

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jon Ernest DeGuilio

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

United States District Judge for the Northern District of Indiana

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

Office: Peoples Bank
9204 Columbia Avenue
Munster, IN 46321



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

1955; Hammond, Indiana

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.

1978 – 1981, Valparaiso University School of Law; Juris Doctor, May 1981

Summer 1979, DePaul University School of Law; No Degree

1975 – 1977, University of Notre Dame; Bachelor of Arts, May 1977

1973 – 1975, Purdue University; 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.

December 1999 – present
Peoples Bank SB/NorthWest Indiana Bancorp
9204 Columbia Avenue
Munster, IN 46321
Executive Vice President, General Counsel & Corporate Secretary (2001 – present)
Senior Vice President and Trust Officer (1999 – 2001)

June 1999 – December 1999
Barnes & Thornburg LLP
600 1st Source Bank Center
100 North Michigan
South Bend, IN
Partner

November 1993 – June 1999
U.S. Department of Justice
Office of the United States Attorney for the Northern District of Indiana
5400 Federal Plaza Street
Hammond, IN 46320
United States Attorney

June 1989 – November 1993
Office of the Lake County Prosecutor
2293 North Main Street
Crown Point, IN 46307
Prosecuting Attorney

1988 – June 1989
Office of the Lake County Prosecutor
2293 North Main Street
Crown Point, IN 46307
Deputy Prosecutor (part-time)

1987 – 1989
Highland Police Commission and Water Board
Town of Highland
3333 Ridge Road
Highland, IN 46322
Attorney (part-time)

1987
Office of the Lake County Sheriff
2293 North Main Street
Crown Point, IN 46307
Legal Advisor (part-time)

1984 –1987
Office of the Hammond City Council
5925 Calumet Avenue
Hammond, IN 46322
City Councilman (part-time)

1984 – 1986
Lake County Court, Division II
2293 North Main Street
Crown Point, IN 46307
Public Defender (part-time)

June 1981 – December 1983
Office of the Lake County Prosecutor
2293 North Main Street
Crown Point, IN 46307
Deputy Prosecutor (part-time)

June 1981 – June 1989
Law Offices of James L. Wieser (now Wieser & Wyllie LLP)
425 W. Lincoln Hwy.
Schererville, IN 46375
Associate

January 1979 – June 1981 (excluding summer of 1980)
Office of the Lake County Prosecutor
2293 North Main Street
Crown Point, IN 46307
Law Clerk

Summer 1980
U.S. Department of Justice
Office of the United States Attorney for the Northern District of Indiana
5400 Federal Plaza Street
Hammond, IN 46302
Legal Extern

1978
Hammond City Court
5925 Calumet Avenue
Hammond, IN 46302
Clerk

1977
United States Steel
Gary Works
1 North Broadway Avenue
Gary, IN 46302
Laborer

Other Affiliations

2009
South Shore Promotions, Inc.
7770 Corinne Drive
Hammond, IN 46323
Director/Treasurer

1997 – Present
Friends of the Lake County CASA (Court Appointed Special Advocates)
Office of the Lake County Juvenile Court
3000 93rd Avenue
Crown Point, IN 46307
Director/Treasurer and Volunteer

1999 – Present
Lake County Drug Free Alliance
(formerly Partnership For A Drug Free Lake County)
Office of the Lake County Sheriff
2293 North Main Street
Crown Point, IN 46307
Director

1991 – 1993
Lake County Alliance Against Domestic Violence
Office of the Lake County Prosecutor
2293 North Main Street
Crown Point, IN 46307
Founder and Chair

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

I have not served in the military. I registered for the Selective Service upon turning 18.

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

Person of the Year Award, Notre Dame Club of Northwest Indiana (1998)

Guardian Angel Award, Lake County Child Abuse Prevention Council (1993)

Service Award, Lake County Alliance Against Domestic Violence (1993)

Public Service Award, U.S. Department of Justice and the Law Enforcement
Coordinating Committee (N.D. Ind.) (1993 and 1992)

Selected by the F.B.I. as a Prosecuting Attorney in the State of Indiana to attend the
National Law Institute at the F.B.I. Academy, Quantico, Virginia (1991)

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.

Federal Bar Association

American Trial Lawyers Association

National District Attorneys Association

Indiana State Bar Association

Indiana Bar Foundation (Life Fellow)

Lake County Bar Association (Board of Managers, 1987 - 1989)

Member, United States Attorney General's Advisory Subcommittees (Office
Management and Budget, Investigative Agencies and the Racial Disparity Working
Group) (1993-1999)

Calumet American Inn of Court (Founding Member and Master, 1995 – 1997)

Governor's Juvenile Code and Youth Gang Commission (Chairman, 1992 – 1993)

Governor's Criminal Law Study Commission (1989 – 1993)

Board of Directors of the Indiana Prosecuting Attorneys' Council (President-Elect, 1993)

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.

Indiana, 1981

There has been no lapse 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 Seventh Circuit, 1993

United States District Court for the Southern District of Indiana, 1981

United States District Court for the Northern District of Indiana, 1981

Indiana Supreme Court, 1981

There have been no lapses in admissions to any court.

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.

2008 – present: Member, Our Lady of Grace School Board

2008 – present: Member, Juvenile Diabetes Research Foundation (JDRF) Advisory Board

2007 – present: Member, Carnegie Performing Arts Center Board of Directors (East Chicago, Indiana).

1991 – 2006: Member, The Northwest Indiana Times (newspaper) Editorial Advisory Board

1989 – 1993: Founding Member, Partners For Prevention

1991 - 1993: Founding Member and Chairman, Lake County Alliance Against Domestic Violence

1992 – 1993: Chairman, Governor Bayh's Juvenile Code and Youth Gang Commission

- 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.

I have never been a member of any organization that currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin.

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 all items called for in this question, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

"Enron - Why you should care," *The NWI Times*, July 16, 2002.

"Free Trade Must Be Fair Trade," *The NWI Times*, April 16, 2002.

"Property Tax Reform," *The NWI Times*, November 8, 2001.

"Financial Privacy," *The NWI Times*, May 22, 2000.

"If It Sounds To Good To Be True, Then It Probably Is," *The NWI Times*, March 14, 1999.

"Support Region's GRIT In Fight," *The NWI Times*, June 29, 1997.

"Lawyers Relearning Civility," *The NWI Times*, January 28, 1996.

"Justice In The Search For...," *The NWI Times*, January 15, 1995.

"Fighting Crime Takes All Of Us," *The NWI Times*, June 19, 1994.

"Lake County Child Advocacy Center," *The NWI Times*, 1993;

"Legalization Of Drugs Would Be A Threat To Our Society," *The NWI Times*, 1990.

- 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.

As Chair of Governor Bayh's Juvenile Code and Youth Gang Study Commission, I contributed to a report released in 1993 that proposed revisions to the Indiana Juvenile Code and the Indiana juvenile justice system. A copy of the report is not available.

As a member of Governor Bayh's Criminal Law Study Commission, I contributed on an annual basis to a report that proposed revisions of the Indiana Criminal Code and the Indiana Traffic Code. A copy of those proposals is not available.

- 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.

Remarks to the U.S. Conference of Mayors Task Force on Drug Control, September 26, 1996. No notes or transcript is available. The event was summarized in "Mayors' Task Force Meeting Alerted to 'Meth' Increase, U.S. Conference of Mayors publication, September 30, 1996.

- 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.

1997 - Indiana State Bar Association Conclave On Legal Education discussing potential improvements to legal education and the development of young lawyers. Indiana State Bar Association, One Indiana Square, Suite 530, Indianapolis, IN 46204. No notes or transcript is available.

1997 - "Teenage Violence and Drug Use In America," Valparaiso University School of Law, 656 S. Greenwich Street, Valparaiso, IN 46383-4945. No notes or transcript is available.

1996 - "Plea Agreements," 46th Annual Meeting of the Seventh Circuit Bar Association and Judicial Conference, Seventh Circuit Bar Association, 53 W. Jackson Blvd., Suite 1050, Chicago, IL 60604. No notes or transcript is available.

1996 - "Everything You'd Better Know About Civil Law," Indiana Continuing Legal Education Foundation Conference, Indiana Commission for Continuing Legal Education, 230 East Ohio Street, Suite 300, Indianapolis, IN 46204. No notes or transcript is available.

1994 - Indiana Juvenile Judges Association (overview of the report of Governor Bayh's Juvenile Code and Youth Gang Commission), 115 West Washington Street, Indianapolis, IN 46204. No notes or transcript is available

- 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.

As United States Attorney I periodically commented to the media on matters pertaining to the office. These were not formal interviews. I have done my best to identify all items called for in this question, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

No-nonsense jurist known as fair, patient, *Chicago Tribune*, March 3, 2005

Operation Bullseye targets felons, guns, *South Bend Tribune*, June 27, 1999.

3 R's are not enough, *South Bend Tribune*, May 29, 1999.

DeGuilio resigns to join Indiana law firm, Associated Press, May 28, 1999.

Two former Lake County officials charged, Associated Press, May 19, 1999.

East Chicago absentee ballots will be counted after the primary, Associated Press, May 1, 1999.

Gang convictions a good start, *South Bend Tribune*, April 27, 1999.

U.S. attorney says investigation unlikely before election, Associated Press, April 24, 1999.

Outcome 'sends message' to gang, *South Bend Tribune*, April 16, 1999.

Authorities investigating missing brochures in mayor's race, Associated Press, April 11, 1999.

Freed suspect calls for more cooperation from prosecutors, Associated Press, February 23, 1999.

Officers charged in death, *South Bend Tribune*, February 13, 1999.

Neighborhood Gets Designation, Associated Press, February 11, 1999.

Chiropractor pleads guilty in fraud investigation, Associated Press, January 7, 1999.

Death Penalty Sought, Associated Press, December 14, 1998.

Gang indictments a good beginning, *South Bend Tribune*, November 22, 1998.

Ending reign of terror, *South Bend Tribune*, November 18, 1998.

Federal prosecutor's workload has jumped, *The NWI Times*, November 2, 1998.

Firearms Initiative Started, Associated Press, October 28, 1998.

Attorney confirms gang probe, *South Bend Tribune*, October 20, 1998.

House approves \$3 million for local anti-drug agency, *The NWI Times*, October 9, 1998.

KKK Members Sentenced, Associated Press, September 3, 1998.

Portage hate crime sends two to federal prison, *The NWI Times*, September 3, 1998.

Feds take over task force probe, *The NWI Times*, May 5, 1998.

Feds to oversee local drug fight, *The NWI Times*, April 25, 1998.

Cop-drug corruption reviewed, *The NWI Times*, April 23, 1998.

Mid-American Won't Fight Charges, *The Columbus Dispatch*, April 30, 1996.

Chicago cops plead guilty to extortion, *The NWI Times*, June 16, 1995.

Two Chicago cops accused of extortion, *The NWI Times*, June 13, 1995.

Obscure US Law May Throw Wrench Into Indiana's Plan For Floating Casinos, *Journal of Commerce*, December 19, 1994.

Great Lakes gaming illegal? Department of Justice memo cites, *The NWI Times*, December 11, 1994.

2 Officers Charged In Drug Extortion, *Chicago Tribune*, November 8, 1994.

Feds will go after deadbeat parents, *The NWI Times*, October 1, 1994.

News in brief, *The NWI Times*, August 30, 1994.

Indiana May Make Public Juvenile Offenders' Names, *Chicago Tribune*, August 29, 1994.

DeGuilio says region needs crime bill, *The NWI Times*, August 25, 1994.

Local Officials Prepare For Operation Rescue, *South Bend Tribune*, August 4, 1994.

Complicated Issues Cloud Joyner Case, *South Bend Tribune*, May 22, 1994.

U.S. attorney says prevention, education solve juvenile ..., *The NWI Times*, April 19, 1994.

As U.S. attorney, DeGuilio continues push for ..., *The NWI Times*, March 6, 1994.

DeGuilio wants to strengthen teamwork among agencies, *The NWI Times*, September 21, 1993.

IDEM needed to speak up. DeGuilio upset by poor... *The NWI Times*, June 30, 1993.

DeGuilio to lead panel, *The NWI Times*, October 15, 1992.

For starters, some in Indiana will need a breath of fresh air, *Chicago Tribune*, April 30, 1992.

Indiana driver charged in 7 Cedar Lake deaths, *Chicago Tribune*, September 19, 1991.

Hitman strikes deal to testify against Munster victim's brother, *Chicago Tribune*, March 12, 1991.

ID mixup in shotgun case told, *Chicago Tribune*, March 2, 1991.

Pollution strike force urged in northwest Indiana, *Chicago Tribune*, February 22, 1991.

Questions in shotgun case arrest, *Chicago Tribune*, February 5, 1991.

Alton Coleman ally sought by Indiana, *Chicago Tribune*, January 12, 1991.

Doctor, wife held in starvation death of 5-year old, *Chicago Tribune*, November 10, 1990.

Plot in Munster deaths probed, *Chicago Tribune*, December 29, 1989.

201 seized in Indiana drug raids, *Chicago Tribune*, October 21, 1989.

10 nabbed for support payments, *Chicago Tribune*, August 9, 1989.

Florida waits as killer again condemned, *St. Petersburg Times*, July 20, 1989.

Grand jury to target drug trade, *Chicago Tribune*, July 19, 1989.

Charges filed in Indiana girl's death, *Chicago Tribune*, July 14, 1989.

Woman unlikely to be executed for crime at 15, lawyer contends, *Chicago Tribune*, June 27, 1989.

Group Protests Good Friday Concert by Black Sabbath, Associated Press, March 27, 1986.

People in the News, Associated Press, March 26, 1986.

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 a 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:

- 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.

I have not served as a judge.

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.

After Senate confirmation, I was appointed United States Attorney for the Northern District of Indiana by President Clinton on November 12, 1993. I served until June 27, 1999.

I was appointed Prosecuting Attorney for Lake County, Indiana by Governor Evan Bayh on June 23, 1989. Thereafter, I was elected to a four-year term in November 1990, and served until November 1993.

I was elected Councilman, Hammond City Council, in November 1983 and served until December 31, 1988.

I was an applicant for appointment to the Indiana Court of Appeals in 1998. I was not nominated.

I have had no unsuccessful candidacies for elected 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.

November 2008 - Lake County Deputy Election Commissioner

Approximately June 1992 - Delegate to the Indiana Democratic State Convention

I have served as a volunteer in several campaigns without an official title: Jill Long for Governor (2008); Vi Simpson for Governor (2004); Bill Clinton for

President (1992); Evan Bayh for Governor (1988 and 1992); Joe Hogsett for United States Senate (1992) and Joe Hogsett for Indiana Secretary of State (1990).

16. Legal Career: Answer each part separately.

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

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

I have not served as a clerk to a judge.

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

I have never practiced law 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.

June 1981 – June 1989
Law Offices of James L. Wieser (now Wieser & Wyllie LLP)
425 W. Lincoln Hwy.
Schererville, IN 46375
Associate

June 1981 – December 1983
Office of the Lake County Prosecutor
2293 North Main Street
Crown Point, IN 46307
Deputy Prosecutor (part-time)

1984 – 1986
Lake County Court, Division II
2293 North Main Street
Crown Point, IN 46307
Public Defender (part-time)

1987
Office of the Lake County Sheriff
2293 North Main Street
Crown Point, IN 46307
Legal Advisor (part-time)

1987 – 1989
Highland Police Commission and Water Board
Town of Highland
3333 Ridge Road
Highland, IN 46322
Attorney (part-time)

1988 – June 1989
Office of the Lake County Prosecutor
2293 North Main Street
Crown Point, IN 46307
Deputy Prosecutor (part-time)

June 1989 – November 1993
Office of the Lake County Prosecutor
2293 North Main Street
Crown Point, IN 46307
Prosecuting Attorney

November 1993 – June 1999
U.S. Department of Justice
Office of the United States Attorney for the Northern District of Indiana
5400 Federal Plaza Street
Hammond, IN 46320
United States Attorney

June 1999 – December 1999
Barnes & Thornburg LLP
600 1st Source Bank Center
100 North Michigan
South Bend, IN
Partner

December 1999 – present
Peoples Bank SB/NorthWest Indiana Bancorp
9204 Columbia Avenue
Munster, IN 46321
Executive Vice President, General Counsel
& Corporate Secretary (2001 – present)
Senior Vice President and Trust Officer (1999 – 2001)

- 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.

From 1981 through 1989, I was an associate in the Law Offices of James L. Wieser. My practice, of both federal and state cases, focused on civil litigation, and I primarily represented plaintiffs in personal injury, wrongful death, products liability and medical malpractice cases. During much of this time I also represented three teacher unions, and several governmental units, as well as provided services in the areas of probate and estate.

While in private practice, I served part-time as a Deputy Prosecutor in the Office of the Lake County Prosecutor (1981 to 1983, and 1988 to 1989), handling cases in virtually all sections of the office. From 1984 to 1986, also while in private practice, I was a Public Defender for the Lake County Superior Court, representing indigent defendants in Class D felony and misdemeanor cases. In 1987, I was a Legal Advisor to the Office of the Lake County Sheriff, providing legal counsel to the sheriff's office on matters dealing primarily with criminal law and employment law. I was an elected member of the Hammond (Indiana) City Council from 1984 through 1987.

From June 1989 through November 1993, I was the Prosecuting Attorney for Lake County, Indiana, the second largest prosecutor's office in Indiana. I was responsible for the oversight of approximately 54 deputy prosecutors and approximately 3,000 felony cases annually. During my tenure, I took one case to jury trial, and was involved in several other cases in which pleas were entered prior to trial. I was significantly involved in the investigation and prosecution of numerous death penalty-eligible matters. I served on two state commissions (Governor Bayh's Juvenile Code and Youth Gang Commission and Governor Bayh's Criminal Law Study Commission), and founded or served in numerous community oriented initiatives, including Partners For Prevention, the Lake County Alliance Against Domestic Violence and spearheaded the creation of the Lake County Child Advocacy Center.

From November 1993 until June 1999, I was the United States Attorney for the Northern District of Indiana. I supervised approximately 30 Assistant United States Attorneys and coordinated many public safety-related initiatives. I took three cases to jury trial and argued five matters before the U.S. Circuit Court of Appeals for the Seventh Circuit. I served on several subcommittees of the Attorney General's Advisory Committee. I was also instrumental in the creation and oversight of the Gary Response Investigative Team (GRIT), which prosecuted street crimes resulting in a

dramatic reduction in Gary's homicide rate, and oversaw the Lake County, Indiana High Intensity Drug Trafficking Area (HIDTA), as well as several Weed & Seed sites throughout the district.

Immediately after my tenure as United States Attorney for the Northern District of Indiana, I was a partner at the law firm of Barnes & Thornburg for six months. I served in the Labor & Employment Law section, typically representing management/employer related clients in a number of labor and employment issues. I also served in the Governmental Services section of the firm, handling primarily governmental financing issues.

In December 1999, I went to Peoples Bank SB as Senior Vice President and Trust Officer. I became General Counsel in 2001. As such, I have primary responsibility for handling all legal matters in which the bank is a plaintiff, typically involving commercial and consumer litigation, and employment matters. I also handle federal and state banking regulatory and compliance matters, bankruptcy, and Security and Exchange Commission-related issues. Matters in which the bank is a defendant are typically handled by outside counsel, in which case I provide oversight on behalf of the bank.

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

As an associate in private practice, I primarily represented plaintiffs in personal injury, wrongful death, products liability and medical malpractice cases. I also represented three teacher unions, governmental units and provided services in probate and estate. During that time, I served as a Deputy Prosecutor, representing the State of Indiana. I also served as a Public Defender, representing indigent defendants.

As Lake County Prosecutor, I represented the State of Indiana in criminal matters.

As U.S. Attorney, I represented the United States of America in criminal and civil matters.

As a partner at Barnes & Thornburg, I represented defendants in labor and employment matters as well as governmental units in finance matters.

Since 1999, I have represented my current employer, Peoples Bank.

- 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.

During the first eight years of my legal career, approximately 50% to 75% of my practice was devoted to litigation. I was a civil litigator in private practice, and also served as a deputy prosecutor or public defender working on criminal matters. I was in court frequently.

As Lake County Prosecutor and United States Attorney, approximately 50% of my time involved litigation. I infrequently appeared in court. I tried one case as Lake County Prosecutor and three cases as U.S. Attorney.

As General Counsel for Peoples Bank, approximately 25% to 50% of my time has been devoted to litigation. I appear in court infrequently.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 35% |
| 2. state courts of record: | 63% |
| 3. other courts: | |
| 4. administrative agencies: | 2% |

ii. Indicate the percentage of your practice in:

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

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

I have tried at least 12 jury cases to verdict or judgment, 50% of which I appeared as co-counsel and the remainder as sole counsel. I have also tried approximately 100 cases to verdict or judgment before a judge (bench trial) or ALJ and served as sole counsel in 95% of those.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 12% |
| 2. non-jury: | 88% |

- 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 appeared before the Supreme Court of the United States as counsel to a litigant or amicus.

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. *State of Indiana v. Levell Williams*, Cause No. 45G03-9103-CF-00056 (Lake County Superior Court, 1991). I was the sole prosecutor in a murder prosecution of a defendant who had stabbed his father multiple times. The trial was conducted over four days and involved issues pertaining to the insanity defense and self-defense. The jury rejected the defendant's insanity defense and convicted him of murder. Defendant was sentenced to 40 years in prison. The conviction was upheld by the Indiana Court of Appeals in a non-published opinion in 1992, Case No. 45A03-9204-CR-101.

The trial was presided over by Judge Richard Conroy of the Lake Superior Court, Criminal Division. Judge Conroy is retired. The defendant was represented by David Olson (now Assistant Chief Public Defender), 765 Princeton Court, Crown Point, IN 46307, (219) 663-8413.

2. *United States of America v. Lloyd Roe and Tyrone Stevenson*, Case No. 2:94-cr-00113-RL (U.S. District Court, N.D. Indiana, 1995). I served as co-counsel on behalf of the United States of America in the prosecution of two Chicago police officers who were engaged in the theft of money and drugs from a drug dealer in violation of 18 U.S.C. §§1951, 1952. The trial commenced in June 1995 and, four days into the proceeding, both defendants plead guilty and were sentenced to 27 months in prison.

Judge Rudy T. Lozano, United States District Court for the Northern District of Indiana, Hammond Division, 5400 Federal Plaza Street, Hammond, IN 46320, (219) 852-3600, presided over the trial. My co-counsel was Assistant United States Attorney Michael Thill, deceased. Counsel for defendants were James B. Koch, Gardiner Koch Weisberg & Wrona, 53 W. Jackson Blvd., Suite 950, Chicago, IL 60604, (312) 362-0000 and Standish E. Willis, 407 S. Dearborn Street, Suite 1395, Chicago, IL 60605, (312) 554-0005.

3. *Suzanne and Spencer Geary v. Tampax, Inc.*, Case No. H84-413 (U.S. District Court, N.D. Indiana, 1986). I served as sole counsel on behalf of plaintiffs in a lawsuit involving a woman who was hospitalized for several days after suffering "toxic shock syndrome," allegedly the result of her use of a Tampax product. The case required the preparation of scientific and medical evidence, aggressively contested at that time, to prove causation. The case settled approximately one week before trial in April 1986.

Judge James T. Moody, United States District Court for the Northern District of Indiana, Hammond Division, 5400 Federal Plaza Street, Hammond, IN 46320, (219) 852-3460, presided over the trial. Counsel for defendant was Roderick A. Palmore, currently Executive Vice President and General Counsel for General Mills, 1 General Mills Blvd., W05-A5, Minneapolis, MN 55426, (763) 764-3863.

4. *In Re Freyco Equipment, Inc. v. Gariup Construction, et al*, Adversary Proceeding, Case No. 02-6097 (U.S. Bankruptcy Court for the Northern District of Indiana). This adversary proceeding involved construction litigation related to the valuation of the construction services provided by the Debtor (Freyco) and the contractor (Gariup Construction). I worked for Peoples Bank SB, a secured creditor, overseeing outside counsel in the construction litigation. I participated in two days of mediation in March 2005 and February 2006, which resulted in a \$300,000 settlement for the bank.

Judge J. Phillip Klingeberger, United States Bankruptcy Court for the Northern District of Indiana, Hammond, Division, 5400 Federal Plaza, Hammond, IN 46320, (219) 852-3575, presided over the litigation. The mediation was conducted by Gerald M. Bishop, Bishop & Associates, 2115 West Lincoln Hwy., Merrillville, IN 46410, (219) 738-2400. Counsel for Freyco was Stephen M. Maish, Maish & Mysliwy, 53 Muenich Court, Hammond, IN 46320, (219) 931-4477. Counsel for Gariup Construction was David Buls, Casale, Woodward & Buls, LLP, 9223 Broadway Avenue, Suite A, Merrillville, IN 46410, (219) 736-9990.

5. *Elizabeth Harwood for the Estate of Richard Harwood v. Fischbach and Moore Electric Co.* Cause No. OD2640 (Industrial Board of Indiana) and *Elizabeth Harwood for the Estate of Richard Harwood v. Johns-Mansville Corporation* Case No. 82B11656 (United States Bankruptcy Court for the Southern District of New York). I served as sole counsel for plaintiff, an electrician who died of mesothelioma, in a workers compensation action against his employers, Fischbach and Moore Electric Co., for wrongful death caused by exposure to asbestos. The matter settled in approximately 1988 for the maximum allowable judgment amount under the Indiana Workmen's Compensation guidelines. I also provided oversight for counsel in a subsequent wrongful death action against asbestos product manufacturer Johns-Manville from 1985 to 1989.

A panel of the Industrial Board of Indiana presided over the workers compensation matter involving the plaintiff's employers. Co-counsel in the claim against Johns-Manville was Douglas Nichol, Gillenwater Nichol & Ames, 6401 Baum Drive, Knoxville, TN 37919-6092, (615) 588-7465. Counsel for Fischbach and Moore Electric Co. was Edwin Bunny, 6435 Castle Way Drive, Indianapolis, IN 46250, (317) 842-2112.

6. *Estate of Michael Planer v. Cynthia Archie*, Cause No. 81-PSC-104 (Porter County Superior Court, 1983). I served as associate counsel on behalf of plaintiff who died in a motorcycle accident as the result of being struck by the defendant. The case was tried over three days in May 1983 and the jury returned a verdict in favor of the defendant.

The case was tried before the Judge Roger V. Bradford, Porter Superior Court, Room One, 16 Lincolnway #338, Valparaiso, IN 46383, (219) 465-3410. Lead plaintiffs counsel was James L. Wieser, 429 W. Lincoln Hwy., Schererville, IN 46375, (219) 865-7404. Counsel for defendant was Tim Kelly, Kelly Law Offices, 5521 Lincoln Hwy., Suite 101, Crown Point, IN 46307, (219) 791-0606.

7. *United States of America v. Bernard S. Palomares*, Case No. 2:96-cr-00003-JTM (U.S. District Court, N.D. Indiana, 1996): I served as co-counsel for the United States of America in the prosecution of an auxiliary police officer for the Gary Police Department who sold a firearm to a known convicted felon in violation of 18 U.S.C. §§ 922(d) and 924(a)(2). The defendant was convicted following a two-day jury trial in 1996, and was sentenced to twelve months in prison.

Judge James T. Moody, United States District Court for the Northern District of Indiana, Hammond Division, 5400 Federal Plaza Street, Hammond, IN 46320, (219) 852-3460, presided over the case. Co-counsel was Assistant United States Attorney Michael Thill, deceased. Counsel for the defendant was Gary T. Bell, currently serving as an Assistant United States Attorney for the Northern District of Indiana, 5400 Federal Plaza Street, Suite 1500, Hammond, IN 46320, (219) 937-5500.

8. *Hammond Teachers Federation v. Goodson, et al*, (Lake County Superior Court, 1986). I was sole counsel for the local teachers union in a bench trial in 1986 and subsequent arbitration hearings before the American Arbitration Association to collect a representation fee from non-union teachers who were part of the bargaining unit. The case represented only the second time in Indiana that a union was successful in collecting a representation fee from non-union members.

The trial was conducted before the Honorable Judge James Krajewski, deceased, Lake County Superior Court, Division III, 2293 North Main Street, Crown Point, IN 46307. Counsel for the defendant was Brian Burchett, Sullivan Hill Lewin Rez and Engel, 550 West C Street, Suite 1500, San Diego, CA 92101, (619) 233-4100.

9. *United States of America v. Alex A. Maldonado*, Case No. 95-1920 (United States Court of Appeals for the Seventh Circuit, 1995). I served as sole appellate counsel in this matter, preparing the government's brief and presenting oral argument. The case involved a defendant convicted of carjacking who challenged his conviction on two grounds. The defendant challenged the admission of his false exculpatory statement and the sufficiency of evidence on the element of "force and violence, or intimidation." The United States Court of Appeals for the Seventh Circuit upheld the conviction for the United States of America.

Oral argument was held before the United States Court of Appeals for the Seventh Circuit, 219 S. Dearborn Street, Chicago, IL 60604. Counsel for appellant was Scott L. King, Scott King Group, 5816 East 7th Avenue, Gary, IN 46403, (219) 939-3073.

10. *Michael E. Bajza, et al v. Peoples Bank SB*, Cause No. 45D01-0211-CT-00268 (Lake County Superior Court, 2004). I assisted retained outside counsel in the defense of an action alleging that the bank had converted funds deposited in a money market account. I attended several depositions, assisted in the drafting of discovery responses, and a motion for summary judgment. In June 2004, the court granted the bank's motion for summary judgment.

The matter was conducted before Judge Diane Kavadias Schneider, Lake Superior Court, Room One, 232 Russell Street, Hammond, IN 46320, (219) 933-2890. Counsel for plaintiff was C. Anthony Ashford, 516 East 86th Avenue, Merrillville, IN 46410, (219) 791-1520. Counsel for the bank was Lewis C. Laderer, Laderer & Fischer, P.C., 112 West Jefferson Blvd., Suite 310, South Bend, IN 46601, (574) 284-2354.

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.)

One of my greatest challenges as United States Attorney was to implement a Violent Crime Initiative (VCI) in Gary, Indiana from approximately 1995 to 1999 at the specific direction of Attorney General Janet Reno. Together with FBI Resident Agent in Charge Lou Caprino, I developed the Gary Response Investigative Team (GRIT), which focused on street level crimes, targeting gangs and other violent organizations responsible for most of the violent crime. Working with officers of the Gary Police Department, along with federal, state and local law enforcement agencies, we focused on the prosecution of federal drug and firearm offenses, utilizing federal pre-trial detention. Within six months, and as a direct result of this initiative, criminal cases in the district increased dramatically. Over approximately two years pre-trial detentions increased about 300%

and the homicide rate in Gary declined by about 50%. For the first time in many years, residents of certain neighborhoods in Gary were free from the crack houses and nightly shootings that compromised their safety and made them prisoners of their own homes.

I have not provided lobbying activities on behalf of a 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.

I have not taught any courses.

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 have the following vested stock options for the acquisition of NorthWest Indiana Bancorp (NWIN) stock awarded from my present employer:

1,000 shares at \$19.50 per share expiring 1/15/11;

1,250 shares at \$22.15 per share expiring 2/4/12;

1,750 shares at \$25.25 per share expiring 2/19/13;

800 shares at \$30.00 per share expiring 1/21/14.

NWIN stock is currently trading at approximately \$16.75.

I have no other deferred income arrangements or future benefits.

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.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will carefully review and address any real or potential conflicts in accordance with the Code of Conduct for United States Judges and all laws, rules, and practices governing such circumstances. For a significant period of time, I anticipate recusing myself from all cases involving my current employer, Peoples Bank and its holding company. I also anticipate recusing myself in any cases in which my brother in-law, attorney James L. Wieser, or any other family member represents a party.

- 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 apply all relevant guidelines, including the Code of Conduct for United States Judges and applicable statutes, sensitive to the need to avoid not only a conflict of interest but also the appearance of a conflict. I would also seek advice as necessary from available resources, including the Codes of Conduct Committee of the Judicial Conference. Additionally, I would attempt to ascertain if any defendant appearing before me had been the subject of a criminal prosecution during my tenure as United States Attorney to determine the need for my recusal.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Throughout my legal career I have dedicated time to others in need through various charitable and public service activities. As an example, since 1997 I have supported the Lake County Juvenile Court's CASA (Court Appointed Special Advocate) program. As a CASA volunteer, I have served as an advocate for many neglected and abused children who were the subjects of CHINS (Children In Need Of Services) cases in the Juvenile Court. During that time it was not uncommon to spend 50 to 75 hours per year on behalf of these children. Over the last several years I have served on the Board of Directors for the Friends of the Lake County CASA.

For the last seven years I have served as the Co-Chairman of our bank's Community First Committee, raising funds in support of the Boys & Girls Club of Northwest Indiana as well as Habitat For Humanity. Throughout my career I have volunteered time to several Habitat builds. I have volunteered approximately 50 hours per year in this regard. Additionally, since 2007 I have served on the Carnegie Performing Arts Center Board. The Board oversees the renovation of the Carnegie Library in East Chicago, Indiana and the development of a performing arts center for East Chicago children, many of who are disadvantaged. This initiative is especially important as the East Chicago schools do not currently provide any programs in the arts.

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.

In January 2009, I expressed my interest in a letter and resume that I sent to Senator Evan Bayh's staff. I was told by Senator Bayh's office in July that my name would be forwarded to the White House for consideration. Since September 3, 2009, I have been in contact with pre-nomination officials at the Department of Justice. On November 13, 2009 I was interviewed by representatives of the Justice Department and the Office of the White House Counsel. On January 15, 2010, Senator Bayh called to tell me that he intended to publicly announce his recommendation of me to the President for nomination to the district court, which he did on January 18. The President submitted my nomination to the Senate on January 20, 2010.

Indiana does not have a selection commission to recommend candidates for nomination to the federal courts.

- 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.

I have had no such communications.

AFFIDAVIT

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

January 20, 2010

DATE


Jon Ernest DeGuilio


(NOTARY) Michelle Manchak

My Commission Expires: 6/13/2015

