

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY  
QUESTIONNAIRE FOR NOMINEES  
TO PRIVACY AND CIVIL LIBERTIES BOARD**

**PUBLIC**

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

David Medine (former name: David Samuel Medine)

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

Chairman and Member, Privacy and Civil Liberties Oversight Board

**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.

WilmerHale  
1875 Pennsylvania Ave., N.W.  
Washington, DC 20006

Reside in Bethesda, Maryland

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

July 15, 1953 New York, NY

**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.

The University of Chicago Law School, 1976-1978, JD 1978  
Hofstra University Law School, 1975-1976  
Hampshire College, 1971-1975, BA 1975

**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.

**WilmerHale (2002 – present) (known as Wilmer, Cutler & Pickering from 2002-2004)**

Partner  
1875 Pennsylvania Ave., N.W.  
Washington, DC 20006

**Hogan & Hartson (2001-2002)**

Partner  
555 Thirteenth St., N.W.

Washington, DC 20004

**White House National Economic Council (2000-2001)**

Senior Advisor

Washington, DC 20500

**Federal Trade Commission (1989-2000)**

Associate Director for Financial Practices (1992-2000)

Assistant Director for Credit Practices (1989-1991)

Washington, DC 20580

**University of Maryland School of Law (1988-1989)**

Visiting Associate Professor

500 W. Baltimore St.

Baltimore, MD 21201

**Indiana University (Bloomington) School of Law (1986-1988)**

Associate Professor

211 South Indiana Ave.

Bloomington, IN 47405

**The George Washington University Law School (1983-1986)**

Clinical Instructor

2000 H St., N.W.

Washington, DC 20052

**Covington & Burling (1979-1983)**

Associate

1201 Pennsylvania Ave., N.W.

Washington, DC 20004

**Kurzban, Kurzban & Weinger (1978)**

Assistant

2650 SW 27<sup>th</sup> Ave.

Miami, FL 33133

**Environmental Defense Fund (1977)**

Student Intern

1875 Connecticut Ave., N.W.

Washington, DC 20009

**U.S. Environmental Protection Agency (1975 and 1976)**

Student Intern

1200 Pennsylvania Ave., N.W.

Washington, DC 20460

**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.

No military service. I have registered for selective service.

**8. Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

**Chambers USA: America's Leading Lawyers for Business:** leader in privacy and data security –Band 1: 2007 (DC); 2008, 2009, 2010 and 2011 (National).

**Chambers Global: The World's Leading Lawyers:** nationwide leader in the privacy and data security field in 2010 and 2011.

**Legal 500,** data protection and privacy, considered “‘excellent’, particularly with respect to data-security regulation in the financial services sector” (2008); listed as a “leading lawyer” in the area of Media, technology and telecoms (2009 and 2011).

**Lawdragon 3000** Leading Lawyers in America (2011).

**Martindale Hubble:** “AV Preeminent 5.0 out of 5” Peer Review Rated (highest rating).

**The Best Lawyers in America:** selected by peers for inclusion in the area of banking law (2006-2012).

**DC Super Lawyers** selected for inclusion in the area of banking law (2008-2009).

**Washingtonian Magazine:** one of the “Top Lawyers” in Washington (2004).

**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 (approx. 2002-2004)**  
Member

**American Bar Association Consumer Financial Services FTC Subcommittee (1993-1995)**  
Vice Chair

**District of Columbia Bar Consumer Committee (1989-1990)**  
Co-Chair

**10. Bar and Court Admission:**

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

District of Columbia, admitted in 1978

Indiana, admitted in 1986, voluntarily withdrew in 2009

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.

U.S. District Courts for the District of Columbia – approx. 1979

U.S. District Court, Southern District of Indiana – approx. 1987

Court of Appeals for the District of Columbia Circuit -- 1978

U.S. Supreme Court – approx. 1980

**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.

**Weil Family Foundation (approx. 1990-present) (unpaid)**

Director  
400 Woodward Rd.  
Rose Valley, PA 19063

**Legal Services Corporation Technology Advisory Board (2003) (unpaid)**

Member  
3333 K St., N.W.  
Washington, DC 20007

**U.S. Government Information Technology Services Board (1999-2000) (unpaid)**

Member  
Washington, DC

**Clara Barton Center for Children (1999-2000) (unpaid)**

Director  
7425 MacArthur Blvd.  
Cabin John, MD 20818

**D.C. Neighborhood Legal Services Program (1990-1992) (unpaid)**

Director  
680 Rhode Island Ave. NE  
Washington, DC 20002

**Bloomington Community Mediation Center (1987-1988) (unpaid)**

Director  
205 S. Walnut St.  
Bloomington, IN 47404

**District of Columbia Board of Appeals and Review (1984-1986) (unpaid)**

Member  
441 4th Street, NW, Suite 250 North  
Washington, DC 20001

**Washington Council of Lawyers (1981-1986) (unpaid)**

Director  
555 12<sup>th</sup> Street, N.W.  
Suite 210  
Washington, DC 20004

b. 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.

I am not aware that any of the organizations listed in response to Questions 6, 9 and 10 currently or formerly discriminated on the basis of race, sex or religion in any way.

## 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.

*I have done my best to identify published materials, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find or remember. I have located the following:*

Red Flags Rule Scope Narrowed by Congress, **WilmerHale** (2010) (co-author) (copy supplied).

New Year Brings Three Major Regulatory Deadlines for Financial Institutions, **WilmerHale** (2010) (co-author) (copy supplied).

National Broadband Plan Calls for Enhanced Privacy and Data Security Protections, **WilmerHale** (2010) (co-author) (copy supplied).

Protection of Personal Information: Massachusetts Data Breach Law Goes Into Effect on March 1, 2010, **WilmerHale** (2010) (co-author) (copy supplied).

Reining in Excessive Secrecy: Recommendations for Reform of the Classification and Controlled Unclassified Information Systems (July 2009) (co-reporter). (copy supplied).

M-Payments Multi-Jurisdictional Survey: United States, **Banking Law** (2009) (co-author). (copy supplied).

Federal Trade Commission Delays Enforcement of Red Flags Rule Again, **WilmerHale** (2009) (co-author) (copy supplied).

Proposed Consumer Financial Protection Agency Takes A Step Forward, **WilmerHale** (2009) (copy supplied).

Federal Trade Commission Further Delays Enforcement of "Red Flags Rule," **WilmerHale** (2009) (co-author) (copy supplied).

Red Flag Rules Go Into Full Effect on August 1, 2009, **WilmerHale** (2009) (co-author) (copy supplied).

Agencies Release Rules Regulating Furnisher Obligations Under FACT Act Imposing Major New Duties, **WilmerHale** (2009) (co-author) (copy supplied).

Federal Trade Commission Delays Enforcement of "Red Flags Rule" for Certain Financial Institutions and Creditors, **WilmerHale** (2009) (co-author) (copy supplied).

Protection of Personal Information: Massachusetts Extends Deadline for Compliance with New Privacy and Security Regulations, **WilmerHale** (2008) (co-author) (copy supplied).

Protection of Personal Information: Massachusetts Requires Comprehensive Security Policy, **WilmerHale** (2008) (co-author) (copy supplied).

Federal Trade Commission Delays Enforcement of "Red Flags Rule" for Certain Financial Institutions and Creditors, **WilmerHale** (2008) (co-author) (copy supplied).

Ninth Circuit Partially Reinstates California Financial Privacy Law's Affiliate Sharing Opt Out Provisions, **WilmerHale** (2008) (co-author) (copy supplied).

FTC Bans Prerecorded Messages in Telemarketing Calls, **WilmerHale** (2008) (co-author) (copy supplied).

FACT Act "Red Flag" Rules, **WilmerHale** (2008) (co-author) (copy supplied).

SEC Proposal for Better Safeguarding Personal Information: Easier Said Than Done?, **WilmerHale** (2008) (copy supplied).

Interagency Proposal for Model Privacy Form, **Financial Services Law 360** (2007) and **Electronic Banking Law and Commerce Report**, Vol. 12, No. 3 (2007) (co-author). (copy supplied).

FDIC Approves Final Rules From FACTA, **WilmerHale** (2007) (copy supplied).

Interagency Proposal for Model Privacy Form Under the Gramm-Leach-Bliley Act, **WilmerHale** (2007) (co-author) (copy supplied).

Data Security Update, **Cyberspace Lawyer**, Vol. 11, No. 6 (2006). (copy supplied).

Electronic Payment Transaction Developments, **Electronic Banking Law and Commerce Report**, Vol. 11, No. 2 (2006) (co-author) (copy supplied).

Transferring HR Data from the European Union to the United States: Binding Corporate Rules Offer Another Compliance Option, **WilmerHale** (2006) (co-author) (copy supplied).

Recent Developments in Data Security and Data Privacy, **Journal of Payment Systems Law**, Vol. 1, No. 3, pp. 263-280 (2005) and **Electronic Banking Law and Commerce Report**, Vol. 10, No. 4 (2005) (co-author) (copy supplied).

Privacy -- Adjusting to Changes in Technology, **ExecBlueprints** (2005). (cannot locate a copy)

Risks and Costs of Legal Issues in Financial Services, **ExecBlueprints** (2005). (cannot locate a copy)

Privacy Update: New Federal and State Requirements for Personal Data Security, **Electronic Banking Law and Commerce Report**, Vol. 9, No. 2 (2004) (co-author) (copy supplied).

Privacy Update: New Federal Rules on Telephone Marketing, Affiliate Information Sharing, Credit Reporting, and E-Mail Marketing Apply to Banks, **Electronic Banking Law and Commerce Report**, Vol. 8, No. 10 (2004) (copy supplied).

National Do-Not-Call List Compliance, **WilmerHale** (2003) (co-author) (copy supplied).

"Origins of Internet Privacy Regulation" chapter, **Inside the Minds: Privacy Matters** (2002). (copy supplied).

FTC Privacy Enforcement, **ABA Antitrust Law Section Federal Trade Commission Newsletter**, Vol. 2002, Issue 1 (2002). (copy supplied).

Why Has the FTC Become a Privacy Cop?, American Bankers Association **Bank Compliance** (May/June 2002) (copy supplied).

Internet Privacy: Enforcement Actions, **National Law Journal** (August 6, 2001) (co-author). (copy supplied).

Predatory Lending, **World of Special Finance**, Vol. 5, Issue 3, p. 30 (2001). (cannot locate a copy)

Alternative Financial Delivery Systems, **Proceedings of the 36<sup>th</sup> Annual Conference on Bank Structure and Competition**, Federal Reserve Bank of Chicago (2000). (copy supplied).

Regulatory Issues in Internet Privacy: The FTC's Role, **Electronic Banking Law and Commerce Report**, Vol. 3, No. 6, pp. 7-12 (1998) (copy supplied).

The Implications of Emerging Electronic Payment Systems on Electronic Privacy, **Electronic Banking Law and Commerce Report**, Vol. 2, No. 6, pp. 6-12 (1997). (copy supplied).

Law and Kurosawa's *Rashomon*, **Literature/Film Quarterly**, Vol. 20, No. 1, pp. 55-60 (1992) (copy supplied).

The Constitutional Right to Expert Assistance for Indigents in Civil Cases, **Hastings Law Journal**, Vol. 41, pp. 281-349 (1990) (copy supplied).

The Adverse Testimony Privilege: Time to Dispose of a "Sentimental Relic", **Oregon Law Review**, Vol. 67, pp. 519-560 (1988) (copy supplied).

"Consumer Protection" chapter, *The District of Columbia Practice Manual* (1987) (co-author) (copy supplied).

The Noise Control Act: Legislative and Administrative Problems of Implementation, **Environmental Law**, Vol. 9, pp. 313-345 (1979) (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.

*I have done my best to identify published materials, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find or remember. I have located the following:*

October 22, 1991, "FCRA," Senate Subcommittee on Consumer and Regulatory Affairs, Senate Banking, Housing and Urban Affairs Committee (copy supplied).

October 24, 1991, "FCRA," House Subcommittee on Consumer Affairs and Coinage, House Banking, Finance & Urban Affairs Committee (copy supplied).

January 9, 1992, "FCRA," Senate Consumer Subcommittee, Committee on Commerce, Science & Transportation (copy supplied).

January 10, 1992, "FCRA," Senate Consumer Subcommittee, Committee on Commerce, Science & Transportation (copy supplied).

May 27, 1992, "Truth in Lending Act," House Subcommittee on Consumer Affairs and Coinage, House Banking, Finance & Urban Affairs Committee (copy supplied).

June 24, 1992, "Lease Purchase Agreement Act," House Subcommittee on Consumer Affairs and Coinage, House Banking, Finance & Urban Affairs Committee (copy supplied).

September 10, 1992, "Fair Debt Collection Practices Act," House Subcommittee on Consumer Affairs and Coinage, House Banking, Finance & Urban Affairs Committee (copy supplied).

March 31, 1993, "Rent-to-Own," House Banking, Finance & Urban Affairs Committee (copy supplied).

May 27, 1993, "FCRA," Senate Banking Committee (copy supplied).

October 20, 1993, "Consumer Reporting Reform Act of 1993 (FCRA)," House Subcommittee on Consumer Credit & Insurance, House Banking, Finance & Urban Affairs Committee (copy supplied).

September 18, 1997, "Implications of Emerging Electronic Payment Systems on Individual Privacy," House Banking Committee (copy supplied).

March 26, 1998, "Internet Privacy," House Committee on the Judiciary (copy supplied).

May 20, 1998, "Identity Theft," Senate Subcommittee on Technology, Committee on the Judiciary (copy supplied).

March 4, 1999, "Financial Privacy," House Subcommittee on Commercial and Administrative Law, House Committee on the Judiciary (copy supplied).



May 24, 2000, "Predatory Lending Practices in the Subprime Industry," House Committee on Banking and Financial Services (copy supplied).

June 13, 2000, "Online Profiling: Benefits and Concerns," Senate Committee on Commerce, Science, and Transportation (testified at hearing; prepared statement delivered by FTC Bureau of Consumer Protection Director Jodie Bernstein) (copy supplied).

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

*I have done my best to identify published materials, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find or remember. I have located the following:*

May 24, 2011, WilmerHale Annual Intellectual Property Conference, WilmerHale offices, Boston, Massachusetts, speech on privacy and intellectual property.

March 14, 2011, Credit Collections Conference, Miami, Florida, speech on the relationship between the CFPB and FTC regarding debt collection enforcement.

May 7, 2010, Payment Card Institute, Washington, DC, speech on Data Security, ID Theft and Privacy.

May 1, 2009, Financial Markets Association, Crystal City, Virginia, speech on Massachusetts Data Security Regulations.

March 25, 2009, Marsh's Academy of Risk Cyber Risks Seminar, Washington, DC, speech on Data Security.

January 27, 2010, American Conference Institute, 9th National Advanced Forum on the Privacy & Security of Consumer and Employee Information, Washington, DC, speech on a variety of privacy issues, including CAN SPAM and FCRA.

March 19, 2009, American Bar Association/Federal Communications Bar Association, Privacy and Security Conference, Washington, DC, speech on Privacy and Data Security Issues.

March 16, 2009, FTC International Data Security Conference, Washington, DC, speech on data security and response, including best practices.

February 26, 2009, International Association of Privacy Professionals, Washington, DC, speech on FACTA.

March 13, 2009, Investment Advisory Association Compliance Summit, Speech on Regulation S-P.

November 19, 2008, The Knowledge Congress, Washington, DC, Speech on Understanding Regulation S-P: Privacy of Consumer Financial Information.

October 21-23, 2008, speech at the Third Global Credit Reporting Conference on Legal and Regulatory Framework, Enforcement and Supervision of Credit Information Industry, Rio de Janeiro, Brazil.

April 1, 2008, WilmerHale Consumer Credit Client Meeting, Washington, DC, speech on Privacy and Security: New Rules, What's Coming Next, and What It All Means for You.

March 6, 2008, American Bar Association/Federal Communications Bar Association, Washington, DC, speech on Privacy, Data Security, and Media Companies.

May 3, 2007, World Bank Conference, Nairobi, Kenya, speech on cross-border integration to allow for credit information to flow across national lines.

October 5, 2006, Regional Conference on Credit Reporting in Africa, Cape Town, South Africa, speech on Impact of Legal Environment on Development of Credit Reporting.

April 8, 2005, American Conference Institute, Chicago, IL, speech on debt collection.

February 18, 2004, International Association of Privacy Professionals, Washington, DC, speech on EU Safe Harbor.

January 27, 2004, US Commerce Department program on EU Safe Harbor, Philadelphia, PA, speech on EU Safe Harbor.

May 6, 2003, Payment Card Institute, Washington, DC, speech on debt collection.

March 13, 2003, Privacy & American Business, Washington, DC, speech on financial services privacy.

April 11, 2003, Predatory Lending Conference, Orlando, FL, speech on Preventing Exposure to Predatory Practices: A Practical and Legal Guide.

February 12, 2003, Corporate Counsel meeting, Tysons Corner, VA, speech on Complying with Government Demands for Consumer and Business Information.

April 24, 2002, American Bar Association Antitrust Spring Meeting panel on advertising and marketing disclosures.

June 29, 2000, FTC Workshop Competition in the World of B2B Electronic Marketplaces, Washington, DC., transcript:  
<http://www.scribd.com/doc/1168170/229/Gail-Levine-and-David-Medine>.

I gave additional speeches while at WilmerHale and a substantial number of speeches while serving at the FTC. However, I did not maintain a list of these speeches nor did I keep any written presentations; most of the speeches did not involve written materials.

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 published materials, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find or remember. I have located the following:*

“DATA SECURITY: Lawmakers Begin to Catch Up to Corporate Data Security Failures,” *Security Director's Report*, December 2008. (copy supplied).

“FTC Investigation Leads to Salmon Advertising Changes,” *The Gourmet Retailer*, February 20, 2007. (copy supplied).

“The New FACTs of Life,” *Credit Card Management*, March 2004. (copy supplied).

“Regulators Propose Simpler Data-Sharing Policy Notices,” *The American Banker*, January 6, 2004. (copy supplied).

“Not-So-Uniform Response To Fed’s Disclosure Plan,” *The American Banker*, December 19, 2003. (copy supplied).

“Free Reports? Bureaus and Lenders Will Pay,” *The American Banker*, December 12, 2003. (copy supplied).

“Leaf Blowers Putting an End To a Fall Ritual,” *The Washington Post*, November 1, 2003, Final Edition. (copy supplied).

“TECHNOLOGY; Victoria's Secret Reaches A Data Privacy Settlement,” *The New York Times*, October 21, 2003, Late Edition – Final. (copy supplied).

“Calif. privacy law's bark worse than bite; Compromises to help brokers conduct business,” *Investment News*, September 8, 2003. (copy supplied).

“Identity Crisis; Meet Michael Berry: political activist, cancer survivor, creditor's dream. Meet Michael Berry: scam artist, killer, the real Michael Berry's worst nightmare,” *The Washington Post*, August 10, 2003, Final Edition. (copy supplied).

“FCC Seen Forcing Banks, Insurers to Obey No-Call List,” *The American Banker*, April 15, 2003. (copy supplied).

“Self-Test Change Said to Fail Lenders, Advocates,” *The American Banker*, February 25, 2003. (copy supplied).

“Workers' Rights Are Not Overruled by Screening,” *The Washington Post*, February 16, 2003, Final Edition. (copy supplied).

“Old Nonbank Edge Blunted As Regulators Reach Farther,” *The American Banker*, February 7, 2003. (copy supplied).

“FTC Wants Banks on Do-Not-Call Registry,” *The American Banker*, December 19, 2002. (copy supplied).

“Identity theft,” *National Public Radio (NPR)*, November 26, 2002. (copy supplied).

"A Tricky Maze for Consumers," *The New York Times*, October 17, 2002, Late Edition – Final. (copy supplied).

"Ruling May Reduce Threat of Privacy Penalties," *The American Banker*, October 8, 2002. (copy supplied).

"TECHNOLOGY; New Software Quietly Diverts Sales Commissions," *The New York Times*, September 27, 2002, Late Edition – Final. (copy supplied).

"Marketer Violations Cost California Thrifts \$1.6M," *The American Banker*, July 10, 2002. (copy supplied).

"Card Companies Urged to Monitor FTC Proposal," *CardLine*, June 7, 2002. (copy supplied).

"In Terror War, Privacy vs. Security; Search for Illicit Activities Taps Confidential Financial Data," *The Washington Post*, June 3, 2002, Final Edition. (copy supplied).

"Experian and Fair, Isaac Tweak Subprime Scoring," *The American Banker*, December 28, 2001. (copy supplied).

"FTC Enforcement of Online Policies for Offline Data Stirs Worry," *Washington Internet Daily*, December 19, 2001. (copy supplied).

"Court Case Helps Keep Heat on Credit Bureaus; First of three parts," *The American Banker*, November 2, 2001. (copy supplied).

"FTC Will Not Seek New Privacy Laws," *The Washington Post*, October 5, 2001, Final Edition. (copy supplied).

"F.T.C. Plans To Abandon New Bills On Privacy," *The New York Times*, October 3, 2001, Late Edition – Final. (copy supplied).

"Security Bumping Privacy From Top of the Agenda," *The American Banker*, September 19, 2001. (copy supplied).

"Government Is Wary of Tackling Online Privacy," *The New York Times*, September 6, 2001, Late Edition – Final. (copy supplied).

"FTC Veteran: Keep the Heat On Predators," *The American Banker*, August 17, 2001. (copy supplied).

"Banks Will Dodge Brunt Of Opt-Out Decision," *The American Banker*, May 9, 2001. (copy supplied).

"PRIVACY: European Commission Approves Data-transfer Measures," *National Journal's Technology Daily*, June 18, 2001.

"Top Court May Set Clock on ID Fraud Lawsuits," *The American Banker*, March 28, 2001. (copy supplied).

"Lending Crackdown Said to Fall Short," *The New York Times*, May 14, 2000, Late Edition – Final. (copy supplied).

"Houston Chronicle Working Column," *The Houston Chronicle*, May 12, 2000. (copy supplied).

"Another federal guideline snafu," *The Houston Chronicle*, May 12, 2000, Three Star Edition. (copy supplied).

"Conflicting Federal Laws Fuel Showdown Over States' Rights to Legislate Privacy," *The American Banker*, April 17, 2000. (copy supplied).

"Fear Not! They've Got Your Number," *Pittsburgh Post-Gazette*, April 10, 2000, Sooner Edition. (copy supplied).

"Congress and Regulators Start Efforts to Crack Down on Deceptive Lending Practices," *The New York Times*, April 2, 2000, Late Edition – Final. (copy supplied).

"Yahoo Says It Is Discussing Internet Privacy with the F.T.C.," *The New York Times*, March 31, 2000, Late Edition – Final. (copy supplied).

"Agencies Target Unscrupulous Lenders," *The Washington Post*, March 31, 2000, Final Edition. (copy supplied).

"Your Social Security is Numbered," *Contra Costa Times* (California), March 27, 2000, Final Edition. (copy supplied).

"A busy Social Security number can bring you lots of trouble; Dollars & Sense," *The Baltimore Sun*, March 26, 2000, Final. (copy supplied).

"Most basic ID isn't quite so secure," *Chicago Tribune*, March 26, 2000, Chicagoland Final Edition. (copy supplied).

"Social Security Numbers Not Private," *The Record* (Bergen County, NJ), March 26, 2000, All Editions. (copy supplied).

"Social Security: Your Number's Up," *The Washington Post*, March 26, 2000, Final Edition. (copy supplied).

"Who can get your Social Security Number? Everyone," *Orlando Sentinel* (Florida), March 25, 2000. (copy supplied).

"Private companies can sell your Social Security number," *Tulsa World* (Oklahoma), March 24, 2000. (copy supplied).

"Social Security Numbers Bring Huge Risks," *Chattanooga Times Free Press* (Tennessee), March 22, 2000. (copy supplied).

"A new wrinkle in surfing the Net Dot-coms' mighty dot-size bugs track your every move," *USA Today*, March 21, 2000, Final Edition. (copy supplied).

"More Curbs Against Online Snooping Urged," *Richmond Times Dispatch*, March 18, 2000, City Edition. (copy supplied).

**2000**

"As Privacy Takes Center Stage, Enter the CPO," *The Record* (Bergen County, NJ), November 27, 2000, All Editions. (copy supplied).

"The Privacy Showdown," *Collections & Credit Risk*, September 2000. (copy supplied).

"In Search of A Seal of Approval," *Credit Card Management*, August 2000. (copy supplied).

"FTC and Toysmart Negotiate Over Sale of Customer Data," *Direct*, August 2000. (copy supplied).

"Computers Made Plain - In Wake of Toysmart Case, Parents Careful to Keep Personal Data Safe," *Investor's Business Daily*, July 17, 2000. (copy supplied).

"INTERNET PRIVACY - Toysmart Is Likely Not Alone in Selling Data," *Investor's Business Daily*, July 13, 2000. (copy supplied).

"How Easy It Is to Access One's Private Information Online," *CBS Morning News* (6:30 AM ET), News Transcripts, July 13, 2000. (copy supplied).

"Feds Sue Toysmart Over Selling Data; Visitors to Site, Now in Bankruptcy, Had Been Assured of Privacy," *Chattanooga Times Free Press* (Tennessee), July 11, 2000. (copy supplied).

"FTC suing Toysmart.com to prevent sale of names," *Deseret News* (Salt Lake City), July 11, 2000.

"F.T.C. Moves to Halt Sale Of Database at Toysmart," *The New York Times*, July 11, 2000, Late Edition – Final. (copy supplied).

"FTC Sues to Stop Toysmart.com From Selling Data," *The San Francisco Chronicle*, JULY 11, 2000, Final Edition. (copy supplied).

"Federal Trade Commission Sues Waltham, Mass., Internet Retailer," *The Washington Times*, July 11, 2000. (copy supplied).

"FTC Sues Web Store Over Plan To Sell Data; Toysmart Assured Buyers of Privacy," *The Washington Post*, July 11, 2000, Tuesday, Final Edition. (copy supplied).

"FTC fights firm's sale of on-line data; Customer-privacy lawsuit seen as step to regulation," *The Washington Times*, July 11, 2000, Final Edition. (copy supplied).

"PRIVATE OR NOT?; Behind the Scenes, Web Site Operators Are Gathering Information on Their Visitors, A Practice That Treads the Line Between Customer Service and Invasion of Privacy," *The Washington Post*, May 17, 2000, Final Edition. (copy supplied).

"Access sought to personal Net data," *The Washington Times*, May 16, 2000, Final Edition. (copy supplied).

"Consumers Often Unaware of Ways in Which Firms Invade Privacy on Internet," *Richmond Times Dispatch*, March 18, 2000. (copy supplied).

"The Internet's busybody," *U.S. News & World Report*, March 6, 2000. (copy supplied).

"Quit selling private info, FTC orders Credit agency sold 160 million names, addresses," *USA Today*, March 2, 2000, Final Edition. (copy supplied).

"Credit Firm Told to Stop Selling Data," *The Washington Post*, March 2, 2000, Final Edition. (copy supplied).

"Privacy Rules May Cover Wide Range of Business," *The Washington Post*, January 15, 2000, Final Edition. (copy supplied).

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"Credit card firms impose higher interest rates," *The Times Union* (Albany, NY), September 29, 1995, Three Star Edition. (copy supplied).

"Beware of Lenders Who Launch Your Rates," *Seattle Post-Intelligencer*, September 28, 1995, Final Edition. (copy supplied).

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"Equifax Settles Charge of Consumer Privacy Violations." *The Oregonian* (Portland, Oregon), February 9, 1995, Fourth Edition. (copy supplied).

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"On-line sales pitch draws federal lawsuit; Credit-fixing booklet called deceptive," *The Houston Chronicle*, September 16, 1994, 2 Star Edition. (copy supplied).

"FTC sues over claim in on-line ad / Agency files lawsuit over false claims," *USA Today*, September 15, 1994, Thursday, Final Edition. (copy supplied).

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"YOUR MONEY: Bill collectors' tactics draw growing list of complaints Atlanta Legal Aid, FTC are taking action to protect consumers from illegal practices," *The Atlanta Journal and Constitution*, November 22, 1993. (copy supplied).

"Trans-Union Prohibited from Selling Consumer Data," *Chicago Sun-Times*, September 25, 1993, Late Sports Final. (copy supplied).

"It Pays to Know Rights When Facing Collectors," *Palm Beach Post*, August 9, 1993. (copy supplied).

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"Bill Collectors Accused of Going Too Far; Collections: Employees of Giant Payco American Illegally Pressured Debtors, A Federal Complaint Alleges," *Los Angeles Times*, August 3, 1993, Home Edition. (copy supplied).

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"TRW Reaches Credit-Data Agreement; Privacy Advocates Welcome Settlement with FTC," *Plain Dealer* (Cleveland, Ohio), January 13, 1993, Final/All Editions. (copy supplied).

"FTC Accuses Credit Bureau of Privacy Violations," *The Washington Post*, January 13, 1993, Final Edition. (copy supplied).

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“Congress considers lock-in rate protection,” *Chicago Sun-Times*, June 5, 1992, Five Star Sports Final. (copy supplied).

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“What’s The Score? Credit Agencies Have to Tell You,” *Palm Beach Post* (Florida), February 24, 1992, Final Edition. (copy supplied).

“All About/Debt Collection; Persuading People to Pay Their Bills During Hard Times,” *The New York Times*, December 15, 1991, Late Edition – Final. (copy supplied).

“Creditworthy ... McDonnell Settles Applicant Charge,” *St. Louis Post Dispatch* (Missouri), October 10, 1991, Five Star Edition. (copy supplied).

“3 firms agree to advise when credit costs jobs,” *The Washington Times*, October 10, 1991, Final Edition. (copy supplied).

“Credit Bureau Won’t Sell Names,” *The Seattle Times*, August 9, 1991, Friday, Final Edition. (copy supplied).

“Don’t bank on how-to schemes,” *The San Diego Union-Tribune*, May 7, 1991. (copy supplied).

“Those 900 lines take heavy toll,” *The San Diego Union-Tribune*, May 7, 1991. (copy supplied).

“Judge Halts Business of 2 Area Credit Card Firms; Baltimore Companies Accused by FTC of Deceptive Advertising in Catalogue Deals,” *The Washington Post*, July 28, 1990, Final Edition. (copy supplied).

“U. S. travel firms ordered to pay refunds,” *The Toronto Star*, April 28, 1990, Second Edition. (copy supplied).

“Good news, bad news; The tedious road to restitution in travel scams,” *Chicago Tribune*, March 4, 1990, Final Edition. (copy supplied).

f. If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.

N/A

### **13. 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.

The White House  
National Economic Council  
Senior Advisor (appointed by Gene Sperling, Director, NEC) 2000-2001

Federal Trade Commission  
Bureau of Consumer Protection  
Associate Director for Financial Practices (appointed by Barry J. Cutler, Director, Bureau of Consumer Protection) 1992-2000  
Assistant Director for Credit Practices (appointed William MacLeod, Director, Bureau of Consumer Protection) 1989-1991

Representative Jonathan B. Bingham, Spring 1975, student intern.

Senator Walter F. Mondale, Fall 1974, student intern.

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.

Hillary Clinton for President, 2008, participated in finance committee meetings.

Bill Bradley for US Senate, October 1978, volunteer.

Bella Abzug for US House, Spring 1971, volunteer.

**14. 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 did not clerk for a judge but did a student internship my third year of law school (1977-1978) for US District Judge George N. Leighton (ND Ill.).

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.

**WilmerHale (2002 – present)**  
Partner  
1875 Pennsylvania Ave., N.W.  
Washington, DC 20006

**Hogan & Hartson (2001-2002)**

Partner  
555 Thirteenth St., N.W.  
Washington, DC 20004

**White House National Economic Council (2000-2001)**  
Senior Advisor  
Washington, DC 20500

**Federal Trade Commission (1989-2000)**  
Associate Director for Financial Practices (1992-2000)  
Assistant Director for Credit Practices (1989-1991)  
Washington, DC 20580

**University of Maryland School of Law (1988-1989)**  
Visiting Associate Professor  
500 W. Baltimore St.  
Baltimore, MD 21201

**Indiana University (Bloomington) School of Law (1986-1988)**  
Associate Professor  
211 South Indiana Ave.  
Bloomington, IN 47405

**The George Washington University Law School (1983-1986)**  
Clinical Instructor  
2000 H St., N.W.  
Washington, DC 20052

**Covington & Burling (1979-1983)**  
Associate  
1201 Pennsylvania Ave., N.W.  
Washington, DC 20004

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 supervised student mediators at George Washington University Law School but have not mediated cases.

v. whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

**District of Columbia Board of Appeals and Review (1984-1986)**  
Member, appointed by the Mayor, heard appeal from denial of participation in the Medicare program; also heard employment discrimination cases for the D.C. Human Rights Commission

b. Describe:

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

My first position as a member of the bar was as an associate at Covington & Burling. I worked on a variety of litigation matters including antitrust, contracts and tax. In addition I was engaged in extensive pro bono activities, including spending seven months full time at the Neighborhood Legal Services Program.

In 1983, I left law practice to teach law full time for the next six years. My first teaching position was as a clinical instructor at the George Washington University Law School. I ran two programs: consumer mediation and consumer litigation. The mediation taught students that there were alternative ways to resolve disputes other than litigation. The litigation clinic primarily prosecuted cases on behalf of the District of Columbia government against unscrupulous and unlicensed businesses. After three years at GW, I decided to move to a mix of classroom and clinic teaching. I was hired as a tenure-track Associate Professor of Law at Indiana University. In addition to classroom teaching, I also started a general practice clinical program. Two years later, I accepted a Visiting Associate Professor position at the University of Maryland Law School to help develop the novel Cardin program, blending classroom and clinic teaching.

Starting in 1989, I joined the Federal Trade Commission as an Assistant Director for Credit Practices. In that capacity, I supervised and participated in federal district court litigation against companies and individuals charged with violating Section 5 of the FTC Act, including telemarketers and credit repair scams. In 1983, I became the Associate Director for Credit Practices (later renamed Financial Practices), the head of a Division of about 30 professionals and a Senior Executive Service (SES) position. I was responsible for enforcing the Fair Credit Reporting Act, which among other things protects the privacy of consumer's credit records, in addition to other credit statutes. From 1995 until 2000, I was the lead FTC staffer on Internet privacy issues, conducting workshops, negotiating industry self-regulatory agreements, drafting regulations, testifying in Congress, and bringing enforcement actions. I was a member of the US Government team negotiating the EU Safe Harbor agreement and represented the US at the Organization for Economic Cooperation and Development (OECD) on privacy and data security issues. While at the FTC, I chaired a federal advisory committee on data access and security issues.

Following the FTC, from August 2000 – January 2001, I was a Senior Advisor with the White House National Economic Council. My work including serving on a committee to protect consumer information in bankruptcy proceedings, working with Congress on draft anti-spam legislation, and consulting with HHS on the HIPAA regulations. After the White House, I spent a year at Hogan & Hartson as a partner working on a wide range of Internet privacy issues.

Since 2002, I have been a partner at WilmerHale where my work has been divided between privacy, consumer protection, and financial services, with a considerable amount of overlap.

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

My typical clients at WilmerHale have been online companies, retailers, banks, broker dealers, debt collectors, credit bureaus, insurance companies, and media companies. I have advised them on privacy and data security issues as well as defending federal and

state investigations. I advise on a wide range of privacy issues including online, financial, medical, children's, driver's protection, video rental, email marketing, telemarketing, and international data transfers. I have drafted numerous privacy policies as well as information sale and purchase agreements, counseled on information disclosure and usage issues, and advised clients numerous times on how to address data security breaches. In addition to privacy issues, I also advise clients on advertising law, consumer protection, and financial services issues generally.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

My private practice since 2001 has involved an extremely small amount of litigation-related matters with no court appearances. At Indiana University and George Washington University, I supervised students in litigation matters. While at the FTC, I occasionally appeared in US District Court and argued one administrative appeal to the FTC. At Covington & Burling, I argued a DC Circuit appeal and, while on rotation to the Neighborhood Legal Services Program, regularly appeared in DC Superior Court.

i. Indicate the percentage of your practice in:

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

Less than one percent of my practice has involved litigation in federal, state or other courts, primarily consulting with other lawyers handling the litigation. I have been directly involved in one minor administrative litigation matter seeking to quash a subpoena which was far less than one percent of my time.

ii. Indicate the percentage of your practice in:

1. civil proceedings;
2. criminal proceedings.

Approximately 15 percent of my practice is spent defending investigations and negotiating civil settlements with the Federal Trade Commission that are filed in federal district court. I have not been involved with any criminal matters.

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.

None

i. What percentage of these trials were:

1. jury;
2. non-jury.

N/A

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 was on a brief on behalf of the National Organization for Women seeking review of a District Court ruling regarding the Equal Rights Amendment. (Copies supplied).

**15. 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:

Defenders of Wildlife, Inc., Appellant, v. the Endangered Species Scientific Authority, et al, 725 F.2d 726 (D.C. Cir 1984). Defenders of Wildlife, Inc., appealed a District Court order granting the Interior Department's motion to vacate that court's previously issued injunction. The injunction had barred the Department from authorizing the export of bobcats until guidelines were issued satisfying the requirements the court had set out in a prior D.C. Circuit case. The Circuit Court affirmed the District Judge's ruling that Congress, in a subsequent amendment to the Endangered Species Act, Pub.L. No. 97-304, 16 U.S.C. Sec. 1537a, had overruled the prior decision, thereby removing the basis for the injunction. I represented Defenders of Wildlife, participated in writing the briefs and argued the case before the D.C. Circuit. The representation extended from 1981-1984. The case was argued before Judges Wilkey, Bork and Lumbard. Co-counsel were Brice M. Clagett, (deceased) Stephen D. Barnes (now with Barnes Morris Klein Yorn, 2000 Avenue of the Stars, Los Angeles, CA 90067, (310) 319-3900) and Ellen Bass (current contact information not available), Washington, D.C. Opposing counsel were Albert M. Ferlo, Jr., Atty., Dept. of Justice, Washington, D.C. (now with Perkins Coie, 700 Thirteenth St., Washington, DC 20005, (202) 654-6262), with whom Carol E. Dinkins, Asst. Atty. Gen., Dianne H. Kelly and Dirk D. Snel, Attys., Dept. of Justice, Washington, D.C. William A. Hutchins, Washington, D.C., with whom Paul A. Lenzini, Washington, D.C., was on the brief, for appellee, Intern. Ass'n of Fish & Wildlife Agencies. Paul A. Kiefer and Matthew D. Shannon, Washington, D.C., were on the brief, for appellee, Fur Conservation Institute of America. John C. Morrison, Washington, D.C., also entered an appearance for appellee, Fur Conservation Institute of America. Stephen S. Boynton, Washington, D.C., entered an appearance for appellees, Driscoll, et al.

In the Matter of Trans Union Corporation, FTC Slip Copy, Dkt. No. 9255 (Sept. 28, 1994). Respondent TransUnion appealed an Administrative Law Judge's summary decision that it had violated the Fair Credit Reporting Act by selling marketing lists that contained credit information. I acted as FTC Complaint Counsel, supervised the litigation of the case, and argued the appeal before the Federal Trade Commission. The FTC affirmed the Administrative Law Judge's ruling per a decision by Commissioner Yao. The Court of the Appeals for the District of Columbia Circuit reversed and remanded the case for trial. After trial, the ALJ again found for FTC Complaint Counsel. TransUnion unsuccessfully appealed again to the FTC and the Court of Appeals, and certiorari was denied by the United States Supreme Court. My representation covered the filing of the complaint in 1992 until I left the FTC in 2000. Opposing counsel were Phil C. Neal (now with Neal Gerber Eisenberg, Two North LaSalle St., Suite 1700, Chicago, IL 60602, (312) 269-8080, Roger L. Longtin, (now

with DLA Piper, 203 N. LaSalle St., Suite 1900, Chicago, IL 60601, (312) 368-4040)  
Chicago, IL,

- 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.

**16. 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.)

The most rewarding work I have done has been a multi-year pro bono project to help some of the poorest countries in Africa. Specifically, based on my experience in the legislative and enforcement aspects of the US Fair Credit Reporting Act, in conjunction with the World Bank, I have advised Central Banks in Angola, Lesotho, Kenya, Liberia and Sierra Leone on the establishment or improvement of credit reporting in their countries. An effective credit reporting system can reduce loan defaults and expand loan opportunities for small businesses and individuals which can, in turn, spur economic development. In the past couple of years, Sierra Leone has adopted credit reporting legislation I helped draft and Liberia's Central Bank has promulgated credit reporting regulations I helped draft, to create legal structures in those countries that will encourage the development of private sector credit reporting.

Lobbying:

Iron Mountain (2005-2006) – in favor of data security breach legislation

National Association for Information Destruction (2005-2007) – in favor of legislation that would require proper disposal of sensitive consumer information

RFS Finance (2005) – relating to improved methods of preventing fraud and improving risk detection.

**17. 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.

George Washington University Law School:

-- Ran Consumer HELP Mediation and Litigation Clinics and taught consumer protection course for clinic students. 1983-86.

Indiana University School of Law:

-- Evidence and Trial Practice – 1986-88

-- Clinical program with classroom component including training students on client interview skills – 1986-88

University of Maryland School of Law:

-- Civil Procedure – 1988-89

-- Clinic program representing indigents in civil cases – 1988-89

**18. 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.

Upon early retirement from WilmerHale in March 2012, I will be entitled to \$175,000 annually until I reach regular retirement age of 65, so long as total firm early retirement payments do not exceed a specified percentage of firm income.

**19. Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

None.

**20. 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.

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

**22. Potential Conflicts of Interest:**

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

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

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



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

**23. Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

During my legal career to date, I have easily devoted hundreds if not thousands of hours to pro bono activities. This has included working full-time at the Neighborhood Legal Services Program for seven months while an Associate at Covington & Burling, representing indigent citizens of the District of Columbia. I represented Defenders of Wildlife in a DC Circuit appeal challenging Interior Department regulations and the National Organization for Women regarding the Equal Rights Amendment. As noted above, I have spent considerable time providing pro bono assistance to the Central Banks of Angola, Lesotho, Kenya, Liberia and Sierra Leone to assist those countries in developing credit reporting systems, including visits to those countries to meet with key stakeholders. I have assisted, on a pro bono basis, the World Bank in the development of global credit reporting standards. I worked with the Constitution Project on matters relating to video surveillance and classification of government records. The clinical programs I worked in at the Maryland, Indiana and GW law schools were heavily focused on providing free legal assistance to indigents.

AFFIDAVIT

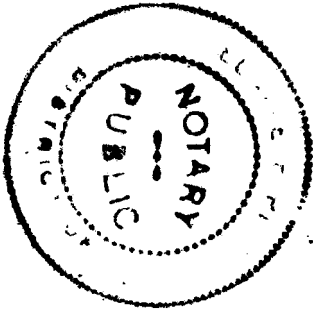
I, David Medine, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

3/7/12

(DATE)

David medine

(NAME)



Elaine F. Pitts

(NOTARY)

Elaine F. Pitts  
Notary Public, District of Columbia  
My Commission Expires 06-14-2012

David Medine  
7417 Helmsdale Rd.  
Bethesda, MD 20817

January 23, 2013

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire filed in connection with my nomination on March 9, 2012, to be Chairman and a Member of the Privacy and Civil Liberties Oversight Board. Incorporating the additional information below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

**Question 3:**

My current office address is U.S. Securities & Exchange Commission, 100 St., N.E., Washington, DC 20549.

**Question 6:**

I took early retirement from WilmerHale in March 2002. The following is my current employment:

**U.S. Securities & Exchange Commission (2012—present)**

Attorney Fellow  
100 F St., N.E.  
Washington, DC 20549

**U.S. Consumer Financial Protection Bureau (2012—present)**

Special Counsel  
1700 G St., N.W.  
Washington, DC 20552

**Question 11:**

I resigned from the Weil Family Foundation in March 2012.

**Question 13:**

U.S. Securities and Exchange Commission  
Division of Corporation Finance

Attorney Fellow (appointed by Meredith Cross, Director, Corporation Finance)  
2012—present

U.S. Consumer Financial Protection Bureau  
Office of Supervision Policy  
Special Counsel (appointed by Peggy Twohig, Assistant Director, Office of  
Supervision Policy) 2012—present

**Question 14.a.iii:**

I took early retirement from WilmerHale in March 2012.

I am also forwarding an updated Net Worth Statement and Financial Statement  
Schedule as requested in the Questionnaire. I thank the Committee for its  
consideration of my nomination.

Sincerely,

  
David Medine

cc: The Honorable Charles Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510