

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Charles Edward Atchley, Jr.

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

United States District Judge for the Eastern District of Tennessee

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: United States Attorney's Office
 Eastern District of Tennessee
 800 Market Street, Suite 211
 Knoxville, Tennessee 37902

Residence: Knoxville, Tennessee

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

1966; Knoxville, Tennessee

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.

1990 – 1993, Cumberland School of Law, Samford University; J.D., 1993

1985 – 1989, University of Tennessee; B.A., 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.

2001 – Present
United States Attorney's Office

800 Market Street; Suite 211
Knoxville, Tennessee 37902
Assistant United States Attorney
First Assistant U.S. Attorney (2018 – Present)
Supervisory AUSA (2006 – 2018)
Assistant United States Attorney (2001 – Present)

1994 – 2001
Office of the District Attorney General
125 Court Avenue; Suite 301-E
Sevierville, Tennessee 37862
Assistant District Attorney General

1994
Scott & Associates
101 East Main Street
Sevierville, Tennessee 37862
Associate

1993 – 1994
Family Inns of America
3124 Tammy King Road
Pigeon Forge, Tennessee 37868
Staff Attorney

1992 – 1993
Office of the District Attorney
801 21st Street North
Birmingham, Alabama 35203
Law Clerk

1992
Gorham & Waldrep
2102 6th Avenue North; Suite 700
Birmingham, Alabama 35203
Summer Law Clerk

1991
Dugan's
2011 Highland Avenue
Birmingham, Alabama 35205
Waiter

1990
Ruby Tuesday
3051 Mall Road North

Knoxville, Tennessee 37924
Waiter

1989-1990
Jefferson Amusement Company
301 East Jefferson Street
Jefferson City, Tennessee 37760
Family Business – Assisted Father

Other Affiliations (uncompensated):

2016 – Present
Zoo Knoxville
3500 Knoxville Zoo Drive
Knoxville, Tennessee 37914
Board Member

2008 – Present
East Tennessee Historical Society
601 South Gay Street
Knoxville, Tennessee 37902
Board Member

2006 – Present
Sevier County Public Library Foundation
408 High Street
Sevierville, Tennessee 37862
President (2012 – Present)
Board Member (2006 – Present)

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.

June – July 1990, United States Marine Corp, Officer Candidate, Medical Discharge for training injury

I registered for the selective service upon turning 18.

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.

F.B.I. Outstanding Counterintelligence Investigation of the Year (2018)

Personal Commendation from F.B.I. Director Robert S. Mueller, III (2006)

Department of Justice Sustained Superior Performance Award (2009 – 2019)

John Cabler Corbett Scholarship recipient (1991 – 1992)

Cordell Hull Speakers Forum (1993)

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 (1993 – 1996)

Hamilton Burnett American Inn of Court (2006 – Present)
President (2011 – 2012)

Knoxville Bar Association (1993 – Present)
Board of Governors (2014)
Membership Committee (2005 – Present)
Barristers Executive Committee (2000)

Knoxville Bar Foundation (2013 – Present)

National Association of Assistant United States Attorneys (2001 – Present)

National District Attorneys Association (1995 – 2001)

Sevier County Bar Association (1993 – Present)

Tennessee Bar Association (2000 – 2004, 2009)

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.

Alabama, 1993
Georgia, 1993
Tennessee, 1994

There have been no lapses in membership.

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

special admission to practice.

Supreme Court of the United States; 1997

United States Court of Appeals for the Sixth Circuit; 1996

United States District Court for the Eastern District of Tennessee; 1995

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.

Board of Advisors, University of Tennessee, History Department (2014 – Present)

Chancellor's Associates, University of Tennessee (2017 – 2020)

Cherokee Country Club (2013 – Present)

Downtown Rotary Club of Knoxville (2014 – 2020)

East Tennessee Historical Society (1993 – Present)

Friends of the Great Smoky Mountains (2000 – Present)

Leadership Sevier (2011 – Present)

Sequoyah Hills-Kingston Pike Association (2010 – Present)

Sequoyah Hills Preservation Society (2010 – Present)

Sigma Phi Epsilon Fraternity (1985 – 1989)

Smoky Mountain Historical Society (1995 – 2015)

U.S. District Court Historical Society, President (2012 – Present)

- 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.

Sigma Phi Epsilon Fraternity is a college social fraternity that limits its membership to men. I was a member during my time at the University of Tennessee. It is an officially recognized fraternity on the university campus.

The Cherokee Country Club is a private country club. Throughout the time I have been a member, the Club has not discriminated on the basis of race, sex, religion, or national origin, either formally or informally. I am aware that, regrettably, there was a time more than a decade before I became a member when the Club lacked diversity and, either formally or informally, enforced discriminatory membership policies. By the time I became a member in 2013, however, the Club's diverse membership fully reflected the Club's formal policies against discrimination on the basis of race, sex, religion, or national origin.

To the best of my knowledge, none of the other 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.

With Angelia Morie Nystrom, *Project Safe Childhood: Working To Make Internet Usage Safer For Our Children*, DICTA, March 2008, Volume 35, Issue 3. Copy supplied.

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

None.

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

behalf to public bodies or public officials.

None.

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

December 20, 2019, Speaker, *"Everything I Ever Learned About Legal Ethics and Professionalism, I Learned from Hollywood"* (or: *Chuck and Nick Go Back to the Movies—Part V*), Seminar on Professionalism and Ethics for Government Attorneys, Knoxville, Tennessee. PowerPoint supplied.

November 20, 2019, Panelist, *Everything You Wanted To Know About Law School (But Were Afraid To Ask)*, sponsored by the University of Tennessee History Department and the College of Law. I discussed with undergraduates what to expect in law school and career options after graduation. The address of the University of Tennessee College of Law is 1505 Cumberland Avenue, Knoxville, Tennessee 37996.

March 29, 2019, Speaker, *The Work of the U.S. Attorney's Office*, Lincoln Memorial University, Duncan School of Law. I spoke to a criminal law class about the mission of the U.S. Attorney's Office and the work that we do. I have no notes, transcripts, or recording. The address of the Duncan School of Law is 601 W. Summit Hill Drive, SW, Knoxville, Tennessee 37902.

December 07, 2018, Speaker, *"Everything I Ever Learned About Legal Ethics and Professionalism, I Learned from Hollywood"* (or: *Chuck and Nick Go Back to the Movies—Part IV*), Seminar on Professionalism and Ethics for Government Attorneys, Knoxville, Tennessee. PowerPoint supplied.

September 26, 2018, Presenter, Case Presentation, sponsored by the Baker Center at the University of Tennessee. I discussed the prosecution of Szuhisiung Ho and Ching Guey. PowerPoint supplied.

April 12, 2018, Panelist, *"When To Go Low Tech & When To Go High Tech,"* CLE sponsored by the Knoxville Bar Association. I have no notes, transcripts, or recording. I discussed the use of technology during courtroom presentation. The address of the Knoxville Bar Association is 505 Main Street SW #50, Knoxville, Tennessee 37902.

December 15, 2017, Speaker, *"Everything I Ever Learned About Legal Ethics and Professionalism, I Learned from Hollywood"* (or: *Chuck and Nick Go Back to the Movies-Part III*), Seminar on Professionalism and Ethics for Government Attorneys, Knoxville, Tennessee. PowerPoint supplied.

September 26, 2017, Speaker, *Direct Examination*, Lincoln Memorial University, Duncan School of Law, Knoxville, Tennessee. I spoke to a trial advocacy class on direct examination. PowerPoint supplied.

September 6, 2017, Presenter, Case Presentation, Academic Alliance Conference sponsored by Michigan State University. I discussed the prosecution of Szuhisiung Ho and Ching Guey. I used the same PowerPoint as for the September 26, 2018, presentation.

July 20, 2017, Panelist, *Effective Practices: Relationships with the JTTF and 415 File Reviews*, Managing the National Security/ATAC Program and National Security Investigations in U.S. Attorneys' Offices Seminar sponsored by the Department of Justice National Advocacy Center. I discussed relationships with the FBI JTTF and conducting 415 file reviews. I have no notes, transcripts, or recording. The address of the Ernest F. Hollings National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

March 29, 2017, Speaker, *The Work of the U.S. Attorney's Office*, Lincoln Memorial University, Duncan School of Law. I spoke to criminal law class about the mission of the U.S. Attorney's Office and the work that we do. I have no notes, transcripts, or recording. The address of the Duncan School of Law is 601 W. Summit Hill Drive, SW, Knoxville, Tennessee 37902.

March 9, 2017, Presenter, Case Presentation, National Security Seminar on Export Control, Counterproliferation, and Counterintelligence sponsored by the Department of Justice National Advocacy Center. I discussed the prosecution of Szuhisiung Ho and Ching Guey. I used the same PowerPoint as for the September 26, 2018, presentation.

December 16, 2016, Speaker, *"Everything I Ever Learned About Legal Ethics and Professionalism, I Learned from Hollywood"* (or: *Chuck and Nick Go Back to the Movies*), Seminar on Professionalism and Ethics for Government Attorneys, Knoxville, Tennessee. PowerPoint supplied.

Summer of 2016, Speaker, *The Work of the U.S. Attorney's Office*, Downtown Rotary Club of Knoxville, Tennessee. I spoke about the mission of the U.S. Attorney's Office and the work that we do. I have no notes, transcripts, or recording. The mailing address of the Rotary Club is P.O. Box 166, Knoxville, Tennessee 37901.

May 27, 2016, Speaker, *The Work of the U.S. Attorney's Office*, Kiwanis Club of Kingsport, Tennessee. I spoke about the mission of the U.S. Attorney's Office and the work that we do. I have no notes, transcripts, or recording. The mailing address of the Kiwanis Club of Kingsport is P.O. Box 33506, Kingsport, Tennessee 37664.

December 13, 2013, Speaker, "*Everything I Ever Learned About Legal Ethics and Professionalism, I Learned from the Movies*", Seminar on Professionalism and Ethics for Government Attorneys, Knoxville, Tennessee. PowerPoint supplied.

October 18, 2012, Speaker, *U.S. Attorney's Office, Eastern District of Tennessee*, Sevier County Bar Association, Sevierville, Tennessee. I spoke about the current staffing of the U.S. Attorney's Office and our work. PowerPoint supplied.

From 2006 until 2011, as Project Safe Childhood Coordinator for our district, I spoke about the program and internet safety to various churches, schools, and parent and civic groups. My talks were delivered extemporaneously and I kept no notes.

May 4, 2011, Speaker, *Project Safe Childhood*, Gatlinburg Law Enforcement Conference. I spoke about the Project Safe Childhood program. I have no notes, transcripts, or recording. The address of the Gatlinburg Law Enforcement Conference is 800 Market Street, Suite 211, Knoxville, Tennessee 37902.

August 31, 2010, Speaker, *Project Safe Childhood*, Knoxville Downtown Sertoma Club. I spoke about the Project Safe Childhood program. I have no notes, transcripts, or recording. The address of the Knoxville Downtown Sertoma Club is 747 World's Fair Park Drive, Knoxville, Tennessee 37902.

September 16, 2008, Speaker, *Project Safe Childhood*, training sponsored by the Children's Advocacy Center of Sullivan County. I spoke about the Project Safe Childhood program. I have no notes, transcripts, or recording. The address of the Children's Advocacy Center of Sullivan County is 150 Blountville Bypass, Blountville, Tennessee 37617.

April 25, 2008, Speaker, *Project Safe Childhood*, Child Abuse Prevention Conference sponsored by the Chattanooga Children's Advocacy Center (now the Children's Advocacy Center of Hamilton County). I spoke about the Project Safe Childhood program. I have no notes, transcripts, or recording. The address of the Children's Advocacy Center of Hamilton County is 5705 Uptain Road, Chattanooga, Tennessee 37411.

March 4, 2007, Speaker, *Project Safe Childhood*, St. Stephen's Episcopal Church. I spoke about the Project Safe Childhood program. I have no notes, transcripts, or recording. The church is located at 212 North Tulane Avenue, Oak Ridge, Tennessee 37830.

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

I have done my best to identify interviews given to newspapers, magazines or other publications, or radio or television stations. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

China: A New World Order Series 1, Episode 3 (BBC Two television broadcast in the United Kingdom October 3, 2019, not broadcast in the United States). Copy supplied.

Steve Marion, *Atchley Learned the Value of Hard Work Early*, Standard Banner, (Jefferson City, Tenn.), Feb. 23, 2017. Copy supplied.

Jamie Satterfield, *Armstrong Guilty of Filing False Tax Return*, Knoxville News Sentinel (Tenn.), Aug. 9, 2016. Copy supplied.

Jamie Satterfield, *Armstrong Guilty of One Felony Count*, The Tennessean, (Nashville, Tenn.), Aug. 9, 2016. Copy supplied.

State Rep. Joe Armstrong Found Guilty of Filing a False Tax Form. (WBIR broadcast Aug. 8, 2016). Video and article available at <https://www.wbir.com/article/news/local/state-rep-joe-armstrong-found-guilty-of-filing-a-false-tax-form/290869611>.

Tennessee State Rep. Joe Armstrong Found Guilty of Fraud, WATE broadcast Aug. 8, 2016. Video and article available at <https://www.wate.com/news/local-news/tennessee-state-rep-joe-armstrong-found-guilty-of-fraud/>.

Prosecutor Charles Atchley Discusses Joe Armstrong Verdict, Knoxville News Sentinel broadcast Aug. 8, 2016. Video available at <https://www.youtube.com/watch?v=QSKbbJMQaLs>.

Jamie Satterfield, *Detective: Decade-long Quest for Justice in Gatlinburg Murders "Finally Over"*, Knoxville News Sentinel (Tenn.), Jan. 10, 2013. Copy supplied.

Jamie Satterfield, *Hiker Cleared in Death of Black Bear – New Evidence Cited in Case Against Photographer*, Knoxville News Sentinel (Tenn.), Oct. 19, 2010. Copy supplied.

Nick McCall, *The Last Word*, DICTA, (Knoxville Tenn.), May 2010. Copy supplied.

Jamie Satterfield, *Local, National and Global Efforts Track Sex Offenders Who Prey on Children*, Knoxville News Sentinel (Tenn.), May 18, 2008. Copy supplied.

Jamie Satterfield, *Child Molester Gets Life Sentence*, Knoxville News Sentinel (Tenn.), Oct. 18, 2007. Copy supplied.

Staff Writer, *8 E. Tenn. Men Arrested on Child Porn Charges*, Associated Press, (Tenn.), Aug. 25, 2007. Copy supplied.

Staff Reports, *Child Porn Bust Nets Louisville Man*, Daily Times (Maryville, Tenn.), Aug. 25, 2007. Copy supplied.

Jim Balloch, *Man Changes His Name but not Predatory Nature*, Knoxville News Sentinel (Tenn.), Mar. 16, 2007. Copy supplied.

Duncan Mansfield, *Former Judge Sentenced to 42 Months for Extortion*, Chattanooga Times Free Press (Tenn.), Sept. 8, 2006. Copy supplied.

Ray Snader, *Atchley Receives Few Election Complaints*, Citizen Tribune, (Morristown, Tenn.), Aug. 8, 2006. Copy supplied.

Staff Writer, *Authorities Investigate Wreck by Former Judge*, The Associated Press State and Local Wire, Apr. 7, 2006. Copy supplied.

Staff Writer, *Campbell Case Illustrates Importance of Law*, Knoxville News Sentinel (Tenn.), July 19, 2005. Copy supplied.

Jamie Satterfield, *One by One, Ex-cops Face Judge's Justice – Apologies and Tears Mark Final Chapter in Police Brutality*, Knoxville News Sentinel (Tenn.), July 14, 2005. Copy supplied.

Ben Benton, *City Detective Undercover for Years in Hooker Sting*, The Daily Post-Athenian (Tenn.), October 27, 2003. Copy supplied.

Jamie Satterfield, *Developer Convicted in Spa Racket*, Knoxville News Sentinel (Tenn.), Oct. 24, 2003. Copy supplied.

Georgiana Vines, *Official Will Hear Charges of Suspected Election Fraud*, Knoxville News Sentinel (Tenn.), Nov. 4, 2002. Copy supplied.

Penny Bandy, *Prosecutor Joins Federal Staff*, Standard Banner, (Jefferson City, Tenn.), Dec. 13, 2001. Copy supplied.

Penny Bandy, *Prosecutor Joins Federal Staff*, The Mountain Press, (Sevierville, Tenn.), Oct. 19, 2001. Copy supplied.

Staff Writer, *Police ID Millionaire Contestant as Fugitive*, National Examiner, (Boca Raton, Fla.), Apr. 4, 2000. Copy supplied.

Bill Hoffmann, *Man Stars in "Who Wants to Make Bail?"*, New York Post, (New York, N.Y.), Mar. 15, 2000. Copy supplied.

Penny Bandy, *Stabbing Sent to Grand Jury*, The Mountain Press, (Sevierville, Tenn.), Feb. 19, 2000. Copy supplied.

Jim Lynch, *Ex-pastor Sentenced to 18 Months in Jail for Statutory Rape*, The Mountain Press, (Sevierville, Tenn.), Apr. 13, 1997. Copy supplied.

Randy Kenner, *Court Upholds '96 "DUI by Consent" Jury Conviction*, Knoxville News Sentinel (Tenn.), Jan. 24, 1997. Copy supplied.

Lara Turner, *Judge Throws Out Civil Suit Against Schmutzer's Office*, The Mountain Press, (Sevierville, Tenn.), Jan. 13, 1997. Copy supplied.

Darrell Manis, *Drug Raid Nets LSD, Valium, Marijuana*, Tennessee Star Journal, (Pigeon Forge, Tenn.), Oct. 4, 1996. Copy supplied.

Staff, *Blind Man Guilty of Drug Dealing, Fined \$1.2 Million*, Knoxville News Sentinel (Tenn.), Oct. 4, 1996. Copy supplied.

Staff, *Atchley Joins Office as New Prosecutor*, Knoxville News Sentinel, (Tenn.), Sept. 14, 1994. Copy supplied.

Lara Turner, *Robber Gets Virtual Life Sentence*, The Mountain Press, (Sevierville, Tenn.), Date unknown. Copy supplied.

Chip Miller, *Arkansas Mother Who Left Baby Here Charged with Child Neglect*, The Mountain Press, (Sevierville, Tenn.), Date unknown. 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 served as a judge.

- 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 served as a judge.

- 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 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.

None.

16. Legal Career: Answer each part separately.

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

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

I have not served as a law clerk.

- 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.

1993 – 1994
Family Inns of America
3124 Tammy King Road
Pigeon Forge, Tennessee 37868
Staff Attorney

1994
Scott & Associates
101 E. Main Street
Sevierville, Tennessee 37862
Associate

1994 – 2001
Office of the District Attorney General
125 Court Avenue; Suite 301-E
Sevierville, Tennessee 37862
Assistant District Attorney General

2001 – Present
United States Attorney's Office
800 Market Street; Suite 211
Knoxville, Tennessee 37902
Assistant United States Attorney
Supervisory AUSA, 2006 – 2018
First Assistant U.S. Attorney, 2018 – Present

- 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 been a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

From 1993 to 1994, I worked as a staff attorney with Family Inns of America. I reviewed construction and purchasing contracts, performed legal research, and tracked all litigation handled by outside counsel.

In 1994, I worked with Scott & Associates where I worked as an associate.

Our practice was commercial and banking litigation. I performed legal research and was responsible for drafting and reviewing documents.

From 1994 to 2001, I served as an Assistant District Attorney General for the 4th Judicial District of Tennessee. In this role, I prosecuted hundreds of cases for violations of a wide array of Tennessee crimes. These included homicides, sexual assaults, violent assaults, arsons, burglaries, robberies, thefts, narcotic offenses, vehicular homicides and assaults, driving under the influence offenses, and other assorted crimes. I was responsible for cases in all four counties of the district and I would travel to cover dockets in every county. I was responsible for every part of the cases, from arrest, through the preliminary hearing and grand jury stage, to prosecution in the court of record. During this period, it was not unusual for me to conduct a jury trial in a county one day and then conduct another trial the next day in another county. On multiple occasions, it was necessary for me to conduct two jury trials on the same day. I do not believe I can accurately quantify the number of cases I prosecuted during this period.

Since October 2001, I have been an Assistant United States Attorney in the Eastern District of Tennessee. In this role, I have prosecuted a wide array of federal crimes. These included complicated frauds and swindles, public corruption and election frauds, narcotics and firearms offenses, money laundering and tax offenses, child exploitation and pornography offenses, immigration violations, cases related to both international and domestic terrorism, cyber and computer crimes, espionage, export control and other national security related matters, and other assorted crimes. I am responsible for every part of my cases, from investigation through arrest, indictment, and trial. I am also responsible for my own appeals and have authored and argued numerous cases before the Sixth Circuit. Beginning in 2006, I supervised other AUSAs in addition to carrying a caseload. This would require me to review and approve all indictments and plea agreements. I would also review and offer input into case strategy and motion, trial, and appellate practice. Additionally, from 2008 until 2019, I served as the district's national security coordinator. Since February 2018, I have served as the First Assistant United States Attorney. In this role, I am responsible for overseeing a staff of over 50 AUSAs and SAUSAs and over 60 support staff and contractors. I am responsible the criminal, civil, appellate and administrative divisions district wide. I also act as counsel to the U.S. Attorney on cases, policy, and other matters.

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

While at Family Inns of America, I represented the company. While at Scott & Associates, my typical clients were local business owners and banks. As an Assistant District Attorney General, I represented the State of Tennessee.

Since joining the U.S. Attorney's Office, I only have represented 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.

Since joining the District Attorneys General's Office in 1994, 100% of my practice has been in litigation. I have appeared in court several hundred times since then. While at Family Inns of America and Scott & Associates, very little of my practice was in litigation.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 70% |
| 2. state courts of record: | 30% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 5% |
| 2. criminal proceedings: | 95% |

- 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.

In over the 25 years of litigation, I have tried in excess of 50 cases to verdict in federal and state courts. For the vast majority of these cases, I was sole counsel. If I tried a case with a co-counsel, we split the responsibilities evenly. My first jury trial as an attorney was in 1994 and I was sole counsel.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 95% |
| 2. non-jury: | 5% |

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

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

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of

the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

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

1. *United States v. Szuhsiung Ho a/k/a Allen Ho, China General Nuclear Power Company a/k/a China Guangdong Nuclear Power Company, and Energy Technology Int.*, 3:16-cr-46 (E.D. Tenn.) and *United States of America v. Szuhsiung Ho, a/k/a Allen Ho*, 16-6561 (6th Cir.).

The defendants conspired to steal protected and controlled U.S. nuclear technology used in the production and development of special nuclear material to benefit both military and civilian applications on behalf of the Peoples Republic of China. The case involved a significant pre-indictment investigation over several years, which I oversaw. The indictment involved the first time this particular section of the Atomic Energy Act had been used in a prosecution and required the express written authorization of the Attorney General of the United States and notice to the Secretary of Energy. Arrest of Defendant Ho coincided with the simultaneous execution of eight search warrants across the United States. The pre-trial litigation was significant and lengthy and involved complex issues regarding the constitutionality of the statute. In addition, the defendant's detention was aggressively litigated in the district and appellate courts. After lengthy litigation, the defendant pleaded guilty and agreed to cooperate with the United States resulting in a tremendous intelligence benefit for the country. Ho was sentenced to 24 months in federal prison. I was lead counsel for the United States and responsible for all aspects of the case, including the courtroom litigation and the majority of the legal writing. For my work on this case, I received the FBI Director's Award for Outstanding Counterintelligence Investigation in 2018.

Date of Representation: 2014 – Present

Judges

Hon. Thomas A. Varlan, U.S. District Judge
Hon. H. Bruce Guyton, U.S. Magistrate Judge
Hon. Richard F. Suhrheinrich, U.S. Circuit Judges
Hon. Eugene E. Siler, Jr.
Hon. Deborah L. Cook

Co-Counsel

Casey T. Arrowood
Assistant U.S. Attorney
U.S. Attorney's Office
800 Market Street
Suite 211
Knoxville, Tennessee 37902
(865) 545-4167
Formerly of the National Security Division

R. Barto Slabbekorn, Jr.
Department of the Navy – Office of the General Counsel
33000 Nixie Way
Building 50
San Diego, California 92147
(619) 524-5880
Formerly of the U.S. Attorney's Office

Jeffery M. Smith
United States Department of Justice
National Security Division
950 Pennsylvania Avenue, NW
Suite 6521
Washington, DC 20530
(202) 532-0220

Debra A. Breneman
Assistant U.S. Attorney
800 Market Street
Suite 311
Knoxville, Tennessee 37901
(865) 545-4167

Counsel for Szuhsiung Ho and ETI
Wade V. Davies
Ritchie, Dillard, Davies & Johnson
606 West Main Street
Suite 300
Knoxville, Tennessee 37902
(865) 637-0661

Peter Zeidenberg
Arent Fox LLP
1717 K Street NW
Washington, DC 20006
(202) 857-6139

Defendant, China General Nuclear Power Company, has not appeared to answer the indictment.

2. *United States v. Joseph E. Armstrong*, 3:15-cr-91 (E.D. Tenn.)

The defendant was a long serving member in the House of Representatives of the Tennessee General Assembly. The defendant conspired with others to vote on and pass legislation that increased the price of Tennessee cigarette tax stamps in order to secretly profit from their sale. He and his conspirators then worked to launder and hide the profits from detection. I was lead counsel and oversaw the investigation and indictment of this case and conducted the pre-trial litigation. The trial lasted five days and the defendant was convicted of filing a false tax return that failed to report several hundred thousand dollars in profits from the conspiracy. I was lead counsel at trial and conducted *voir dire*, performed direct examination of the majority of the government's witnesses, cross examined the defendant, and performed closing argument.

Dates of representation: 2014 – 2016

Presiding Judge

Hon. Thomas W. Phillips, U.S. District Judge

Co-Counsel

Frank M. Dale, Jr.
Assistant U.S. Attorney
U.S. Attorney's Office
800 Market Street
Suite 211
Knoxville, Tennessee 37902
(865) 545-4167

Opposing Counsel

Gregory P. Isaacs
The Isaacs Law Firm
618 S. Gay Street, # 300
Knoxville, Tennessee 37902
(865) 673-4953

3. *United States v. Thomas Alva Austin*, 3:06-cr-3 (E.D. Tenn.)

The defendant was an elected General Sessions Judge who used his position as a judicial officer to extort money from the probation office that covered his court. In his capacity as a judge, the defendant had substantial input into who operated the probation office. He would routinely sentence individuals to a sentence of attending traffic school, which was operated by the probation office, and required payment of an attendance fee. The defendant then required the probation office to kickback

a portion of the attendance fee to him. I oversaw the criminal investigation, which included multiple undercover meetings, including at least one out of state, and multiple search warrants. The post-indictment litigation was significant, as was the sentencing litigation. The defendant pleaded guilty to three counts of Hobbs Act extortion and was sentenced to 42 months in federal prison. For my work on this case, I received a certificate of recognition from FBI Director Robert S. Mueller, III.

Dates of representation: 2005 – 2006

Presiding Judge

Hon. Thomas W. Phillips, U.S. District Judge

Opposing Counsel

Gregory P. Isaacs
The Isaacs Law Firm
618 S. Gay Street, # 300
Knoxville, Tennessee 37902
(865) 673-4953

Jerrold L. Becker
Bunstine, Watson & Becker
800 S. Gay Street, #2001
Knoxville, Tennessee 37929
(865) 523-3022

4. *United States v. William Cotton*, 1:05cr122 (E.D. Tenn.)

Cotton was a Hamilton County, Tennessee county commissioner indicted for taking bribes in exchange for facilitating the implementation of an electronic recycling service in Hamilton County. He was one of several elected officials prosecuted in this district and others in the state as the result of an investigation into public corruption known as *Tennessee Waltz*. I was co-counsel on the case and was responsible for overseeing the investigation and preparing the case for indictment and trial. At trial, I examined half the witnesses and gave the first closing argument. After five days of trial, Cotton was convicted of conspiracy to commit Hobbs Act extortion and was ultimately sentenced to 36 months in federal prison.

Dates of representation: 2005 – 2007

Presiding Judge

R. Allen Edgar, U.S. District Judge

Co-Counsel

John P. MacCoon
U.S. Attorney's Office

800 Market Street
Suite 211
Knoxville, Tennessee 37902
(865) 545-4167
Retired

Opposing Counsel

Hank Hill
707 Georgia Avenue
Suite 203
Chattanooga, Tennessee 37402
(423) 267-5430

5. *United States v. Shayne Green, William Carroll, Samuel R. Franklin, Gerald David Webber, Joshua Monday* 3:05cr11, 3:05cr12, 3:05cr13, 3:05cr14, 3:05cr15 (E.D. Tenn.) and *United States v. William Carroll*, 05-6292 (6th Cir.)

Defendants were all Sheriff's Deputies with the Campbell County, Tennessee Sheriff's Department. On the evening of July 8, 2004, the deputies went to the home of Eugene and Jenny Siler to arrest Eugene Siler for violating his probation. Eugene had a reputation in the community as a drug dealer. After arrival, the deputies instructed Jenny Siler and their child to leave the residence. The deputies then tied Eugene Siler to a chair and began to beat him to force him to consent to a search of his residence. Siler refused to consent and was beaten mercilessly, including having a firearm placed in his mouth and threatened with death, over the next two hours. Additionally, one of the deputies threatened to sexually assault him. In the end, Siler never relented but his residence was searched anyway. Afterwards, both of the Silers were arrested on manufactured charges and taken to the local jail. While in jail, Siler complained to another inmate about the beating and state law enforcement investigated the crime. State law enforcement and the local prosecutor attempted to prosecute the beating in state court but were unable to convince a local grand jury to indict the case. I instructed the FBI to obtain the evidence from local authorities and I supervised an investigation for federal civil rights violations. After the investigation, the defendants were charged with federal civil rights violations and a federal firearms charge. In addition to supervising the investigation, I conducted all of the litigation this case, including the appeal. All defendants eventually pleaded guilty and were sentenced to lengthy prison terms.

Dates of representation: 2004 – 2006

Judges

Hon. Thomas A. Varlan, U.S. District Judge
Hon. Boyce A. Martin, Jr., U.S. Circuit Judges
Hon. Allen Eugen Norris
Hon. David McKeague

Counsel for Green
Kimberly A. Parton
8500 Rayworth Trail
Powell, Tennessee 37849
(865) 947-1670

Counsel for Carroll
John E. Eldridge
Eldridge & Blakney
400 W. Church Avenue
Knoxville, Tennessee 37902
(865) 544-2010

Counsel for Franklin
Andy S. Roskind
Pratt Aycock, PLLC
705 Gate Lane, #202
Knoxville, Tennessee 37909
(865) 769-6969

Counsel for Webber
W. Lee Asbury
Deceased

Counsel for Monday
Dennis B. Francis
The Francis Practice
625 S. Gay Street, #625
Knoxville, Tennessee 37902
(865) 522-3327

6. *United States v. Majer Hafiz and Oscar Ivan Torres-Luna*, 3:05cr18 (E.D. Tenn.)

Hafiz and Luna were prosecuted for their role in a drug trafficking conspiracy delivering large amounts of cocaine from outside of the United States into our district. Hafiz was also charged with possessing a firearm in furtherance of the conspiracy. I prepared the entire case for trial, including preparation of the witnesses and the evidence, because my co-counsel was unavailable. At trial, I was responsible for half of the witnesses and I delivered the first closing argument. After a five-day trial, both defendants were convicted. At sentencing, Hafiz was sentenced to 211 months and Torres-Luna 72 months in federal prison. In an unusual move, the defendants demanded a speedy trial in hopes of finding the government unprepared. Only 80 days elapsed from the day of their arrests on a complaint until delivery of the jury's verdict.

Dates of representation: 2005 – 2006

Presiding Judge

Hon. R. Leon Jordan, U.S. District Judge

Co-Counsel

David C. Jennings
Assistant U.S. Attorney
800 Market Street
Suite 211
Knoxville, Tennessee 37902
(865) 545-4167

Counsel for Hafiz

Larry S. Roberts
Fayette County Attorney's Office
201 East Main Street
Suite 600
Lexington, Kentucky 40507
(859) 254-4941
Formerly of Roberts and Smith

Counsel for Torres-Luna

Mike Whalen
905 Locust Street
Knoxville, Tennessee 37902
(865) 525-1393

7. *United States v. Alvin Vonner*, 3:03cr154 (E.D. Tenn.) and *United States v. Alvin Vonner*, 05-5295 (6th Cir.). *United States v. Vonner*, 452 F.3d 560 (6th Cir. 2006), *rev'd en banc*, 516 F.3d 382 (6th Cir. 2008).

Vonner was indicted for his role in a conspiracy to distribute crack cocaine. After some pre-trial litigation, Vonner entered a guilty plea and the matter was set for sentencing. The defendant, both in court documents and in the courtroom, vigorously litigated the sentencing hearing. After sentencing, the defendant appealed to the Sixth Circuit and the court reversed, finding that the court had been procedurally unreasonable in arriving at a sentence. I felt strongly that the panel was mistaken in its interpretation of the law and sought, with the permission of the U.S. Attorney, authority from the Solicitor General to seek *en banc* review. The Sixth Circuit granted the petition and the original opinion was vacated by the *en banc* court. This case set the precedent in the circuit for procedural reasonableness at that time. I was responsible for all the litigation in the district court, drafting the briefs for the appeals, and both arguments in the appellate court.

Time of representation: 2003-2008

Judges

Hon. Thomas A Varlan, U.S. District Judge
Hon. Danny J. Boggs, U.S. Circuit Judges
Hon. Boyce F. Martin, Jr.
Hon. Eugene E. Siler, Jr.
Hon. Alice M. Batchelder
Hon. Martha Craig Daughtery
Hon. Karen Nelson Moore
Hon. R. Guy Cole
Hon. Eric L. Clay
Hon. Ronald L. Gilman
Hon. Julia S. Gibbons
Hon. John M. Rogers
Hon. Jeffrey Sutton
Hon. Deborah L. Cook
Hon. David McKeague
Hon. Richard Allen Griffin

Co-Counsel

Paige Winck
U.S. Attorney's Office
800 Market Street
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Knoxville, Tennessee 37902
(865) 545-4167
Retired

Opposing Counsel

Stephen Ross Johnson
Ritchie, Dillard, Davies & Johnson
606 West Main Street
Suite 300
Knoxville, Tennessee 37902
(865) 637-0661

8. *United States v. David Aaron Becker*, 3:07cr10 and 3:07cr22 (E.D. Tenn.), and 07-6345 and 07-6346 (6th Cir.).

The defendant was a previously convicted sex offender from Colorado who had served a sentence in state prison for sexually assaulting several children. Upon release from prison, he changed his name and moved to Tennessee. Local and federal law enforcement received complaints of Becker making inappropriate advances towards local children and contacted me. Over a period, enough evidence was developed to obtain a federal search warrant for his residence. This executed warrant identified a substantial amount of evidence and convinced the defendant to

enter a guilty plea. Some of the evidence developed showed that the defendant had filmed himself molesting local children and streaming the images live over the internet. After a lengthy hearing, the defendant was sentenced to life in federal prison. I supervised the investigation, developed and wrote the search warrant, wrote all briefs and documents, and litigated all hearings in the district and appellate courts.

Dates of representation: 2007 – 2008

Judges

Hon. Thomas A Varlan, U.S. District Judge
Hon. John M. Rogers, U.S. Circuit Judges
Hon. David McKeague
Hon. Jeffrey Sutton

Opposing Counsel

Jonathan A. Moffatt
Federal Defender Services
800 S. Gay Street, #2400
Knoxville, Tennessee 37929
(865) 637-7979

9. *United States v. Jerry L. Jenkins, II*, 1:01cr160 (E.D. Tenn.) and 03-5055, 07-5521 (6th Cir.).

The defendant in this case was a right wing extremist with ties to white supremacist groups. Jenkins, and his co-conspirators, stole a supply of explosives from a local construction company in the Chattanooga area. Originally expressing his intent to sell the explosives for a profit, Jenkins later decided to use the explosives to blow up the Dade County, Georgia and Hamilton County, Tennessee jails. He also stated that he intended to blow up the offices of the Bureau of Alcohol, Tobacco, and Firearms. Following a lengthy investigation and his arrest, Jenkins was convicted after three days of trial. I prepared the case and witnesses for trial, conducted the opening statement, and conducted direct examination of half the witnesses. The trial was more difficult than usual because the defendant chose to represent himself. Jenkins was ultimately sentenced to 400 months in federal prison.

Dates of representation: 2002 – 2011

Judges

Hon. Curtis L. Collier, U.S. District Judge
Hon. Damon Keith, U.S. Circuit Judges
Hon. Cornelia G. Kennedy
Hon. Alice M. Batchelder
Hon. David McKeague
Hon. Jeffrey Sutton

Co-Counsel

Jeffrey E. Theodore
ATF National Academy
1131 Chapel Crossing Road
Gynco, Georgia 31524
(912) 267-3586
Formerly of the U.S. Attorney's Office

Opposing Counsel

Defendant acted *pro se*
Cynthia A. LeCroy-Schemel, *appointed as elbow counsel for trial*
Assistant General Counsel
Tennessee Department of Children's Services
5600 Brainerd Road Suite C-20
Chattanooga, Tennessee 37411
(423) 296-1234
Formerly of Schemel, LeCroy-Schemel, PC

10. *State of Tennessee v. Terry Proffitt*, 03C01-9712-CC-00530, (Tennessee Circuit Court, 4th Dist.)

The defendant was a Pigeon Forge, Tennessee police officer with a history of spousal abuse. On June 6, 1996, he murdered his ex-wife by shooting her twice with a high-powered rifle in the presence of their two minor children. At trial, the defendant asserted that the shooting was accidental and that he was suffering a mental condition that prevented him from forming the requisite intent to kill. After three days of trial, the defendant was convicted and sentenced to life in prison. I prepared the case and the witnesses for trial, conducted direct examination of the half the witnesses, and delivered the first closing argument.

Dates of representation; 1996 – 1999

Presiding Judge

Hon. Rex Henry Ogle, Circuit Court Judge

Co-Counsel

Alfred C. Schmutzer, Jr.
500 Crofford Street
Sevierville, Tennessee 37862
(865) 368-1854

Opposing Counsel

James W. Greenlee

Retired

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.)

Since 2015, in my role as the National Security Coordinator for the district, I have supervised and managed the investigation and collection of evidence surrounding the terrorist attack that took place on July 16, 2015, in Chattanooga, Tennessee. Four marines and a sailor were murdered during this attack. This investigation has involved the collection and organization of information and evidence from throughout the world.

From 2002 until 2012, I managed and directed an effort to bring Russian national Yuri Solovyev to justice for the murders and dismemberment of two Russian nationals in Gatlinburg, Tennessee. Immediately after the murders, Solovyev fled the United States and returned to Russia. Russia's constitution does not provide for the extradition of its citizens, so I worked with Russian officials to prosecute Solovyev in Russia for the crimes he committed in the United States. This was a very time consuming process. Solovyev was ultimately convicted and sentenced, but the Russians have yet to disclose the details of his sentence. To my knowledge, this was the first time Russia has agreed to conduct a trial like this under the terms of our Mutual Legal Assistance Treaty with them.

As a Supervisory Assistant U.S. Attorney, and now the First Assistant U.S. Attorney, I spend considerable time and effort on case related matters in the district. I also devote considerable time and effort to working with local, state, and federal law enforcement agencies and advising the U.S. Attorney on the establishment of policies and procedures related to both criminal and civil litigation in the district.

I have never been a lobbyist.

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 taught any classes.

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.

I invest the government's Thrift Savings Plan and I am vested in the pension plan of the State of Tennessee.

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.

No.

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 will be conflicted on any matter that is, or has been, a matter in our office, whether it is currently in litigation or not. To identify matters or parties which present an actual or potential conflict-of-interest and to address any conflict were it to arise, I would consult with the Code of Conduct for United States Judges, 28 U.S.C. § 455, and the relevant rules, practices, procedures, personnel of the District Court, the Sixth Circuit, the Administrative Office of the United States courts, and the Judicial Conference.

- 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 will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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.

My ability to perform *pro bono* legal work has been restricted over last 25 years because of my positions as an Assistant District Attorney General and an Assistant U.S. Attorney. Because of this, I have chosen to serve my community and the disadvantaged in my personal life. Since 2006, I have served the board of Sevier County Public Library Foundation. The mission of this foundation is to raise money and fund the construction of public library facilities in the county that are desperately needed to improve literacy and access to knowledge among the disadvantaged. I devote approximately 50 hours a year to this effort.

In 2013, I was extended an invitation to join the Knoxville Bar Foundation as a Fellow. The Knoxville Bar Foundation is not for profit foundation established in 1992 to improve the administration of justice, to enhance the public's understanding of and confidence in the legal system, provide for the delivery of legal services, and to serve the legal profession through the distribution of funds. Fellows represent quality men and women practitioners in the community who have distinguished themselves in the practice of law and service and membership is by invitation only. Because of the limitation placed on me by virtue of my position as an Assistant U.S. Attorney that *pro bono* representation, I contribute financially on an annual basis to this effort.

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.

There is not a selection commission in this jurisdiction.

On May 22, 2019, I submitted letters to Senator Alexander and Senator Blackburn expressing my interest in this vacancy. On May 31, 2019, I was interviewed by a member of Senator Blackburn's staff. On July 12, 2019, I was interviewed by members of Senator Blackburn's staff. On August 1, 2019, I was interviewed by Senator Blackburn and members of her staff. Also on August 1, 2019, I was interviewed by a member of Senator Alexander's staff. On September 6, 2019, I

was interviewed by Senator Alexander and members of his staff. On September 19, 2019, I was interviewed by members of the White House Counsel's Office and the Department of Justice's Office of Legal Policy. On November 22, 2019, I was informed by the White House Counsel's Office that the vetting and background checks necessary for nomination would begin. Since then I have been in regular contact with the Office of Legal Policy and have also communicated with the Office of the White House Counsel.

- 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.

FINANCIAL DISCLOSURE REPORT NOMINATION FILING

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Atchley, Charles E.	2. Court or Organization U.S. District Court, Eastern District of Tennessee	3. Date of Report 09/24/2020
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. District Judge - Judicial Nominee	5a. Report Type (check appropriate type) ☒ Nomination Date 09/22/2020 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2019 to 09/15/2020
7. Chambers or Office Address 800 Market Street Suite 211 Knoxville, TN 37901		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Director	East Tennessee Historical Society
2. Director	Knoxville Zoo, Inc. d/b/a Zoo Knoxville
3. President/Director	Foundation for the Sevier County Public Library System
4. President	US District Court Historical Society
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☐ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1. 2001	State of Tennessee: Defined Benefit Pension Plan
2.	
3.	

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Atchley, Charles E.

Date of Report

09/24/2020

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2019	Cherokee Country Club - Food Credit	\$4,386.00
2.		
3.		
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2019	Sequoyah Hills Presbyterian Church
2. 2020	Sequoyah Hills Presbyterian Church
3.	
4.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 7

Name of Person Reporting

Atchley, Charles E.

Date of Report

09/24/2020

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Exempt		
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☐NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	Webb School of Knoxville	Tuition Agreements	K
2.			
3.			
4.			
5.			

FINANCIAL DISCLOSURE REPORT

Page 4 of 7

Name of Person Reporting

Atchley, Charles E.

Date of Report

09/24/2020

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
1. Sevier County Bank cash equivalent account	A	Interest	K	T	Exempt				
2. American Express National Bank cash equivalent account	A	Interest	J	T	Exempt				
3. Citizens National Bank cash equivalent account	A	Interest	J	T	Exempt				
4. BB&T Bank cash equivalent account	A	Interest	J	T	Exempt				
5. IRA #1 (H)									
6. - American Funds New Perspective Fund	B	Dividend	K	T	Exempt				
7. - American Funds The Investment Company of Amercia	B	Dividend	K	T	Exempt				
8. - American Funds The Growth Fund of America	A	Dividend	J	T	Exempt				
9. - American Funds Smallcap World Fund	A	Dividend	J	T	Exempt				
10. - American Funds The Bond Fund of America	A	Dividend	J	T	Exempt				
11. - Northwestern Mutual Money Market account	A	Interest	J	T	Exempt				
12. IRA #2 (H)									
13. - American Funds New Perspective Fund	A	Dividend	J	T	Exempt				
14. - American Funds The Investment Company of America	A	Dividend	J	T	Exempt				
15. - American Funds The Growth Fund of America	A	Dividend	J	T	Exempt				
16. - American Funds Smallcap World Fund	A	Dividend	J	T	Exempt				
17. - American Funds The Bond Fund of America	A	Dividend	J	T	Exempt				

1. Income Gain Codes:
(See Columns B1 and D4)

A=\$1,000 or less
F=\$50,001 - \$100,000
J=\$15,000 or less
N=\$250,001 - \$500,000
P3=\$25,000,001 - \$50,000,000

B=\$1,001 - \$2,500
G=\$100,001 - \$1,000,000
K=\$15,001 - \$50,000
O=\$500,001 - \$1,000,000

R=Cost (Real Estate Only)
V=Other

C=\$2,501 - \$5,000
I11=\$1,000,001 - \$5,000,000
L=\$50,001 - \$100,000
P1=\$1,000,001 - \$5,000,000
P4=More than \$50,000,000
S=Assessment
W=Estimated

D=\$5,001 - \$15,000
I12=More than \$5,000,000
M=\$100,001 - \$250,000
P2=\$5,000,001 - \$25,000,000

T=Cash Market

E=\$15,001 - \$50,000

3. Value Method Codes
(See Column C2)

Q=Appraisal
U=Book Value

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Atchley, Charles E.

Date of Report

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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. IRA #3 (H)									
19. - American Funds The Investment Company of America	A	Dividend	J	T	Exempt				
20. - American Funds The Growth Fund of America	A	Dividend	J	T	Exempt				
21. - American Funds New Perspective Fund	A	Dividend	J	T	Exempt				
22. - American Funds Smallcap World Fund	A	Dividend	J	T	Exempt				
23. - American Funds The Bond Fund of America	A	Dividend	J	T	Exempt				
24. Real Property #1, Sevier County, TN	A	Rent	N	W	Exempt				

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

I11 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

I12 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

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Name of Person Reporting

Atchley, Charles E.

Date of Report

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IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ **Charles E. Atchley**

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		30	000	Notes payable to banks-secured (auto)		11	770
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		105	578	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		379	606
Real estate owned – see schedule	1	335	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		100	000				
Cash value-life insurance							
Other assets itemize:							
Thrift Savings Plan		980	210				
Tenn. Retirement System (non-contributory; present value)			0				
Federal Retirement System		20	441	Total Liabilities		391	376
				Net Worth	2	179	853
Total Assets	2	571	229	Total Liabilities and Net Worth	2	571	229
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

American Funds The Investment Company of America	\$26,651
American Funds The Growth Fund of America	20,066
American Funds New Perspective Fund	31,335
American Funds Smallcap World Fund	15,689
American Funds The Bond Fund of America	11,837
Total Listed Securities	<u>\$105,578</u>

Real Estate Owned

Personal Residence	\$800,000
Family Farm #1	300,000
Family Farm #2 (33.3% interest)	235,000
Total Real Estate Owned	<u>\$1,335,000</u>

Real Estate Mortgages Payable

Personal Residence – Mortgage	\$249,102
Personal Residence – HELOC	26,373
Family Farm #1 - Mortgage	104,131
Total Real Estate Mortgages Payable	<u>\$379,606</u>

AFFIDAVIT

I, Charles E. Atchley, Jr., do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

12/09/2019
(DATE)

Charles E. Atchley Jr
(NAME)



Barbara K. Smith
(NOTARY)
Notary Public for Knox County,
Tennessee. 12-9-2019