)  
Money Laundering Coordinator, Economic Crimes Unit  
(approximately 1997 – 2005)  
Computer Crime and Telecommunications Coordinator, Economic Crimes  
Unit (approximately 1998 – 2005)  
Supervisor, Computer Hacking and Intellectual Property Section,  
Economic Crimes Unit (approximately 2002 – 2005)

2005 – present

Nutter McClennen & Fish LLP  
155 Seaport Boulevard  
Boston, Massachusetts 02210  
Partner

- 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.

After clerking, I spent approximately 17 years prosecuting criminal cases for the federal government. I began prosecuting organized crime cases in Philadelphia in 1989, focusing on emerging gangs. When I joined the U.S. Attorney's Office for the District of Massachusetts in 1995, I started in the Organized Crime and Drug Enforcement Task Force. After approximately two years, I moved to the Economic Crimes Unit. While there, I prosecuted a wide range of economic crime cases and was also the Money Laundering Coordinator, the Computer Crime and Telecommunications Coordinator and supervised the Computer Crime and Intellectual Property Section. For approximately three years between 2000 and 2003, I also was the Senior Litigation Counsel, which involved facilitating office-wide training for all attorneys and helping with new Assistant United States Attorney orientation and training.

In 2005, I joined Nutter McClennen & Fish, as a member of the firm's Government Investigations and White Collar Defense practice group. My practice at Nutter has consisted largely of representing individuals and corporations in connection with their interactions with the federal, state and local governments, as well as civil litigation in state and federal court. I have particular expertise with the life sciences industry and computer crime and other high technology issues, including the Stored Communications Act.

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

As an Assistant U.S. Attorney, my client was the United States and its agencies. While at Nutter, my clients have included grand jury witnesses, individuals and companies that have been charged with crimes, and individuals and companies who want advice in connection with reporting, recognizing or avoiding the commission of a crime. I also have advised clients on various civil legal issues; handled employment related litigation, contract disputes and contested fee petitions; and represented corporate victims of crime.

- 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.

My practice has always been almost 100% litigation. While at the U.S. Attorney's Offices for the Eastern District of Pennsylvania and the District of Massachusetts, 100% of my time was spent in federal court, and I appeared in court frequently. At the Nutter firm, my trial work is approximately 60% federal and 40% state and I appear in court regularly.

i. Indicate the percentage of your practice in:

1. federal courts: 80%
2. state courts of record: 20%
3. other courts: 0%
4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 20%
2. criminal proceedings: 80%

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

I have tried more than 20 cases to verdict. At the start of my career, I was second chair in a few cases when I was learning and, later in my career, I was second chair in some cases to help train newer Assistant U.S. Attorneys. For most of my career, I was sole counsel, lead counsel or co-counsel and equal partner. Since being in private practice, I have tried one case with co-counsel.

i. What percentage of these trials were:

1. jury: 100%
2. non-jury: 0%

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

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

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

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

1. U.S. v. Hussein, 01-10423-001-REK (D. Mass.)

This was one of the first cases in the country tried under the Patriot Act. The defendant was charged and convicted of operating an illegal money transmittal business. The essence of the charge was that he had committed a felony by virtue of his failure to register as a money remitter in accordance with state law. He was sentenced to 18 months' incarceration. I handled this case from approximately 2001 to 2002, through investigation and trial, serving as the first chair at trial.

Judge: Judge Robert E. Keeton

Trial Co-Counsel: Joshua Levy  
(former Assistant United States Attorney)  
Ropes & Gray  
Prudential Tower  
800 Boylston Street  
Boston, MA 02199  
(617) 951-7281

Defense Counsel: William J. Cintolo, Esq.  
Cosgrove, Eisenberg & Kiley, P.C.  
One International Place, Suite 1820  
Boston, MA 02110  
(617) 439-7775

2. U.S. v. Castellini, 01-10112-05-JLT (D. Mass.), aff'd, 392 F.3d 35 (1st Cir. 2004)

Defendant Castellini and other members and principals of an organization called Anderson Ark were indicted for their roles in a complex offshore money laundering scheme designed to help participants avoid paying U.S. taxes on funds moved offshore. Mr. Castellini put funds into a trust account and recruited others to do the same. Because Mr. Castellini and others actually maintained control over their trust accounts, the trusts were abusive and designed to launder funds and avoid taxes. This case involved the first instance of search warrants being executed in Costa Rica pursuant to Letters Rogatory. Defendant Gonet pled guilty prior to trial and was sentenced to three years of probation. After a jury trial, Mr. Castellini was convicted of money laundering and money laundering conspiracy. He was sentenced to 21 months' incarceration. Co-defendants Marks and Anderson were ultimately tried in the Eastern District of California and received sentences of incarceration of 81 months and 59 months, respectively. I had co-counsel through indictment of Mr. Castellini and then tried the case by myself. I worked on the case from approximately 2000 to 2004. I won a Director's Award for this prosecution.

Judge: Judge Joseph L. Tauro

Co-Counsel: Alex Whiting  
(former Assistant United States Attorney)  
Harvard Law School  
Griswold 408  
1563 Massachusetts Avenue  
Cambridge, MA 02138  
(617) 495-4622

Defense Counsel  
for Castellini: James C. Rehnquist, Esq.  
Goodwin Procter LLP  
53 State Street  
Boston, MA 02109  
(617) 570-1820

Defense Counsel for  
other non-fugitive  
defendants who  
appeared in  
Massachusetts: Stephen R. Hill, Esq. (representing Gonet)  
(formerly Hill & Associates)  
363 Seventh Avenue  
New York, NY 10001  
Unable to locate phone number

The Honorable Peter B. Krupp, Esq. (representing Marks)  
(formerly Lurie & Krupp)  
Superior Court Administrative Office  
Suffolk County Courthouse, 13th Floor  
Three Pemberton Square  
Boston, MA 02108  
(617) 788-8130

James W. Lawson, Esq. (representing Anderson)  
Prince Lobel Glovsky & Tye LLP  
100 Cambridge Street, Suite 2200  
Boston, MA 02114  
(617) 456-8000

3. U.S. v. Silveira et al., 01-10385-NG, 297 F.Supp.2d 349 (D. Mass. 2003), aff'd, 426 F.3d 514 (1st Cir. 2005)

Defendant Silveira was convicted of making a false statement about his role in large-scale telemarketing fraud, where he and co-defendants ran boiler rooms that

purported to be raising money for charities, but in fact used virtually none of the proceeds for any charitable purpose. After a jury trial, Mr. Silveira was convicted of perjury, but acquitted of the telemarketing fraud. Judge Gertner upheld the perjury conviction, but found that it was out of the heartland of perjury cases because the majority of what Mr. Silveira had told law enforcement agents was true, and further, that a two-level sentencing enhancement for obstruction of justice was warranted because Silveira had repeated the false statement at trial. He was sentenced to 36 months' probation with the first ten months in community confinement and the next four on home confinement with electronic monitoring. One of the co-defendants remained a fugitive and the other, Gail Costello, pled guilty and was sentenced to three years' probation, with the first four months in community confinement and the next four months on home confinement. I worked on this case from approximately 2000 to 2005, when the First Circuit affirmed. I was solely responsible for all aspects of this investigation and prosecution to trial and then tried it with co-counsel.

Judge: Judge Nancy Gertner

Trial Co-Counsel: Paul Levenson  
(former Assistant U.S. Attorney)  
SEC Regional Office  
33 Arch Street  
23rd Floor  
Boston, MA 02110-1424  
(617) 573-89001

Defense Counsel: John LaChance, Esq. (representing Silveira)  
The Law Office of John H. LaChance  
615 Concord Street, Second Floor  
Framingham, MA 01702  
(508) 879-5730

John Andrews (representing Costello)  
Law Office of John Andrews  
Ten Federal Street  
Suite 420  
Salem, MA 01970  
(978) 740-6633

Tracy Miner (representing Campbell)  
Mintz Levin Cohn Ferris Glovsky and Popeo, PC  
One Financial Center  
Boston, MA 02111  
(617) 542-6000

4. U.S. v. Tibbs, 99-10171-NG (D. Mass.)

This was a drug and murder prosecution involving a dangerous defendant who was accused of being an enforcer for a violent crack cocaine trafficking organization that sold crack to Boston area gangs in the mid-1990s. The leaders of the gang cooperated and revealed that Tibbs committed three murders. This trial concerned one of the murders and presented a host of difficult issues because, among other things, most of the main witnesses were gang members. At close of government's case after four weeks of trial, the defendant pled to conspiracy to distribute cocaine base, use of a communication facility to facilitate a drug transaction, and conspiracy to assault with a dangerous weapon. Tibbs was sentenced to 324 months' incarceration. From approximately 1999 to 2001, I helped prepare this case for trial and tried it with co-counsel.

Judge: Judge Nancy Gertner

Co-Counsel: Theodore B. Heinrich  
Assistant United States Attorney  
U.S. Attorney's Office  
One Courthouse Way  
Suite 9200  
Boston, MA 02210  
(617) 748-3245

Defense Counsel: J. W. Carney, Esq.  
The Law Offices of J.W. Carney, Jr. & Associates  
20 Park Plaza, Suite 1405  
Boston, MA 02116  
(617) 933-0350

Honorable Andrew M. D'Angelo  
(formerly Carney & Bassil, P.C.)  
Stoughton District Court  
1288 Central Street  
Stoughton, MA 02072  
(781) 344-2131

5. U.S. v. Sidhom, 98-10289-EFH (D. Mass.); U.S. v. Sidhom, 142 F.Supp.2d 150 (D. Mass. Apr. 26, 2001); U.S. v. Sidhom, 144 F.Supp.2d 41 (D. Mass. June 19, 2001), U.S. v. Sidhom,

This was a money laundering prosecution that followed a successful sting operation. An undercover state trooper told the defendant that he had drug proceeds that he needed to launder. The defendant took the money and accepted a fee for laundering the funds. The defendant was convicted of laundering what he believed to be drug proceeds. He was sentenced to 36 months' incarceration. I

oversaw this case through investigation, indictment and pre-trial and then tried it with co-counsel. From investigation through appeals, I worked on this case from approximately 1997 to 2001.

Judge: Judge Edward F. Harrington

Trial Co-Counsel: Michael Ricciuti  
(former Assistant United States Attorney)  
K&L Gates  
State Street Financial Center  
One Lincoln Street  
Boston, MA 02111  
(617) 951-9094

Defense Counsel: Anthony Cardinale  
Anthony M. Cardinale Law Office  
655 Summer Street, #1  
Boston, MA 02210  
(617) 345-5400

6. U.S. v. Nichols, 97-cr-10338-WGY (D. MA.); 98-cr-00027-DBH (D. ME.)

Defendant Nichols, a Maine state trooper, was convicted of transporting stolen goods in interstate commerce in connection with the theft and subsequent sale of championship baseball rings that belonged to Ted Williams. The Massachusetts defendants were accused of selling the rings after receiving them through Mr. Nichols, with knowledge that the rings had been stolen. Mr. Nichols was convicted of the theft in the United States District Court for Maine and sentenced to six months of home confinement to include gambling counseling. The Massachusetts defendants were acquitted in the United States District Court for Massachusetts. I was responsible for the investigation, pretrial practice and trial of all of the defendants, working on the case from approximately 1997 to 1998. I tried the Massachusetts case myself and was second chaired in Maine by Assistant United States Attorney Joshua Levy.

Judges: Judge William G. Young (D. Mass)  
Judge Brock Hornby (D. Maine)

Trial Co-Counsel: Joshua Levy  
for Maine case (former Assistant United States Attorney)  
Ropes & Gray  
Prudential Tower  
800 Boylston Street  
Boston, MA 02199  
(617) 951-7281

Defense Counsel: Pasquale J. Perrino, Esq. (represented Nichols)  
Law Office of P.J. Perrino, Jr.  
128 State Street  
Augusta, ME 04330  
(207) 622-1918

Anthony M. Cardinale, Esq. (represented Castinetti)  
Anthony M. Cardinale Law Office  
655 Summer Street, #1  
Boston, MA 02210  
(617) 345-5400

The Honorable Kenneth J. Fishman (represented Dunn)  
(formerly Kenneth J. Fishman, Esquire)  
Massachusetts Superior Court  
U.S. Post Office & Courthouse, 15th Floor  
90 Devonshire Street  
Boston, MA 02109

Leo S. Fama , II (represented Raso)  
366 Broadway Ave  
Everett, MA 02149  
(617) 387-5900

7. U.S. v. Ortiz, 97-10327 (D. Mass.), rev'd, 177 F.3d 108 (1st Cir. 1999)

This was a money laundering prosecution that followed a successful sting operation. The defendant was convicted twice, after two separate trials, of laundering what he believed to be drug proceeds. The case was first tried before Judge Young and then Judge Keeton. After the first conviction, the case was appealed, vacated and remanded based on an interrogation error. On remand, Mr. Ortiz was again convicted. Along with co-counsel, I oversaw the investigation phase. I tried the case myself the first time and then with co-counsel at the second trial. This case was a part of a series of money laundering cases that were all charged by an omnibus complaint in 1997. I worked on the case from approximately 1997 to 2000.

Judges: Judges William Young and Robert Keeton

Co-Counsel: Mark Pearlstein  
(former Assistant United States Attorney)  
McDermott Will & Emery  
28 State Street  
Boston, MA 02109  
(617) 535-4425

Michael Ricciuti  
(former Assistant United States Attorney)  
K&L Gates  
State Street Financial Center  
One Lincoln Street  
Boston, MA 02111  
(617) 951-9094

Defense Counsel: Frank Kelleher, Esq.  
(deceased)  
(counsel at first trial)

Robert Dimler, Esq.  
Law Office of Robert Dimler  
40 Court Street, 3rd Floor  
Plymouth, MA 02360  
(508) 747-4348  
(counsel at second trial)

8. U.S. v. Owens, et al., 95-10397-WGY

U.S. v. Owens, 933 F. Supp. 76 (D. Mass. 1996)

In re U.S., 98 F.3d 1333 (1st Cir. 1996)

U.S. v. Owens, 965 F. Supp. 158 (D. Mass. 1997); aff'd, 167 F.3d 739 (1st Cir. 1999), cert. denied, 28 U.S. 894, 120 S. Ct. 224 (1999)

U.S. v. Owens, 236 F. Supp. 2d 122 (D. Mass. 2002), aff'd in part, rev'd in part and remanded, 483 F.3d 48 (1st Cir. 2007)

U.S. v. Owens, 517 F. Supp. 2d 570 (D. Mass. 2007)

This was a prosecution of a drug trafficking organization, which was involved in large-scale cocaine trafficking and related violence, including murder. Owens, the leader of the organization, was the only charged defendant to go to trial. He was convicted of RICO, conspiracy to murder, murder and interstate travel in aid of racketeering and ultimately sentenced to more than life imprisonment. The conviction was affirmed on direct appeal. Mr. Owens subsequently hired a new defense attorney who challenged the conviction on collateral appeal, essentially alleging ineffective assistance of counsel for his counsel's failure to challenge the judge's decision to close the court room to spectators during the initial phase of jury selection due to space constraints. The First Circuit ruled in favor of Mr. Owens and the case was remanded for resentencing. Mr. Owens died of lung cancer before the resentencing. I handled this case through investigation and trial as either co-counsel or sole counsel, although the office's appellate unit took the lead on the appeals. I worked on this case from approximately 1995 to 2007, although my role in the collateral appeals was limited.

Judge: Judge William G. Young

Co-Counsel: Paul Kelly  
(former Assistant United States Attorney)  
Jackson Lewis  
75 Park Plaza, 4th Floor  
Boston, MA 02116  
(617) 367-0025

Theodore B. Heinrich  
U.S. Attorney's Office  
One Courthouse Way, Suite 9200  
Boston, MA 02110  
(617) 748-3245

Defense Counsel: Miriam Conrad, Esq. (representing Owens for trial and direct appeal)  
Federal Defender's Office  
51 Sleeper Street, 5th Floor  
Boston, MA 02210  
(617) 223-8061

Robert L. Sheketoff (representing Owens for trial and direct appeal)  
Office of Robert L. Sheketoff  
One McKinley Square  
Boston, MA 02109  
(617) 367-3449

The Honorable Peter B. Krupp, Esq. (representing Owens for collateral appeal)  
(formerly Lurie & Krupp)  
Superior Court Administrative Office  
Suffolk County Courthouse, 13th Floor  
Three Pemberton Square  
Boston, MA 02108

9. U.S. v. Jones, et al., 91-570 (E.D. Pa.), aff'd, 1 F.3d 149 (3rd. Cir. 1993)

This case involved the prosecution of the 26 highest ranking members of a violent, large-scale drug trafficking organization known as the Junior Black Mafia. Because of the large number of defendants, the judge severed the case into four groups for trial, with the first group of three defendants comprising the top leaders of the organization. Along with a co-counsel and a third lawyer who helped with motions and other written materials, I tried the case to verdict for three groups of defendants, after which the fourth group pled guilty prior to trial.

The convictions of Mr. Jones, Mr. Fields and Mr. Thornton were affirmed on appeal. I worked on this case from approximately 1990 to 1994. I won a Director's Award for this prosecution.

Judge: Judge Marvin Katz

Co-Counsel: Joel M. Friedman  
(former Assistant U.S. Attorney)  
Pepper Hamilton, LLP  
3000 Two Logan Square, Eighteenth and Arch Streets  
Philadelphia, PA 19103  
(215) 981-4000

Abigail Simkus  
(former Assistant United States Attorney)  
current business contact information unknown

Defense Counsel: Given the large number of defendants and the length of time that has elapsed since these prosecutions, I have included contact information for only the defense counsel that represented the first three defendants to go to trial.

Gerald A. Stein, Esq. (representing Jones)  
1500 Market Square, Suite 2727  
Philadelphia, PA 19102  
(215) 665-1130

Louis T. Savino, Esq. (representing Fields)  
Louis T. Savino & Associates  
1500 John F. Kennedy Boulevard, Suite 1516  
Philadelphia, PA 19102  
(215) 568-1300

Christopher G. Furlong, Esq. (representing Thornton)  
current business contact information unknown

10. U.S. v. Dumas et al., 91-321 (E.D. Pa.)

This case involved a large-scale drug trafficking conspiracy that originated in California. The case began when the police confronted a drug courier who was transporting cocaine from California to Pennsylvania. He then agreed to cooperate. Over time, two other couriers were arrested while transporting cocaine from California to Philadelphia on separate trips and also agreed to cooperate. Eventually, 20 members of the organization were charged. Nine defendants went to trial. One defendant was acquitted and the remaining eight were convicted. To my best recollection, the remaining non-fugitive defendants, including the cooperating witnesses, all pled guilty prior to trial. This case predates Pacer and I

am not able to provide counsel and sentencing information for all defendants. Mr. J. Dumas initially received a sentence of life imprisonment, although I believe it was later reduced following his cooperation in other cases; Mr. Nero was sentenced to 324 months' imprisonment; Mr. Simmons was sentenced to 148 months; and Mr. Arceneaux was sentenced to 151 months. Shumate was originally a fugitive, but was later tried, convicted and sentenced to 188 months' incarceration. I worked on this case from approximately 1991 through 1992. I was responsible for all aspects of this investigation and prosecution, and was first chair at the first trial.

Judge: Judge Jay C. Waldman

Trial Co-Counsel: Ronald Cole  
(former Assistant U.S. Attorney, now retired)  
(current business contact information unknown)

Defense Counsel: Dennis J. Cogan, Esq. (representing D. Dumas)  
Dennis J. Cogan & Associates  
2000 Market Street, Suite 2925  
Philadelphia, PA 19103  
(215) 545-2400

Thomas Colas Carroll, Esq. (representing Coker)  
(deceased)

Marc Neff, Esq. (representing Simmons)  
Law Offices of Mark Neff  
1818 Market Street, 13th Floor  
Philadelphia, PA 19103  
(215) 563-9800

Richard J. Diaz, Esq. (representing J. Dumas)  
Law Offices of Richard J. Diaz  
3127 Ponce De Leon Boulevard  
Coral Gables, FL 33134  
(305) 444-7181

Joshua M. Briskin, Esq. (representing Nero)  
Law Office of Joshua Briskin  
1500 JFK Boulevard, Suite 200  
Philadelphia, PA 19102  
(215) 564-3910

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.)

Given the nature of my employment with both the Nutter firm and the U.S. Attorney's Office, I have represented clients in or run a number of large-scale investigations and prosecutions that resulted in plea agreements or decisions not to go forward with a prosecution. Despite the fact that these matters did not result in a trial, many involved novel legal issues that were litigated or had a significant impact on the law or the client for other reasons. A brief description of three of these matters follows:

U.S. v. Zazulak (03-cr-10307, D. Mass): While I was a prosecutor in the United States Attorney's office for the District of Massachusetts, I oversaw the investigation and prosecution of Mr. Zazulak, who was charged with and convicted of filing false income tax returns. He found a way to exploit a vulnerability in the IRS computer system which allowed him to direct tax payments made on behalf of various corporations to be refunded to fake corporate entities controlled by him. This prosecution was delayed until the IRS could implement a technological fix to preclude others from doing the same once the details of the scheme came to light.

Off-Label Pharma Investigations: While at Nutter, I, both alone and with other attorneys, have represented a large pharmaceutical company and a number of individuals, all in connection with various government investigations focusing on the "off-label promotion" of drugs that have been approved by the FDA for other uses. These cases involve the analysis of complex legal issues as well an in-depth factual analysis, based on voluminous documents and witness statements. In most instances, witnesses have testified before a grand jury, which has required witness preparations, proffer sessions and negotiations with the respective U.S. Attorney Offices to ensure that the witnesses received adequate legal protection in connection with their testimony.

U.S. v. A Juvenile (98 Cr. 40003-01): In approximately 1998, I prosecuted a juvenile who was charged with and ultimately pled guilty to hacking into the Worcester Airport computer and telephone system and using that access to disable the computer switch that controlled access to police, fire and 911 services to the airport and allowed pilots to activate the runway landing lights when they were landing in the dark. This was one of the first computer hacks with the potential to affect critical infrastructure. The consequences of the juvenile's actions could have been catastrophic, had any of the services been needed during the time they were unavailable. We worked hard to devise an outcome that would adequately punish and deter similar conduct, while also recognizing that the perpetrator was young. He pled guilty to an information, was placed on a probation program designed to direct his considerable intellect towards a more productive use and was then invited to testify before Congress in connection with efforts to protect

the nation's infrastructure. I won a Director's Award for this prosecution and in recognition of the Office's model computer crimes program.

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.

I have not a taught a course.

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.

My law firm typically distributes a portion of its current year income to partners on a deferred basis. As a partner in the firm and under the terms of my arrangement with the firm, I am eligible to receive such deferred payments. If I were to leave the firm, I would expect to receive any such payments within 60 days of the close of that fiscal year for the firm, which always ends on September 30. Otherwise, I have no arrangements or expectations concerning future income or compensation from Nutter, McClennen & Fish, LLP. In addition, upon retirement, I will receive benefits from the Federal Employees Retirement System and through the Federal Thrift Savings program.

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 such plans, commitments or agreements.

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.

I currently represent or have represented individuals and companies that have been charged or are under investigation by the U.S. Attorney's Office or have matters pending in federal court. I would recuse myself from any role in those cases or matters should I be appointed. Matters handled by other Nutter attorneys during my tenure would also create a potential conflict. I would follow judicial guidelines with regard to such circumstances, although I would err on the side of caution and recuse myself in instances where there was even a credibly perceived conflict or the appearance of a conflict. I believe that fairness and the perception of fairness are both critically important to the integrity of the judicial process. I also would recuse myself if S.D. Warren Company d/b/a Sappi Fine Paper North America or its parent company, Sappi Limited, were a party because my husband, Michael Leslie, is currently employed by Sappi Fine Paper North America.

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

If there were a realistic potential conflict or the appearance of a conflict, I would recuse myself. In other situations, I would advise the parties of any relevant information, such as a personal or professional relationship with counsel, allow them to be heard on the issue and then make a decision as to recusal. Again, I would follow judicial guidelines and in close cases, I would err on the side of recusal.

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.

During the time that I was an Assistant United States Attorney, the applicable regulations precluded me from practicing law on behalf of any entity other than the federal government. During that time, in lieu of pro bono legal work, I involved myself in serving the community in other ways. I have always done significant work with inner city and at risk youth and participated in various other programs meant to educate children. For example, I participated in Citizen's School, an after-school enrichment program for inner city children that involved them preparing and trying "criminal" cases before volunteer juries. I was one of a number of people that volunteered to coach and mentor a class of students. I also helped organize and run "Take Your Children to Work"

days. As the Computer Crimes Coordinator, I routinely spoke to various community groups on public safety topics, such as how to keep children safe on the Internet.

For many years, I also have been involved with Agassiz Village and was, until relatively recently, the President of the Board. Agassiz is a non-profit organization whose main function is to own and operate a summer camp in Maine called Agassiz Village, which serves economically disadvantaged and physically challenged children, primarily from urban areas in Massachusetts. The camp and the charity were started in 1935 by my grandfather, Harry E. Burroughs, who came from Russia as a child, supported himself selling newspapers and then started the Burroughs Newsboys Foundation (now operating under the name Agassiz Village) to provide opportunities, including academic scholarships and summer programs, for boys involved with trades such as newsboys. The camp has been co-ed since 1973. After leaving the U.S. Attorney's Office, I also have done legal work on behalf of Agassiz Village.

In 2007, I, along with three others, started a non-profit called Womenade. Womenade originally sponsored quarterly events, each of which raised funds for a featured charity. In approximately 2010, Womenade became a Boston-based women's collective giving circle dedicated to philanthropic efforts that raise awareness and funds for programs that positively impact the lives of women and girls in the Boston area. In 2014 we gave out almost \$75,000 in grants to organizations or programs that empower teenage girls or support disadvantaged adult women by providing education or job training. In addition to being a founding board member and former vice president, I manage Womenade's legal needs. In the four years since becoming a giving circle, Womenade has given out more than \$300,000 in grants to Boston-area non-profits serving teen girls and women.

At Nutter, in addition to these community activities, I also have provided other pro bono services. Pursuant to Nutter's participation in Boston Medical Center's Medical-Legal Partnership for Children, I represented a woman in a landlord-tenant dispute that involved her trying to get back a deposit from an apartment she had left because of her son's health issues. I also represented a non-profit organization in connection with a tax lien as a result of a referral from the Boston Bar Association.

**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 December 20, 2013, Senators Warren and Markey announced that they were re-convening the Advisory Committee on Massachusetts Judicial Nominations to consider applications for federal judicial vacancies in Boston, Massachusetts. On January 31, 2014, I submitted an application to the Committee. On February 27, 2014, I interviewed with the Committee in Boston, Massachusetts. On March 24, 2014, I met with Senators Warren and Markey and their staffers in Boston, Massachusetts. On April 28, 2014, Senator Warren informed me that my name was being sent to the White House. Since May 28, 2014, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 18, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On July 31, 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, Allison D. Burroughs, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

8/1/14  
(DATE)

Allison D. Burroughs  
(NAME)

Jennifer J. Catarius  
(NOTARY)



JENNIFER J. CATARIUS  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires September 7, 2018