

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Cheryl Ann Krause
(Cheryl Krause Zemelman)

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

United States Circuit Judge for the Third Circuit

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

Dechert LLP
Cira Centre
2929 Arch Street
Philadelphia, Pennsylvania 19104

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

1968; St. Louis, Missouri

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, Stanford Law School; J.D. (*with highest honors*), 1993

1985 – 1989, University of Pennsylvania; B.A. (*summa cum laude*), 1989

1987 – 1988, University of London, King's College (University of Pennsylvania junior year abroad program); no degree

Summer 1984, Summer 1986, Harvard University (Harvard Summer School); no degree

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.

2006 – Present
Dechert LLP
Cira Centre
2929 Arch Street
Philadelphia, PA 19104
Partner

2010 – Present, 2003 – 2006
University of Pennsylvania Law School
3400 Chestnut Street
Philadelphia, PA 19104
Lecturer in Law

2003 – 2006
Hangley Aronchick Segal & Pudlin
One Logan Square
18th & Cherry Streets
27th Floor
Philadelphia, PA 19103
Shareholder

1997 – 2002
United States Attorney's Office for the Southern District New of York
One Saint Andrews Plaza
New York, NY 10007
Assistant United States Attorney

Fall 2002
Columbia Law School
435 West 116th Street
New York, NY 10027
Lecturer in Law

1996 – 1997
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017
Associate

1995 – 1996, 1991
Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305

Lecturer and Visiting Scholar (1995 – 1996)
Research Assistant to Professor Gerald Gunther (1991) (unpaid)

September 1995 – May 1996, Summer 1992, Summer 1991
Heller Ehrman White & McAuliffe LLP
(Formerly Heller Ehrman LLP)
333 Bush Street
San Francisco, CA 94104
Law Clerk (not yet admitted to bar) (September 1995 – May 1996)
Summer Associate (Summer 1992, Summer 1991)

1994 – 1995
United States Supreme Court
One First Street, Northeast
Washington, DC 20543
Law Clerk to the Honorable Anthony M. Kennedy

1993 – 1994
United States Court of Appeals for the Ninth Circuit
125 South Grand Avenue
Pasadena, CA 91105
Law Clerk to the Honorable Alex Kozinski

Summer 1992
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105
Summer Associate

1989 – 1990
Krokidas & Bluestein
600 Atlantic Avenue
Boston, MA 02210
Paralegal

Other Affiliations (uncompensated):

2013 – Present
Autism Speaks Legal Resource Center
1 East 33rd Street
4th Floor
New York, NY 10016
Advisory Board Member

2007 – Present
Philadelphia Board of Ethics

1441 Sansom Street
Philadelphia, PA 19102
Outside Counsel

2007 – Present
Committee of Seventy
Eight Penn Center
1628 JFK Blvd
Suite 1002
Philadelphia, PA 19103
Director

2005 – Present
Professional Women's Roundtable
P.O. Box 1155
Havertown, PA 19083
Advisory Board Member

2003 – Present
Stanford Law School Alumni Association
Office of External Relations
559 Nathan Abbott Way
Stanford, CA 94305
Regional Representative

2006
Women's Law Project
125 South Ninth Street, # 300
Philadelphia, PA 19107
Director

1996 – 1998
Stanford Law Society of New York
Stanford Law School
Office of External Relations
559 Nathan Abbott Way
Stanford, CA 94305
Founder and Chair

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

I have not served in the United States Military. I was not required to register for Selective Service. I am registered as service member spouse with the United States Air Force.

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 Honors

Best Lawyers in Criminal Defense: White Collar, THE BEST LAWYERS IN AMERICA (2011 – Present)

SuperLawyer, Philadelphia Magazine (2005 – Present)

Thaddeus Stevens Award, Public Interest Law Foundation of Philadelphia, on behalf of Dechert LLP (2012)

Certificate of Appreciation, United States District Court for the Eastern District of Pennsylvania (2012)

Sam Klein Pro Bono Award, Dechert LLP (2011)

Pro Bono Roll of Honor, Pennsylvania Court of Common Pleas, First Judicial District (2009)

Women of Distinction, Philadelphia Business Journal and the National Association of Women Business Owners (2007)

Resolution of Appreciation, Board of Ethics of the City of Philadelphia (2007)

Up and Coming Lawyer for Litigation: White Collar Crime and Government Investigations, Chambers USA (2006 – 2007)

Pennsylvania Lawyer on the Fast Track, American Lawyer Media, The Legal Intelligencer and Pennsylvania Law Weekly (2005)

Certificate of Appreciation, National School of Magistrate Judges, French Ministry of Justice (2002)

Secretary of Agriculture's Group Honor Award for Excellence, Department of Agriculture (2000)

Numerous certificates of appreciation and commendations from the Drug Enforcement Administration, Federal Bureau of Investigation, United States Postal Inspection Service,

United States Department of Agriculture, and United States Department of Veterans Affairs (1998 – 2002)

Academic Honors

Order of the Coif, Stanford Law School (1993)

Steven M. Block Civil Liberties Award, Stanford Law School (1993)

Winner of the Marion Rice Kirkwood Moot Court Competition (First Prize for Oral Advocacy and First Prize for Best Brief), Stanford Law School (1993)

Mr. and Mrs. Duncan L. Mattenson, Sr. Award (1993)

Second Prize, State Bar of California Student Writing Competition (1993)

Stanford Law and Policy Review, Senior Features Editor (1992 – 1993)

First Year Honors Award (highest G.P.A.), Stanford Law School (1991)

Phi Beta Kappa, University of Pennsylvania (1989)

Dean's List, University of Pennsylvania (1985 – 1989)

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

Criminal Law Committee of the Federal Bar Association, Philadelphia Chapter
Executive Committee (2005 – Present)
Treasurer (2009)

Federal Bar Association

National Association of Criminal Defense Lawyers

Pennsylvania Association of Criminal Defense Lawyers

Pennsylvania Bar Association

Philadelphia Bar Association

The Association of the Bar of City of New York
Committee of Professional and Judicial Ethics Member (2001 – 2003)

10. Bar and Court Admission:

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

Pennsylvania, 2003
New York, 1997
Connecticut, 1996

There have been no lapses in membership.

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

United States Court of Appeals for the Third Circuit, 2008
United States Court of Appeals for the Second Circuit, 1998
United States Court of Appeals for the Eighth Circuit, 1997
United States District Court for the Middle District of Pennsylvania, 2004
United States District Court for the Eastern District of Pennsylvania, 2003
United States District Court for the Southern District of New York 2002
United States District Court for the Eastern District of New York, 2002

My membership in the United States Court of Appeals for the Second Circuit lapsed in 2011 after the Court instituted a new re-registration requirement. I re-registered and was admitted in 2013, retroactive to my original admission in 1998. There have been no other lapses in memberships.

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.

American Bar Association, Young Lawyers' Division, White Collar Crime
Section Steering Committee, Philadelphia Chapter (2004 – 2006)

American Inns of Court, University of Pennsylvania Law School Chapter (2003 –
2005)
Barrister

Autism Speaks Legal Resource Center (2013 – Present)
Advisory Board

Board of Ethics of the City of Philadelphia (2007 – Present)
Outside Counsel

Committee of Seventy (2007 – Present)
Board of Directors (2007 – Present)
Policy Committee Member (2007 – 2010)
Co-Chair of Elections Subcommittee (2007 – 2010)

Criminal Justice Act Panel of the United States District Court for the Eastern
District of Pennsylvania (2005 – 2008)

Leadership Philadelphia (2006 – 2007)

People-to-People Criminal Defense Lawyer Delegation to China (2005)
Delegate

Professional Women's Roundtable of Philadelphia (2005 – Present)
Advisory Committee

Stanford Law School Alumni Association (2003 – Present)
Regional Representative

Stanford Law Society of New York (1996 – 1998)
Founder and Chair

The Veterans Consortium Pro Bono Program (2005 – 2008)
Volunteer Attorney

Union League of Philadelphia (2004 – Present)

Women's Law Project (2006)
Board of Trustees

- 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.

The Union League of Philadelphia discriminated on the basis of race and sex

many years before I became a member. In 1972, the League admitted its first African American member, and in 1986 the League admitted its first female member. To 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.

Cheryl A. Krause & Elisa T. Wiygul, *USA*, in GLOBAL LEGAL INSIGHTS- BRIBERY & CORRUPTION 220 (Johnathan Pickworth & Deborah Williams eds., 1st ed. 2013). Copy supplied.

Jonathan Pickworth, Cheryl Krause, Karen Coppens & Lloyd Firth, *Deferred Prosecution Agreements: A Powerful New Tool for UK Prosecutors?*, DECHERT ONPOINT (Dechert LLP), May 3, 2013. Copy supplied.

Defense Strategies and Compliance Issues in the New Insider Trading Environment, THE CHAMPION, September/October 2012, at 46. Copy supplied.

Cheryl Krause, Jennings Durand & Ethan Fogel, *Partnering With Law Students to Serve the Community*, THE LEGAL INTELLIGENCER, March 27, 2012. Copy supplied.

Jonathan Pickworth, Jacques Sivignon, Cheryl Krause, Karen Coppens & Marieke Minkkien, *Who Leads the Way in Anti-Corruption Enforcement: A Comparison between the UK, the United States and France*, THOMPSON-REUTERS (Dechert LLP), February 2012. Copy supplied.

Cheryl A. Krause & Justin C. Danilewitz, *U.S. Department of Justice Releases First FCPA Advisory Opinion of 2011*, DECHERT ONPOINT (Dechert LLP), August 2011. Copy supplied.

Cheryl A. Krause, Justin C. Danilewitz & David S. Caroline, *SEC Releases First Deferred Prosecution Agreement in Tenaris FCPA Case*, DECHERT ONPOINT (Dechert LLP), June 2011. Copy supplied.

Cheryl A. Krause, Justin C. Danilewitz & David S. Caroline, *SEC Adopts Final Whistleblower Rules*, DECHERT ONPOINT (DECHERT LLP), May 2011. Copy supplied.

Edward L. Pittman, Cheryl A. Krause, Thomas C. Bogle & Justin C. Danilewitz, *Recent SEC Sweep Highlights the Need for U.S. Investment Advisers Seeking Business from Sovereign Wealth Funds to Develop Policies for FCPA Compliance*, DECHERT ONPOINT (Dechert LLP), February 2011 (reprinted in 12 J. OF INVESTMENT COMPLIANCE, 2011, at 11). Copy supplied.

Cheryl A. Krause & Elisa T. Wiygul, *FCPA Compliance: The Vanishing 'Facilitating Payments' Exception?*, 2 FIN. FRAUD LAW REP., September 2010, at 730. Copy supplied.

David M. Howard, Cheryl A. Krause & William Gibson, *Private Commercial Bribery: The Next Wave of Anti-Corruption Enforcement?*, DECHERT ONPOINT SPECIAL ALERT (Dechert LLP), April 2010 (reprinted in 2 FIN. FRAUD LAW REP., September 2010, at 710). Copy supplied.

Paul Huey-Burns, Cheryl Krause & Adam Moore, *The SEC's Cooperation Framework*, 14 WALL STREET LAWYER, March 2010. Copy supplied.

Richard Heffner, Cheryl Krause & Paul Huey-Burns, *Enforcement: A Comparison Between the FSA and SEC*, in HEDGE FUNDS AND THE LAW 79, (Sweet & Maxwell ed. 2009). Copy supplied.

Cheryl Krause & Justin C. Danilewitz, *Second Circuit Rejects Opportunity to Limit Application of Vicarious Liability Doctrine to Corporate Criminal Defendants*, DECHERT ONPOINT (Dechert LLP), February 2009. Copy supplied.

Cheryl A. Krause & Sarah Wager, *The New Age of Data Security Breaches: A Practical Look At Corporate Exposure And Ways To Minimize Risk*, 1 BLOOMBERG L. REP: PRIVACY & INFORMATION, November 2008, at 5. Copy supplied.

Cheryl A. Krause & Luke A.E. Pazicky, *An Un-Standard Condition: Restricting Internet Use As A Condition Of Supervised Release*, 20 FED. SENT'G REP., February 2008, at 201. Copy supplied.

Classmates, STANFORD LAWYER, Fall 2006, at 37, 67. Copy supplied.

Choosing Philadelphia, LEGAL INTELLIGENCER (Jan. 27, 2003). Copy supplied.

Cheryl Krause Zemelman, Cynthia L. Jackson & Dale L. Bratton, *Reductions in Force and Plant Closings*, ADVISING CALIFORNIA EMPLOYERS (1995 – 2005). Copy supplied.

The After-Acquired Evidence Defense to Employment Discrimination Claims: The Privatization of Title VII and the Contours of Social Responsibility, 46 STAN. L. REV. 175 (1993). Copy supplied.

Employer Responses to Sexual Harassment: The Right to Privacy and the Limits of Non-Fraternization Policies, 9 CAL. LAB. & EMPL. Q. 5, SUMMER, 1993, at 5. 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.

In April 2009, I met with the City Solicitor for the City of Philadelphia on behalf of the Committee of Seventy to present an analysis of the City's Deferred Retirement Option Plan and Pension Code. As a follow-up to that meeting, I submitted a letter to the City Solicitor summarizing our meeting, which I have supplied.

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

In my capacity as a board member of the Committee of Seventy, I provided background research on two issues, *i.e.*, nepotism in city government and outside employment by city workers, that was incorporated into testimony presented by the President of the Committee of Seventy to the Philadelphia City Council on May 12, 2010. Testimony supplied (relevant excerpts at pages 19 – 21).

On April 12, 2010, in my capacities as a board member of the Committee of Seventy and as an attorney, I prepared and corresponded with the Philadelphia City Commissioners concerning a petition I filed on behalf of 26 concerned voters to divide electoral divisions in Philadelphia that significantly exceeded the maximum number of electors permitted under Pennsylvania law. Press release and email with petition supplied.

On July 22, 2009, I attended a public meeting of the Philadelphia Board of Ethics in my capacity as outside counsel and described the proposed Public Communications Guidelines for the Board of Ethics, which I had drafted. Minutes and Guidelines supplied.

On April 16, 2008, I attended a public meeting of the Philadelphia Board of Ethics in my capacity as outside counsel and provided an update on the status of an Emergency Petition for Special Injunction and Preliminary Injunction that I had filed on behalf of the Board in connection with an enforcement action. Minutes 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.

I have not kept a comprehensive list of the presentations I have made. The following list is my best effort to recreate my history of speaking engagements based on a diligent search of my files and the Internet. It is possible I have omitted presentations for which I did not retain records.

October 23, 2013: Panelist, "International Developments in Anti-Corruption Enforcement," CLE presented by Dechert LLP in New York, New York. PowerPoint presentation supplied.

August 13, 2013: Panelist, "A Price Worth Paying?," Association of Corporate Counsel, New York, New York. I provided commentary on a dramatic film illustrating the challenges to boards of directors in dealing with compliance issues and internal investigations. Notes supplied.

June 4, 2013: Speaker, "Trade Secret and Non-Compete Update," Delaware Valley Chapter of the Association of Corporate Counsel, Philadelphia, Pennsylvania. PowerPoint Presentation supplied.

May 7, 2013: Instructor, Joint Deposition Program presented by Dechert LLP and Pepper Hamilton, LLP, in Philadelphia, Pennsylvania. Syllabus supplied.

November 9, 2012: Panelist, "Troubling Trends in SEC Enforcement: Is it an Examination or an Enforcement Action and Has Your Chief Compliance Officer Been Converted to the SEC's Chief Enforcement Officer?," White Collar Practice Conference of the Pennsylvania Association of Criminal Defense Lawyers, Philadelphia, Pennsylvania. Notes and handout supplied.

October 11, 2012: Thaddeus Stevens Award, Public Interest Law Center of Philadelphia ("PILCOP"), accepted by me in Philadelphia, Pennsylvania, on behalf of Dechert LLP, for, among other things, successful class action litigation I brought in partnership with PILCOP on behalf of a class of students with autism in the Philadelphia School District. I have no notes, transcript, or recording. The address of PILCOP is United Way Building, Second Floor, 1709 Benjamin Franklin Parkway, Philadelphia, Pennsylvania 19103.

September 7, 2012: Speaker, “Global Anti-Corruption Training: FCPA and UK Bribery Act,” CLE sponsored by Dechert LLP, Philadelphia, Pennsylvania. PowerPoint presentation supplied.

June 13, 2012: Panelist, “An International Perspective of Anti-Corruption Enforcement: The FCPA and UK Bribery Act,” Marcus Evans Eighth FCPA and Anti-Corruption Compliance Conference, Washington, DC. PowerPoint presentation supplied.

June 4, 2012: Instructor, Joint Deposition Program presented by Dechert LLP and Pepper Hamilton, LLP. Philadelphia, Pennsylvania. Syllabus supplied.

March 12, 2012: Panelist, “Initial Responses to a Government Subpoena: Strategy, Privilege and Immunity Issues,” Pennsylvania Bar Institute, Philadelphia, Pennsylvania. Video supplied.

November 29, 2011: Guest Lecturer at Supreme Court Process and Practice seminar for Professors Amy Wax and James Feldman, University of Pennsylvania Law School, Philadelphia, Pennsylvania. I discussed my clerkship experience and procedures for handling cases at the United States Supreme Court. I have no notes, transcript, or recording. The address of the University of Pennsylvania Law School is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

November 18, 2011: Moderator, “In *Galleon’s* Wake: Insider Trading After The Trial of Rajaratnam,” White Collar Practice Conference of the Pennsylvania Association of Criminal Defense Lawyers. PowerPoint presentation with notes supplied.

September 14, 2011: Speaker, “Recent Developments in Insider Trading Law and the Requirement of *Mens Rea*,” Ethics and Compliance Officers’ Association, New York, New York. PowerPoint presentation supplied.

June 23, 2011: Panelist, “Corruption Without Borders: Practical Guidance for Companies with Domestic and International Business Operations,” Association of Corporate Counsel, New York, New York. PowerPoint presentation supplied.

April 15, 2011: Speaker, “Global Anti-Corruption Compliance and Enforcement: Implications for Money Managers,” American Bar Association Institutional Investors Committee, Boston, Massachusetts. PowerPoint presentation supplied.

March 15, 2011: Speaker, “The Right of Employers to the Honest Services of Their Employees: What Survives Skilling?,” Ethics and Compliance Officers’ Association Webcast. PowerPoint presentation supplied.

November 5, 2010: Speaker, “Internal Investigations: Developments in Global

Anticorruption Enforcement and the Impact on International Investigations,” CLE presented by Dechert LLP, Philadelphia, Pennsylvania. PowerPoint presentation supplied.

October 8, 2010: Speaker, “The First Amendment Right of Corporations to Engage in Free Speech: *Citizens United v. Federal Election Commission* and its Implications,” CLE presented by Dechert LLP, Philadelphia, Pennsylvania. PowerPoint presentation supplied.

September 30, 2010: Speaker, “The Internationalization of Anti-Corruption Compliance and Enforcement,” Association of Corporate Counsel, New York, New York. PowerPoint presentation supplied.

September 23, 2010: Introduced Liz Dow at the Professional Women’s Roundtable Anniversary Event and Award Dinner in Radnor, Pennsylvania. Notes supplied.

July 28, 2010: Speaker, “The First Amendment Right of Corporations to Engage in Political Speech: *Citizens United v. Federal Election Commission* and its Implications,” CLE sponsored by the City of Philadelphia Law Department in Philadelphia, Pennsylvania. PowerPoint presentation supplied.

April 20, 2010: Participant, Roundtable Discussion on Women in the Profession, American Lawyer Media, The Legal Intelligencer, in Philadelphia, Pennsylvania. Transcript of excerpts supplied.

October 30, 2009: Panelist, “Developments in Criminal Procedure,” The Seventh Constitutional Law Conclave, Pennsylvania Bar Institute, Philadelphia, Pennsylvania. Notes supplied.

June 9, 2009: Speaker, “FCPA For Financial Services Firms,” Securities Industry and Financial Markets Association, Anti-Money Laundering Committee, New York, New York. Notes supplied.

May 15, 2009: Introduced Kevin Puvalowski, the United States Treasury Deputy Special Inspector General for the Troubled Asset Relief Program, at a meeting of the Criminal Law Committee of the Federal Bar Association, Philadelphia Chapter. I have no notes, transcript or recording. The address for the Criminal Law Committee is c/o Marianna Rossman, 1500 Walnut Street, 21st Floor, Philadelphia, Pennsylvania 19102.

May 12, 2009: Volunteer Judge for Law Day mock trial training for law students, sponsored by the Judicial Outreach Committee of the United States District Court for the Eastern District of Pennsylvania. I have no notes, transcript or recording. The address of the United States District Court for the Eastern District of Pennsylvania is 601 Market Street, Philadelphia, Pennsylvania 19106.

February 12, 2009: Panelist, “The Perils of Proffers,” Federal Bar Association; Criminal Law Committee of the Federal Bar Association, Philadelphia Chapter, Philadelphia, Pennsylvania. PowerPoint presentation supplied.

May 7, 2008: Panelist, “Trade Secrets and Non-Compete Agreements: Key Issues and Strategies – Criminal Consequences of Theft of Trade Secrets,” CLE presented by Dechert LLP in Philadelphia, Pennsylvania. PowerPoint presentation supplied.

February 26, 2008: Guest Lecturer at clerkship seminar for United States District Court Judge Michael Baylson, University of Pennsylvania Law School, Philadelphia, Pennsylvania. I discussed the experience of clerking for judges in the federal judiciary. I have no notes, transcript, or recording. The address of the University of Pennsylvania Law School is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

January 13, 2008: Guest Lecturer at White Collar Crime seminar for Adjunct Professor Matthew Biben, addressing the United States Sentencing Guidelines, University of Pennsylvania Law School. I have no notes, transcript, or recording. The address of the University of Pennsylvania Law School is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

December 3, 2007: Remarks upon my acceptance of the Women of Distinction Award presented by the Philadelphia Business Journal and the National Association of Women Business Owners, Philadelphia, Pennsylvania. I have no notes, transcript or recording. The address of the Philadelphia Business Journal is 400 Market Street, Suite 1200, Philadelphia, Pennsylvania 19106.

November 7, 2007: Participant in Civil Rule 56 Conference of the Advisory Committee on Civil Rules of the Administrative Office of the United States Courts, Washington, DC. I offered comments on proposed amendments to Rule 56 of the Federal Rules of Civil Procedure. I have no notes, transcript or recording. The address of the Administrative Office of the United States Courts is One Columbia Circle, Northeast, Suite 7-240, Washington, DC 20544.

October 26, 2007: Course Planner and Moderator, “Terrorism,” The Sixth Constitutional Law Conclave, Pennsylvania Bar Institute, Philadelphia, Pennsylvania. Notes supplied.

October 15, 2007: Panelist, “Women in the Profession,” Drexel Law School. I spoke about the importance of role models and the challenge of balancing work and family life in the legal profession. I have no notes, transcript or recording. The address of Drexel Law School is 3320 Market Street, Philadelphia, Pennsylvania 19104.

April 18, 2007: “Navigating the Challenges of Global Securities Enforcement,” presented by Dechert LLP, New York, New York. Notes supplied.

October 17, 2006: Panelist, “Managing A Foreign Corrupt Practices Act Investigation,” CLE presented by Dechert LLP in New York, New York. PowerPoint presentation supplied.

May 4, 2006: Panelist, “Combating Computer Crime: What Corporate Clients Need To Know About United States Criminal Laws and Policies,” Internet Law Congress and Annual Meeting, San Francisco, CA. PowerPoint presentation and notes supplied.

May 2, 2006: Panelist, “How to Conduct an Internal Investigation,” CLE presented by Dechert LLP in Philadelphia, Pennsylvania. PowerPoint presentation supplied.

May 1, 2006: Panelist, “Managing an Internal Investigation,” CLE presented by Dechert LLP in New York, New York. PowerPoint presentation and notes supplied.

March 30, 2006: Panelist, “Terrorism and Civil Liberties, The New Supreme Court: Where Is It Headed?,” Pennsylvania Bar Institute, Philadelphia, Pennsylvania. PowerPoint presentation and notes supplied.

October 21, 2005: Panelist, “Terrorism and Civil Liberties,” The Fifth Constitutional Law Conclave Pennsylvania Bar Institute, Philadelphia, Pennsylvania. PowerPoint presentation supplied.

July 14, 2005: Panelist, “Update on Attorney-Client Privilege Issues and Document Preservation Post-*Morgan Stanley*,” Young Lawyers Division of the American Bar Association, White Collar Crime Committee, Philadelphia Chapter. I have no notes, transcript or recording. The address of the Young Lawyer’s Division of the American Bar Association is 321 North Clark Street, 18th Floor, Chicago, IL 60654.

July 12, 2005: Panelist, “Practicing Law in Philadelphia,” Young Lawyers’ Division and Membership Committee of the Philadelphia Bar Association, Philadelphia, Pennsylvania. I discussed my experiences practicing law in Philadelphia. I have no notes, transcript or recording, but press coverage is supplied. The address of the Philadelphia Bar Association is 1101 Market Street, 11th Floor, Philadelphia, Pennsylvania 19107.

April 28, 2005: Speaker, “Evidence Update,” Joint Annual Meeting of the Pennsylvania Association of Criminal Defense Lawyers and the Public Defender Association of Pennsylvania, Philadelphia, Pennsylvania. Notes and slides supplied.

February 25, 2005: Course Planner and Speaker, “Recent Developments in White Collar Crime,” Pennsylvania Bar Institute, Philadelphia, Pennsylvania. Notes supplied.

February 11, 2005: Course Planner and Moderator, “Recent Developments in White Collar Crime,” Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. Notes supplied.

November 17, 2004: Speaker: “Music Pirates – Pro’s or Con’s?,” University of Pennsylvania Honor Council – Presentation to Undergraduates, Philadelphia, Pennsylvania. PowerPoint presentation supplied.

October 30, 2004: Speaker: “Sentencing of White Collar Defendants in Federal Court,” For the Experienced Conference, Pennsylvania Association of Criminal Defense Lawyers, Philadelphia, Pennsylvania. Notes supplied.

June 18, 2004: Moderator: “Implications for First Amendment Rights,” Homeland Security and Civil Liberties Conference, United States Army War College and the Institute for Strategic Threat Analysis and Response, University of Pennsylvania Law School, Philadelphia, Pennsylvania. I posed questions to the panelists on how to balance First Amendment protections with security needs in the global war on terror. I have no notes, transcript, or recording, but published summary of panel discussion supplied.

February 10, 2004: Panelist, “*Brown v. Board of Education*: 50 Years Later,” American Inn of Court, University of Pennsylvania Law School, Philadelphia, Pennsylvania. Notes supplied.

October 21, 2003: Panelist, “Substantive Due Process: Remedies and the Backdrop of Terrorism,” The Fourth Constitutional Law Conclave, Pennsylvania Bar Institute, Philadelphia, Pennsylvania. Notes supplied.

April 8, 2003: Panelist, “White Collar Crime: Scope, Prosecution & Punishment,” Philadelphia Legal Secretaries Association, Philadelphia, Pennsylvania. PowerPoint presentation supplied.

March 1, 2003: Instructor, “Advanced Teacher Training,” National Institute of Trial Advocacy program in Cambridge, Massachusetts. I advised on teaching techniques to guide law students and law firm associates in learning trial skills. I have no notes, notes, transcript, or recording. The address of the National Institute of Trial Advocacy is 1685 38th Street, Suite 200, Boulder, Colorado 80301.

February 11, 2003: Panelist, “The War on Terrorism, Lawyers and Civil Liberties,” American Inn of Court, University of Pennsylvania Law School,

Philadelphia, Pennsylvania. PowerPoint presentation supplied.

February 12, 2002: Panelist, "Constitutional War Powers," American Inn of Court, University of Pennsylvania Law School, Philadelphia, Pennsylvania. PowerPoint presentation, transcript and notes supplied.

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

Jon Campisi, *Federal Judge to Phila. School District: Stop 'Autism Shuffle'*, THE PA RECORD, Feb. 25, 2013. Copy supplied.

Joseph N. DiStefano, *Will U.S. Bust Bad Guys, or Grab the Cash?*, THE PHILA. INQUIRER, June 5, 2011. Copy supplied.

Roundtable Discussion: Women in the Profession, THE LEGAL INTELLIGENCER, Apr. 20, 2010, at WIP19. Copy supplied in response to 12d.

Rooms of Their Own, PHILA. MAGAZINE, October 2008, at 110, 112-13. Copy supplied.

Jennifer Baldino Bonett, *It's Clear There Is No Single Right Answer*, PHILA. BUS. J., WOMEN OF DISTINCTION SUPPLEMENT, Nov. 30-Dec. 6, 2007. Copy supplied.

Michael Hinkelman, *Exec in Pay-to-Play Scam Gets Probation—10G check went to Street campaign*, PHILA. DAILY NEWS, Jan. 5, 2007. Copy supplied.

Associated Press, *Federal Grand Jury Indicts Businessman*, ERIE TIMES-NEWS (PA), June 16, 2006, at 4. Copy supplied.

Jeff Lyons, *Young Lawyers Urged to Get Involved*, PHILADELPHIA BAR REPORTER, August 2005, at 8. Copy supplied in response to 12d.

Jeff Gammage, *Both Parties' Weapon of Choice: Lawyers – A High-Caliber Kerry Team Took Aim on the Phila. Streets and in Court*, THE PHILA. INQUIRER, Nov. 3, 2004. Copy supplied.

Pennsylvania Business News in Brief, ASSOCIATED PRESS, Oct. 15, 2004. Copy supplied.

Jim Smith, *Rapper Allowed to Make Movie Pending Guilty Plea*, PHILA. DAILY NEWS, Mar. 3, 2004. Copy supplied.

Metropolitan Area News in Brief, THE PHILA. INQUIRER, Aug. 28, 2003, at B3.
Copy supplied.

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

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these, 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 judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

I have not had any 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 was a member of the Legal Steering Committee for the 2008 Obama for

President campaign, where I advised on subjects such as electioneering issues and training materials for poll watchers and volunteers. I was the Pennsylvania Deputy State Counsel and Southeastern Regional Coordinator for the 2004 Kerry-Edwards campaign. My duties included coordinating and preparing election-day legal teams in Southeastern Pennsylvania, training poll watchers and election-day volunteers on fair election procedures, and representing the campaign in federal court. I was a member of the Legal Steering Committee for the Sam Katz for Mayor campaign in 2003 and advised on electioneering issues, trained poll watchers and volunteers on fair election procedures, and coordinated election-day volunteer activities.

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 1994 to 1995, I served as law clerk to the Honorable Anthony M. Kennedy on the United States Supreme Court.

From 1993 to 1994, I served as law clerk to the Honorable Alex Kozinski on the United States Court of Appeals for the Ninth Circuit.

- 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.

1995 – 1996
Heller Ehrman LLP
333 Bush Street
San Francisco, California 94104
Law Clerk (not yet admitted to bar)

1996 – 1997
Davis Polk & Wardwell
450 Lexington Avenue
New York, New York 10017
Associate

1997 – 2002

United States Attorney's Office for the Southern District of New York
One Saint Andrews Plaza
New York, New York 10007
Assistant United States Attorney (1997 – 2002)
Acting Chief, General Crimes Unit (2002)

2003 – 2006

Hangley Aronchick Segal & Pudlin
One Logan Square
18th & Cherry Streets
27th Floor
Philadelphia, Pennsylvania 19103
Shareholder

2006 – Present

Dechert LLP
Cira Centre
2929 Arch Street
Philadelphia, Pennsylvania 19104
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.

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 worked part-time in the Employment and Labor Group of Heller, Ehrman, White & McAuliffe on employment discrimination cases, reductions in force, and compliance matters, while also serving as a Visiting Scholar and Lecturer at Stanford Law School from 1995 to 1996.

As an associate at Davis Polk from 1996 to 1997, I worked on a large-scale accounting fraud case for a Big Four accounting firm and on miscellaneous other cases drafting legal memoranda, discovery requests and responses, motions and briefs, taking depositions, and working with experts. I also argued a pro bono criminal appeal before the United States Court of Appeals for the Eighth Circuit.

From 1997 to 2002, as an Assistant United States Attorney, I investigated

and prosecuted federal criminal cases in the General Crimes Unit from 1997 to 1998, the Narcotics Unit from 1998 to 2000, the Securities and Commodities Fraud Unit from 2000 to 2002, and the Major Crimes Unit from March to November 2002. I regularly appeared in federal district court, worked with multiple law enforcement agencies, and handled grand jury proceedings, wiretaps, trials and appeals before the United States Court of Appeals for the Second Circuit. In 2002, I assisted the Appeals Unit in supervising appeals of other Assistants, and I also served as the Acting Chief of the General Crimes Unit. In these various capacities, I handled a broad range of cases, including firearms violations, narcotics trafficking, health care fraud, securities fraud, bank fraud, mail and wire fraud, public corruption, money laundering, and international extraditions.

From 2003 to the present, as a partner at Dechert LLP, and previously at Hangley Aronchick Segal & Pudlin, I have focused on white collar criminal defense while also handling parallel regulatory proceedings, securities litigation, and commercial litigation. I represent corporate and individual clients before the Department of Justice, State Attorneys General, the Securities and Exchange Commission, and other agencies; conduct domestic and international investigations for corporate clients; and litigate securities and complex commercial cases. My pro bono work has included representations of parents and children with disabilities, disabled veterans, and appointments as a member of the Criminal Justice Act panel to represent indigent criminal defendants, as well as campaign finance and ethics matters for the City of Philadelphia Board of Ethics.

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

While a law clerk under the supervision of attorneys licensed in California at Heller Ehrman White & McAuliffe, my clients included California employers in employment discrimination, labor law, and wage and hour compliance and litigation matters.

As an associate at Davis Polk & Wardwell, I represented accounting firms and financial institutions in complex civil litigation and class actions, as well as representing a white collar criminal defendant in a pro bono appeal before the United States Court of Appeals for the Eighth Circuit.

As an Assistant United States Attorney for the United States Attorney's Office for the Southern District of New York, I represented the United States in criminal prosecutions.

As a partner at Dechert LLP, and previously at Hangley Aronchick Segal & Pudlin, I typically have represented corporate clients and individuals in criminal investigations and prosecutions by federal and state agencies and

in proceedings before the Securities and Exchange Commission. These matters have included securities fraud, accounting fraud, the Foreign Corrupt Practices Act, antitrust, and health care fraud cases. In addition, I have represented companies in class action litigation and commercial business litigation. While many clients have been in the financial services industry, I also have represented non-profit companies and clients in media, energy, electronics, gaming, munitions, transportation, construction and healthcare.

- 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.

Approximately 75% of my practice involves litigation, with the remainder constituting internal investigations and compliance advice designed to avoid litigation. Between 1997 and 2002, as a federal prosecutor, I appeared in court regularly and often on a daily basis. Between 2003 and the present, while in private practice, I have appeared in court less frequently.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 70% |
| 2. state courts of record: | 10% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 20% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 5. civil proceedings: | 40% |
| 6. criminal proceedings: | 60% |

- 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 twelve cases to verdict, judgment or final decision. As a prosecutor, I was sole counsel in one jury trial and one bench trial, chief counsel in one jury trial and one bench trial, and associate counsel in one jury trial. In private practice, I was chief counsel in one bench trial, associate counsel in two bench trials, and have tried four other matters to dismissal, summary judgment, or judgment on the pleadings.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 25% |
| 2. non-jury: | 75% |

- 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. P.V., et al. v. The School District of Philadelphia, et al., 2:11-cv-04027 (Hon. Legrome D. Davis, EDPA) (2011 – Present).

In the first impact litigation from a partnership I forged between Dechert LLP and the Public Interest Law Center of Philadelphia (“PILCOP”), I brought a class action lawsuit in the United States District Court for the Eastern District of Pennsylvania on behalf of a class of approximately 1,600 students with autism in the School District of Philadelphia. The complaint sought injunctive relief and challenged the School District’s transfer of these students from school to school without adequate notice to parents or opportunity for parental input as a violation of the Individuals with Disabilities Education Act and related federal and state statutes. I supervised a team of associates and coordinated with PILCOP co-counsel in developing strategy, filed the complaint and motion for class certification, handled discovery and motion practice, including expert discovery, and prepared the motion for summary judgment. In February 2013, after two years of litigation, the District Court granted our motion for class certification and, in relevant part, granted our motion for summary judgment. The Court denied defendants’ motion for reconsideration on August 19, 2013, and the parties are proceeding to a remedy phase of the litigation. As a result of this litigation, the Public Interest Law Center of Philadelphia presented me, on behalf of Dechert LLP, with the Thaddeus Stevens Award in 2011.

Co-counsel:

Sonja Kerr
Director, Disability Rights
Public Interest Law Foundation of Philadelphia
1709 Benjamin Franklin Parkway, Second Floor
Philadelphia, Pennsylvania 19103
267-546-1319

Defendants' counsel:

David Smith
Schnader Harrison Segal & Lewis LLP
1600 Market Street, Suite 3600
Philadelphia, Pennsylvania 19103
215-751-2190

2. Lutman v. Lutman, No. 10-1504, 2010 WL 3398985 (Hon. Christopher Conner, MDPA) (2010).

In a matter referred to me by the United States Department of State under the Hague Convention on the Civil Aspects of International Child Abduction ("Hague Convention"), I represented pro bono the Israeli mother and legal custodian of her eight-year-old boy who was abducted by his father, my client's ex-husband, when my client sent her son to visit her ex-husband in the United States. Working primarily with one associate and a support team, I filed a petition for the child's return under the Hague Convention in the United States District Court for the Middle District of Pennsylvania. In several days of a Hague Convention bench trial before the District Court that involved direct and cross-examination of numerous witnesses including the respondent, I persuaded the court to reject the respondent's defenses, including that his son was now "well-settled" in the United States, and the court ordered the return of the child to his mother's custody. For this work, my team and I were presented by Dechert LLP with the Sam Klein Pro Bono Award in 2011.

Respondent's Counsel:

Daniel M. Fennick
Anderson Converse & Fennick
1423 East Market Street
York, Pennsylvania 17403
717-846-7100

3. United States v. Bailey, 06 Cr. 287 (Hon. Legrome D. Davis, EDPA) (2006 – 2007).

I represented the CEO of a web-based physician database company who was prosecuted for eleven counts of violating the Computer Fraud and Abuse Act (“CFAA”) by obtaining unauthorized access to the membership directory of the American College of Physicians. Because this was the first CFAA prosecution in the country involving theft of purely public data that caused no damage to a computer, computer system, or the data itself, it raised numerous issues of first impression and involved extensive briefing. Ultimately, the defendant pleaded guilty to one count of unauthorized computer access and was sentenced after a sentencing hearing to three months’ imprisonment.

Prosecutor:

Michael Levy
United States Attorney’s Office for the Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106
215-861-8599

4. United States v. Kopper, Cr. H-02-560 (Hon. Ewing Werlein, S.D. Tex.) (2006).

I represented Kopper, the chief advisor to Enron Chief Financial Officer Andy Fastow and the first Enron cooperator for the government, in his sentencing proceeding. Kopper’s cooperation led to the prosecution of more than 20 defendants, the extradition of three British bankers, the recovery of over \$100 million, and the convictions of Enron’s top executives. Following the submission of an extensive sentencing memorandum detailing his cooperation and charitable work since the collapse of Enron, Kopper was sentenced to three years’ imprisonment.

Co-counsel:

David Howard (then partner at Dechert LLP)
Microsoft Corporation
One Microsoft Way
Redmond, Washington 98052
425-704-8685

Prosecutor:

Kathryn Ruemmler (then AUSA on Enron Task Force)
Counsel to the President
The White House
1600 Pennsylvania Avenue, Northwest

Washington, DC 20500
202-456-2632

5. United States v. Sapia, 99 Cr. 1193 (Hon. Allen G. Schwartz (now deceased); Hon. Shira A. Scheindlin, SDNY) (1999 – 2001) and related cases United States v. Flores, 99 Cr. 1110 (Hon. Robert Sweet, SDNY) (1999 – 2001); United States v. Vasquez, 99 Cr. 1192 (Hon. Deborah A. Batts, SDNY) (1999 – 2001).

I served as lead prosecutor in the Organized Crime Drug Enforcement Task Force (“OCDETF”) investigation and prosecution of a large-scale cocaine, crack, and heroin distribution organization that was operating out of Miami and New York and that maintained headquarters next to the Adlai Stevenson High School in the Bronx. The investigation involved eight pen registers, six wiretaps, and five search warrants, leading to the dismantling of the organization and the seizure of 40 kilograms of cocaine, eight firearms, and approximately \$250,000 in cash. Among the more than 50 defendants who were convicted or entered guilty pleas were several career criminals. Information procured from a cooperating witness in this case also solved an open homicide and led to the prosecution of two defendants for the murder of a confidential informant. I was presented with a Certificate of Appreciation by the Drug Enforcement Administration in 2000 for my work on these cases.

Co-counsel:

David Anders (then Assistant United States Attorney)
Wachtell Lipton Rosen & Katz
51 West 52nd Street
New York, New York 10019
212-403-1000

Defense counsel (due to the large number of defendants in these matters, I am providing contact information for the following principal defense counsel):

Louis Freeman (Sapia)
Freeman Nooter & Ginsberg
30 Vesey Street, Suite 100
York, New York 10007
212-608-0808

Alan Nelson (Vasquez)
3000 Marcus Avenue, Suite 1E-5
Lake Success, New York 11042
516-328-6200

Susan Kellman (Locicero)
Law Offices of Susan Kellman
25 Eighth Avenue

Brooklyn, New York 11217
718-783-8200

Neil Checkman (Guzman)
111 Broadway # 1305
New York, New York 10006
212-264-9940

David Wikstrom (Jimenez)
Law Office of David Wikstrom
233 Broadway, Suite 2208
New York, New York 10279
212-248-5511

Maurice Sercarz (Flores)
Sercarz & Riopelle
810 Seventh Avenue
New York, New York 10019
212-586-4900

J. Bruce Maffeo (Sears)
1350 Broadway
New York, New York 10006
212-883-4951

William Stampur (Vasquez)
Hurwitz Stampur & Roth
299 Broadway, Suite 800
New York, New York 10007
212-619-4240

Lawrence Ruggiero (Rodriguez)
Law Office of Lawrence Ruggiero
233 Broadway
New York, New York 10279
212-406-2910

Mitchell Golub (Coleman)
Golub & Golub
225 Broadway, Suite 1515
New York, New York 10007
212-693-1000

Francisco Celedonio (Houlder)
305 Broadway, Suite 1400

New York, New York 10007
212-219-7533

6. United States v. Lee, 99 Cr. 602 (Hon. Alvin K. Hellerstein, SDNY) (1999 – 2000).

I was responsible for the prosecution of the defendant in this case for conspiracy to distribute heroin out of a restaurant he owned in New York. This trial was the culmination of a long-term investigation of international narcotics trafficking that included wire taps, pen registers, and prior convictions of various co-conspirators. I handled the pre-trial suppression hearing and, as sole counsel at trial, put on the government's case, which included wiretap recordings and expert testimony. After a five-day jury trial, Lee was found guilty and was sentenced to five years' imprisonment. Upon the defendant's appeal, I also handled the government's briefing and oral argument before the United States Court of Appeals for the Second Circuit, which affirmed the judgment below.

Defense counsel:

Lawrence Hochheiser
Hochheiser Hochheiser & Inwood LLP
270 Madison Avenue, Suite 1203
New York, New York 10016
212-689-4343

Joyce London
Law Office of Joyce C. London
20 Vesey Street, Suite 400
New York, New York 10007
212-964-3700

7. United States v. Jones, et al., 99 Cr. 1148 (Hon. Loretta A. Preska, SDNY) (1999 – 2000).

I served as lead prosecutor in the Organized Crime Drug Enforcement Task Force investigation and prosecution of a violent, gallon-quantity PCP gang operating in New York, California, Connecticut, Pennsylvania, and New Jersey. This case involved five wiretaps, numerous undercover buys, and hundreds of hours of video surveillance, and resulted in the arrest of 31 defendants and seizure of a gallon of liquid PCP, three firearms, and \$166,000 cash. The wiretaps in this case enabled DEA in New Haven to begin Title III intercepts on two Connecticut-based PCP traffickers, leading to the arrest of ten defendants and the seizure of an additional gallon of PCP. Of 14 defendants charged in New York, 13 pleaded guilty and one (Derrek Gabb) proceeded to trial. I served as lead counsel at that bench trial and the defendant was convicted on all counts.

Co-counsel:

Robert Hotz (then Assistant United States Attorney)
Akin Gump Strauss Hauer & Feld LLP
One Bryant Park
New York, New York 10036
212-872-1028

Defense counsel (due to the large number of defendants in this matter, I am providing contact information for the following principal defense counsel):

Susan Wolf (Gabb)
Hoffman & Pollok
260 Madison Avenue
New York, New York 10016
212-679-2900

Louis Freeman (Jones)
Freeman Nooter & Ginsberg
30 Vesey Street, Suite 100
New York, New York 10007
212-608-0808

Ira London (Theus)
Law Office of Ira London
99 Park Avenue #1600
New York, New York 10016
646-475-2372

Labe Richman (Pipersburg)
305 Broadway # 100
New York, New York 10007
212-227-1914

Neil Checkman (Card)
111 Broadway # 1305
New York, New York 10006
212-264-9940

Richard Lind (Brown)
Office of Richard Lind
641 Lexington Avenue, 18th Floor
New York, New York 10021
212-888-7725

Amelio Marino (Williams)
Law Office of Amelio Marino
163 West 71st Street
New York, New York 10023
212-873-7297

Ellyn Bank (Little)
Office of Ellyn Bank
225 Broadway
New York, New York 10007
212-385-1800

8. United States v. Caruso, et al., 98 Cr. 506 (Hon. Dominick L. DiCarlo, Court of International Trade, sitting by designation (now deceased)) (1998 – 1999).

I, along with my trial partner, prosecuted the two defendants in this case for orchestrating two separate but related securities fraud schemes that targeted over 100 investors across the United States, including many elderly and vulnerable victims, through the use of telemarketers in boiler room operations. The defendants were charged with four counts of mail fraud and conspiracy to commit mail fraud in connection with over \$500,000 in investor losses. After a ten-day jury trial, we were successful in procuring convictions of both defendants on all counts. The defendants were each sentenced to over three years' imprisonment. I was presented with a Certificate of Appreciation from the United States Postal Inspection Service in 1999 for my work on this case.

Co-counsel:

Douglas Jensen (then Assistant United States Attorney)
Park & Jensen LLP
630 Third Avenue
New York, New York 10017
646-200-6320

Defense counsel:

Irving Cohen (Caruso)
Law Office of Irving Cohen
233 Broadway
New York, New York 10279
212-964-2544

Robert John Aiello (Duquesnay)
Aiello & Cannick
69-06 Grand Avenue

Maspeth, New York 11378
718-426-0444

Roger Bennet Adler (Duquesnay)
Law Offices of Robert B. Adler
233 Broadway, Suite 1800
New York, New York 10279
212-406-0181

9. United States v. Urena, et al., 98 Cr. 1248 (Hon. Denise L. Cote, SDNY); and related case United States v. Ramirez, et al., 98 Cr. 1205 (Hon. Barbara S. Jones, SDNY); and numerous related cases (1997 – 2001).

I served as lead prosecutor in the investigation and prosecution of a \$65 million food stamp fraud conspiracy that was the largest in the country of its kind at that time. I supervised and co-audited teams of FBI and Department of Agriculture inspector federal agents, drafted numerous search warrants, complaints and exhibits and handled bail hearings and motion practice involving over 70 subjects associated with more than 20 stores and five banks. This two-year investigation involved ten large-scale searches and spawned a second wave of prosecutions that I also handled, relating to an international narcotics money laundering conspiracy. In total, we obtained more than 60 pleas and convictions, including several bank officers and employees. In June 2000, I was presented the Secretary of Agriculture's Group Honor Award for Excellence for my work on this case.

Co-counsel:

Peter Neiman (then Assistant United States Attorney)
Wilmer Cutler Pickering Hale & Dorr LLP
399 Park Avenue
New York, New York 10022
212-295-6487

Defense counsel (due to the large number of defendants in this matter, I am providing contact information for the following principal defense counsel):

Lee Alan Ginsberg (R. Cespedes)
Freeman Nooter & Ginsberg
75 Maiden Lane
Suite 503
New York, New York 10038
212-608-0808

Roland Thau (R. Cespedes)
Federal Defender Services
52 Duane Street

New York, New York 10007
212-417-8733

Martin Klotz (I. Cespedes)
Willkie Farr & Gallagher
787 Seventh Avenue
New York New York 10019
212-728-8688

Alan Nelson (E. Cespedes)
Law Office of Alan Nelson
3000 Marcus Avenue, Suite 1E-5
Lake Success, New York 11040
516-328-6200

Aubrey Lees (Merejo)
Law Office of Aubrey Lees
799 Broadway # 541
New York, New York 10003
212-477-1899

Dawn Cardi (Urena)
Dawn Cardi & Associates
Two Park Avenue, 19th Floor
New York, New York 10016
212-481-7770

Lloyd Epstein (Casilla)
Epstein & Weil
225 Broadway, Suite 1203
New York, New York
212-732-4888

John O'Leary (Sanchez)
Law Office of John O'Leary
39-51 1/2 46th Street
Lic, New York 11104
718-706-9796

10. In the Matter of the Extradition of Ernst, 97 Crim. Misc. 1 (Hon. Henry B. Pitman, Magistrate Judge, SDNY) (1997 – 1998).

I was the sole prosecutor responsible for the provisional arrest and extradition to Switzerland of Ernst, a permanent resident of the United States, who had conducted a multi-million dollar securities and accounting fraud scheme involving a publicly traded company in Switzerland and had been tried and

convicted in absentia in Switzerland after fleeing to the United States. Ernst aggressively opposed his extradition, requiring an extensive bench trial and my presentation of much of the Swiss criminal case, including live testimony by the Swiss judge/prosecutor. I was successful in obtaining an order of extradition and in defeating Ernst's subsequent habeas petition so that he was deported to Switzerland for the continuation of any criminal proceeding and/or to serve his sentence.

Defense counsel:

Frederick H. Cohn
61 Broadway, Suite 1601
New York, New York 10006
212-768-1110

Michael Carey
Carey & Associates
521 Fifth Avenue, Suite 3300
New York, New York 10175
212-758-0076

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.)

Over my years in private practice, I have channeled my commitment to protecting the fairness of elections and integrity of government to advocacy on behalf of the Philadelphia Board of Ethics, an independent city agency for which I serve as outside counsel, and participation on the board of the Committee of Seventy, a non-partisan government watchdog group. My representation of the Board of Ethics has included affirmative litigation to enforce the City's ethics and campaign finance laws and defensive work when the Board has been sued in challenges to the constitutionality of these laws or the Board's interpretation of them. For example, in Local 98 IBEW Committee on Political Education v. Philadelphia Board of Ethics, et al., 08 cv 630 (Hon. Harvey Bartle III, then-Chief Judge, EDPA) (2008), I represented the Board of Ethics and served as lead counsel for our co-defendants, the Pennsylvania Attorney General and the Philadelphia District Attorney, in successfully defeating plaintiff's challenge to the constitutionality of the state and city campaign finance laws.

Throughout my work in both the public and private sector, I also have pursued my interest in teaching and mentoring by serving as a lecturer at various law schools in the areas of trial advocacy, appellate advocacy, evidence, and Internet crime, and by

publishing on developments in the law on a regular basis. I have served as a guest lecturer for various professors in other subject matter areas and frequently counsel law students and recent graduates on professional development issues.

Other significant legal activities include my development of a robust appellate practice, both as a prosecutor and as a defense attorney. In a case before the United States Court of Appeals for the Third Circuit, for example, I was retained to brief and argue the appeal after the District Court imposed penalties and disgorgement of approximately \$50 million in a Securities and Exchange Commission enforcement proceeding. The case raised several important issues of first impression, including the type of causal link required between the violation and alleged profits for the Commission to obtain a disgorgement remedy under the securities laws. Securities and Exchange Commission v. Teo, No. 12-1168 (3d Cir. Feb. 10, 2014). At the same time, I have sought to improve access to the appellate courts for indigent defendants by launching and supervising the Dechert-University of Pennsylvania Law School Appellate Externship Program through which pro se appellants are represented by Penn Law students paired with Dechert attorneys. This highly successful partnership has been praised by judges of the Third Circuit and was recognized by the American Lawyer Media's Philadelphia publication, *The Legal Intelligencer*, in 2012.

In addition, I have been actively involved in developing resources for the federal defense bar and improving communications among the defense bar, the United States Attorney's Office and the District Court for the Eastern District of Pennsylvania through my work on the Executive Committee of the Federal Bar Association's Criminal Law Committee, Philadelphia Chapter. In this capacity, I participate in program planning for the Criminal Law Committee throughout the year and have organized and participated in many panel presentations and continuing legal education seminars for the federal defense bar. In 2008, I also was invited, on behalf of the Criminal Law Committee, to represent the interests of the defense bar in a roundtable discussion with then-Chief Judge Harvey Bartle and representatives from the United States Attorney's Office, the Office of the Federal Defender, the Probation Department, the United States Marshals Service, and the Bureau of Prisons to identify and address problems in administering criminal justice in the Eastern District of Pennsylvania and to improve coordination among the relevant agencies.

I have not performed lobbying on behalf of any client or organization.

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.

From 2009 through the present, I have taught a seminar on appellate advocacy and judicial philosophy in connection with the Dechert-University of Pennsylvania Law School appellate externship program. Syllabi provided.

In 2005 and 2006, I taught Evidence, a core curriculum class on the Federal Rules of Evidence, at the University of Pennsylvania Law School. Syllabus provided.

In 2003, I co-taught a seminar in Cybercrime at the University of Pennsylvania Law School in which we explored the developing law under which Internet and computer crimes are prosecuted. Syllabus provided.

In 2002, I taught Trial Practice at Columbia Law School, which was a clinical course on trial skills that culminated in a mock trial. Syllabus provided.

In 1995, I taught Advocacy and Judicial Decision-Making at Stanford Law School, covering judicial philosophy and appellate advocacy skills. I no longer have a syllabus for this 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.

I participate in Dechert LLP's 401K and HR-10 plans, intended for retirement benefits at age 65, but subject to an elective lump sum distribution if I leave Dechert's employment.

Upon retirement, I also am eligible to receive benefits from the Federal Employee Retirement System from my years in public service.

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.

If confirmed, I have no plans, commitments or agreements to pursue outside employment, with or without compensation, during my service with the Court.

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).

Please see Financial Disclosure Report.

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

Please see Net Worth statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse myself in any litigation in which I have ever played a role. Cases involving Dechert LLP, at least initially, would raise potential conflict issues and I would recuse myself for a period of time. I would apply the standards of 28 U.S.C. § 455 and the Code of Conduct for United States Judges to determine whether to recuse myself in other matters, including matters that involve former clients of my firm otherwise unrelated to any matters that my firm or I handled.

I am not otherwise aware of any individuals, family or financial arrangements that are likely to present conflicts of interests.

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

I will thoroughly analyze any potential conflict of interest and will follow the rules and decisions addressing what constitutes a conflict of interest, including 28 U.S.C. § 455 and the Code of Conduct for United States Judges. To facilitate that analysis, I would compile a comprehensive list of matters and/or clients or other persons who may raise potential conflicts of interest, and for close cases, I would consult with other judges and persons designated by the Court to advise in this area.

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.

From 2005 through 2008, I served on the Criminal Justice Act ("CJA") panel of the United States District Court for the Eastern District of Pennsylvania, representing indigent defendants in criminal cases.

From 2007 through the present, I have served pro bono as outside counsel for the Philadelphia Board of Ethics, assisting in investigations, handling enforcement actions, and defending the Board in legal actions brought against it.

On an annual basis since 2009, I also have administered the Dechert-University of Pennsylvania Law School Appellate Externship Program, supervising law students who

are paired with Dechert attorneys in handling the briefing and argument of pro bono cases assigned by the United States Court of Appeals for the Third Circuit.

In addition, in 2011, I launched the Philadelphia Project, a partnership between Dechert LLP and the Public Interest Law Center of Philadelphia to provide legal support to families of children with disabilities in the School District of Philadelphia and to seek class-wide relief where systemic problems are identified. As the organizer of that program, I have supervised numerous associates assigned to assist families with their individual issues. I also filed successful class action litigation against the School District of Philadelphia on behalf of a class of children with autism to stop the District from changing their educational placement without adequate notice to or participation of parents in the process.

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 July 11, 2013, an official from the White House Counsel's Office inquired if I would be interested in serving on the U.S. Court of Appeals for the Third Circuit. I replied that I would be, and I have been in contact with officials from the Counsel's Office since then. Since August 14, 2013, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On September 26, 2013, I was interviewed by attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On November 18, 2013, I was interviewed by Senator Patrick Toomey in Allentown, Pennsylvania. On February 6, 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, Cheryl Ann Krause, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

Feb. 5, 2014
(DATE)

Cheryl Ann Krause
(NAME)

Lori A. Long
(NOTARY)

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

**LORI A. LONG, Notary Public
City of Philadelphia, Phila. County
My Commission Expires May 14, 2015**