

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

David Cleveland Joseph

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

United States Attorney for the Western District of Louisiana

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.

800 Lafayette Street, Suite 2200
Lafayette, Louisiana 70501

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

May 6, 1977
Dallas, Texas

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.

U.S. Army Judge Advocate General's Basic Course, Charlottesville, Virginia
May 2005 – September 2005
Certificate received, September 2005, *Honor Graduate*

Louisiana State University, Paul M. Hebert Law Center, August 2000 – May 2003
Juris Doctorate and Bachelor of Civil Laws, May 2003, *Order of the Coif*

University of Oklahoma, August 1995 – May 2000
Bachelor of Business Administration May 2000

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.

COMPENSATED EMPLOYMENT

United States Attorney's Office, Western District of Louisiana
800 Lafayette Street, Suite 2200
Lafayette, Louisiana 70501
Assistant United States Attorney
August 2014 – Present

Federal Deposit Insurance Corporation
1601 Bryan Street
Dallas, Texas 75201
Senior Attorney, Professional Liability and Financial Crimes
January 2012 – August 2014

Kane, Russell, Coleman & Logan, P.C.
1601 Elm Street
Dallas, Texas 75201
Litigation Attorney
May 2011 – January 2012

Fulbright & Jaworski LLP
2200 Ross Avenue
Dallas, Texas 75201
Litigation Associate
August 2008 – May 2011

United States Army
Taylor Hall, Bldg. 462
462 Hamilton Road
Fort Sill, Oklahoma 73503
JAG Officer
May 2005 – May 2008¹

United States District Court, Middle District of Louisiana
777 Florida Street
Baton Rouge, Louisiana 70801
Law Clerk to the Honorable John V. Parker
September 2004 – May 2005

¹ During the two-month period between leaving the Army JAG Corps and beginning private law practice in Texas, I was taking a preparation course for the July 2008 Texas Bar Examination. I was previously only licensed to practice in Louisiana.

Louisiana Supreme Court
400 Royal Street
New Orleans, Louisiana 70130
Law Clerk to the Honorable Jeffery P. Victory
August 2003 – August 2004

Taylor, Porter, Brooks & Phillips, LLP
451 Florida Street
Baton Rouge, Louisiana 70801
Law Clerk
Summer 2002

Watson, Blanch, Wilson & Posner, LLP
505 North Boulevard
Baton Rouge, Louisiana 70802
Law Clerk
Summer 2002

Kean Miller LLP
400 Convention Street #700
Baton Rouge, Louisiana 70802
Law Clerk
Summer 2001, Spring 2002

Louisiana Army National Guard
8686 General Chennault Drive
Baton Rouge, Louisiana 70807
Soldier in 239th Military Police Company
August 2000 – July 2003

UNCOMPENSATED EMPLOYMENT

Louisiana State University, Paul M. Hebert Law Center
1 S Campus Drive
Baton Rouge, Louisiana 70803
Guest Lecturer
August 2016 – December 2017

Session of Elders
Westminster Presbyterian Church
8200 Devonshire Drive
Dallas, Texas 75225
Elder
August 2012 – July 2014

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 registered for selective service. My military service is as follows:

1997 – 2000

Oklahoma Army National Guard
Private First Class and Specialist
Honorable Discharge

2000 – 2003

Louisiana Army National Guard
Specialist
Honorable Discharge

2005 – 2008

United States Army
First Lieutenant and Captain
Honorable Discharge

2011 – 2013

United States Army Reserve
Captain
Honorable Discharge

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.

To the best of my recollection, I have received the following awards:

Special Act Award, U.S. Attorney's Office (2016)

Federal Deposit Insurance Corporation, Mission Achievement Award (2012 and 2013)

Federal Deposit Insurance Corporation Monetary Award (2013)

Army Commendation Medal (2008)

Judge Advocate General's Award for Professional Merit (2005) (attaining second highest academic standing in the 167th JAG Officer Basic Course)

Global War on Terrorism Service Medal (2005)

Order of The Coif, Louisiana Chapter (2003)

Louisiana Law Review (2001 – 2003)

Phi Beta Kappa (2003)

Louisiana State University Law Chancellor's List (2002 and 2003)

Russell B. Long Federal Courts Award by the Federal Bar Association (2003)

Individual law school awards for attaining highest grade in:

White Collar & Corporate Crime (2002)

Federal Courts (2002)

Mineral Rights (2001)

Successions & Donations (2001)

Torts (2000)

Honors College, University of Oklahoma (1995 – 2000)

Army Achievement Medal (1998 and 2001)

Oklahoma Good Conduct Ribbon (1999 and 2000)

Army Service Ribbon (1998)

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.

Louisiana State Bar Association

Member (2003 – Present)

Texas Bar Association

Member (2008 – Present)

Lafayette Bar Association

Member (2015 – Present)

Dallas Bar Association

Member (2008 – 2012)

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.

Louisiana State Bar Association, Admitted October 12, 2003, active

Texas State Bar Association, Admitted November 7, 2008, voluntarily assumed Inactive status in 2015

Except as noted, there have been no lapses in memberships.

- 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.

Federal Courts

United States District Court for the Northern District of Texas, Admitted March 12, 2009, active

United States District Court for the Southern District of Texas, Admitted January 14, 2010, voluntarily inactive since January 14, 2015

United States District Court for the Western District of Texas, Admitted January 20, 2010, active

United States District Court for the Eastern District of Texas, Admitted October 21, 2009, active

United States District Court for the Middle District of Louisiana, Admitted July 11, 2011, voluntarily inactive since July 11, 2014

State Courts

Louisiana State Bar Association, Admitted October 12, 2003, active

Texas State Bar Association, Admitted November 7, 2008, voluntarily inactive since 2015

Georgia Supreme Court, admitted *pro hac vice* on January 15, 2014, in connection with *FDIC v. Loudermilk, et al.*, Case No. S14Q0454, a litigation which has been resolved

Except as noted, there have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which

you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

To the best of my recollection:

Cheney C. Joseph, Jr. Memorial Classroom Dedication Steering Committee,
Louisiana State University Paul M. Hebert Law Center (2016 – 2017)

City Club of Lafayette, Louisiana (2014 – present)

Park Cities YMCA Youth Soccer Coach, Dallas, Texas (2010 – 2012)

Member of Westminster Presbyterian Church's Session of Elders, Dallas, Texas,
(2012 – 2014)

Friends of the Dallas Library (2008 – 2011)

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organizations to which I gave funds and did not otherwise participate in programmatic activities.

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations discriminates on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have done my best to identify all books, articles, reports, letters to the editor, editorial pieces and other published material, including a thorough 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:

Contributor to *The Pocket Constitutionalist*, Paul R. Baier & Co. Silver Anniversary Fifth Edition, Baton Rouge: Claitor's Publishing Division, 2003. Copy not available.

- 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.

I have done my best to identify any reports, memoranda, or policy statements I prepared or contributed to, including a thorough review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be materials that I have been unable to identify, find, or remember. I have not located any responsive materials.

- 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 any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including a thorough review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be materials that I have been unable to identify, find, or remember. I have not located any responsive materials.

- 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 transcripts or recordings of all speeches or talks delivered, including a thorough a review of personal files and searches of publicly available electronic databases. Most of my remarks are extemporaneous. I frequently use the text of a speech from a prior event, speak without notes, or speak from a handwritten outline. I did not retain the majority of the handwritten outlines and have attached all that I could find. Despite my searches, there may

be other materials I have been unable to identify, find, or remember. I have located the following:

May 25, 2017

Presentation, Regional BSA Officers Meeting
Petroleum Club
Lafayette, Louisiana
Copy supplied.

March 9, 2017

Presentation, Regional BSA Officers Meeting
Pioneer Club
Lake Charles, Louisiana
Copy supplied.

September 28, 2016

Presentation, Law Enforcement Coordination Meeting
OSJA Conference Room
7090 Alabama Ave, Building 1454
Fort Polk, Louisiana 71459
Copy not available.

Organized and led roundtable discussion with local, federal, and military law enforcement regarding jurisdictional and procedural issues relevant to criminal conduct occurring on Fort Polk, Louisiana and the adjacent national forest.

July 21, 2016

Instructor, Internal Revenue Service, Criminal Investigations, "Suspicious Activity Report Review Team" Regional Conference
F. Edward Hebert Federal Building
New Orleans, Louisiana
Copy supplied.

April 15, 2016

Lecturer, Identity Theft Conference
United States Air Force Judge Advocate Generals Corps
Hyatt Regency McCormick Place
Chicago, Illinois
Copy supplied.

January 28, 2015

Instructor, Federal Jurisdiction in Indian Country
Tunica-Biloxi Tribe of Louisiana
Tribal Headquarters
Marksville, Louisiana
Copy supplied.

May 13-14, 2013; June 3-4, 2013; August 19-20, 2013
Lead Instructor, Deposition Training for FDIC Corporate Witnesses in
Professional Liability Litigation
FDIC Regional Office
Dallas, Texas
Copies of agendas and available presentation materials supplied.

2012 – 2013
Course Instructor, “Fundamentals of Litigation” Training for FDIC Division of
Resolutions and Receiverships
FDIC Regional Office
1601 Bryan Street, Dallas, Texas 75201
Copy not available.
Taught FDIC professional liability investigators the fundamental components of
civil litigation in federal court.

October, 2012
Lecturer, 2012 FDIC Professional Liability Conference
L. William Seidman Center
3501 Fairfax Drive, Arlington, Virginia 22226
Copy not available.
Taught FDIC attorneys a segment on the legality and utility of tolling agreements
in civil litigation.

2006 – 2008
Instructor, Annual Department of Defense Ethics Course
Fort Sill, Oklahoma 73503
Copy not available.
Assisted in instructing all military and civilian personnel at Fort Sill the
fundamentals of the Joint Ethics Regulation.

2006 – 2007
Instructor, Command Financial Advisor’s Course
Fort Sill, Oklahoma 73503
Copy not available.
Taught U.S. Army non-commissioned officers the basics of bankruptcy law,
debtor and creditor rights, and spousal support obligations.

2006 – 2008
Instructor, International Law and the Law of War
Fort Sill, Oklahoma 73503
Copy not available.
Taught Soldiers deploying to Iraq and Afghanistan the fundamentals of the laws
of war and the various international conventions to which the United States was a
signatory.

2007 – 2008

Instructor, Military Justice from a Command Perspective
Fort Sill, Oklahoma 73503

Copy not available.

Taught new Army commanders the scope of the Uniform Code of Military Justice and the military commander's role in instituting criminal charges.

2007 – 2008

Instructor, Military Justice for Basic Trainees
Fort Sill, Oklahoma 73503

Copy not available.

Taught Soldiers in Initial Entry Training the basics of the Uniform Code of Military Justice and its applicability to all servicemembers.

- 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 all interviews given, including a thorough review of personal files and searches of publicly available electronic databases. Despite my searches, there may be materials that I have been unable to identify, find, or remember. I have not located any responsive materials.

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.

I have neither been elected nor appointed to any public 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.

In 1994, as a high school Junior and member of my high school's Young Republicans, I assisted in handing out signs and flyers on behalf of Frank Keating's successful campaign for Governor of Oklahoma. Otherwise, I have not been a member nor rendered services to any political party or election committee.

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 served as a clerk to the Honorable Jeffery P. Victory, Louisiana Supreme Court from 2003 to 2004.

I served as a clerk to the Honorable John V. Parker, United States District Court for the Middle District of Louisiana from 2004 to 2005.

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

I have not 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.

2005 – 2008

United States Army Judge Advocate General's Corps
Taylor Hall, Bldg. 462
462 Hamilton Road
Fort Sill, Oklahoma 73503
JAG Officer

2008 – 2011

Fulbright & Jaworski LLP
2200 Ross Avenue
Dallas, Texas 75201
Litigation Associate

2011 – 2012

Kane, Russell, Coleman & Logan, P.C.
1601 Elm Street
Dallas, Texas 75201
Litigation Associate

2012 – 2014

Federal Deposit Insurance Corporation
1601 Bryan Street
Dallas, Texas 75201
Senior Attorney, Professional Liability and Financial Crimes

2014 – Present

United States Attorney's Office, Western District of Louisiana
800 Lafayette Street, Suite 2200
Lafayette, Louisiana 70501
Assistant United States Attorney

- 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 2003 to 2005, I served as a judicial law clerk for the Louisiana Supreme Court and United States District Court for the Middle District of Louisiana, conducting legal research and writing and preparing draft opinions.

From 2005 to 2008, I served as an officer in the U.S. Army's Judge Advocate General's Corps, where my practice focused on criminal, operational, and administrative law.

From 2008 to 2012, I entered private law practice in Dallas, Texas, where I focused on commercial litigation. My job entailed all aspects of civil litigation, including conducting depositions, engaging in motion practice in state and federal court, and otherwise representing corporate and individual clients in dispute resolution.

From 2012 to 2014, I worked for the Professional Liability and Financial Crimes Section of the FDIC. While there, I investigated and pursued professional liability and fraud claims on behalf of the FDIC as receiver for failed banks to recover losses and promote accountability for wrongful conduct by the banks' directors and officers. I also investigated and pursued claims against attorneys, accountants, and appraisers that had performed negligent work on behalf of failed banks. In this position, I retained, supervised, and managed outside counsel to assist the FDIC in its mission.

From 2014 to present, I have been an Assistant United States Attorney for the Western District of Louisiana. In my current position, I prosecute a wide variety of offenses, with a focus on fraud and other white-collar

crimes, public corruption, firearms offenses, and crimes committed on the district's military installations. I also head up the District's Suspicious Activity Report (SAR) review team and serve as the District's military liaison with Fort Polk Army Post.

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

With the exception of four years in private practice, I have represented the United States and its agencies throughout my legal career. During my career in the military, I focused primarily on criminal law and continue in that specialty as an Assistant United States Attorney. While in private practice, I focused on civil litigation with my typical clients being medium to large corporations or privately-held companies. As an FDIC attorney, my focus was on director and officer liability litigation, attorney malpractice litigation, and accountant malpractice litigation.

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

My practice has focused exclusively on litigation. The frequency of my court appearances has varied from year to year. I have most frequently appeared in court in my current position as an Assistant United States Attorney (in which I typically have court appearances multiple times a week) and as an officer in the United States Army JAG Corps.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 60% |
| 2. state courts of record: | 30% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 10% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 45% |
| 2. criminal proceedings: | 55% |

- 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 approximately 20 cases to verdict, judgment, or final decision, three of which I was co-counsel and the remainder of which I was either sole counsel or chief counsel.

- i. What percentage of these trials were:
 - 1. Jury: 33%
 - 2. non-jury: 67%
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

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

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:

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

1. United States v. Blount

Case No. 15-CR-00143 (W.D. La.)

July 2015 – July 2017

District Judge: Hon. Dee D. Drell
United States District Court
Western District of Louisiana

This case was initiated after receiving a report from the Financial Industry Regulatory Authority (FINRA) indicating that the defendant, who had previously been barred from the financial services industry, was again engaged in brokerage activities through his business, Professional Retirement Consultants, LLC. In what amounted to a classic Ponzi scheme, Blount solicited and received a total of \$5.8 million from “investors” during the period from January 1, 2010, through January 31, 2014. However, no securities, commodities, or other investments were purchased by Blount on behalf of the investors. Instead, Blount deposited the investor funds into several bank accounts controlled by him and used the money for his own personal expenses and to make “lulling payments” to investors designed to mimic returns on their purported investments. The Ponzi scheme involved 73 victims from which the defendant stole over \$5.8 million. Blount pleaded guilty to wire fraud and was sentenced on July 12, 2017. to 188 months in

prison. He was ordered to pay \$4,313,173.22 in criminal restitution. I was sole counsel in this matter.

Appellate Counsel: Camille A. Domingue
United States Attorney's Office
Western District of Louisiana
800 Lafayette Street, Suite. 2200
Lafayette, Louisiana 70501
(337) 262-6618

Opposing Counsel: Shane Keith Hinch
2917 Ryan Street
Lake Charles, Louisiana 70607
(337) 433-8504

Opposing Counsel: Sara A. Johnson
700 Camp Street
New Orleans, Louisiana 70130
(504) 528-9500

2. United States v. Speights

Case No. 15-CR-00046 (W.D. La.)

January 2015 – January 2017

District Judges: Hon. Donald E. Walter
Hon. Patricia Minaldi
United States District Court
Western District of Louisiana

This was a rape trial in which the defendant was a civilian and the victim was an Army officer stationed at Fort Polk, Louisiana. On the night of October 20, 2013, the defendant, the victim, and a female friend went out to a nightclub. When the group left the nightclub several hours later, the victim was intoxicated. At trial, the victim testified that she had no memory of anything that occurred from the time that the group left the nightclub until she woke up in the middle of the night in a “dream-like” state to find the defendant sexually assaulting her. She further testified that she awoke in the morning to find bleeding, soreness, and other signs of sexual activity and went to the hospital for a SANE exam (although no forensic evidence was recovered). The defendant acknowledged in an interview with an FBI agent that he had engaged in sexual intercourse with the victim, but claimed the sexual intercourse was consensual. After a short deliberation, the defendant was convicted as charged and subsequently sentenced to 121 months imprisonment. I represented the United States as co-counsel, handling approximately one-half of the trial responsibilities.

Co-Counsel: John Luke Walker
United States Attorney's Office
Western District of Louisiana
800 Lafayette Street, Suite 2200
Lafayette, Louisiana 70501
(337) 262-6618

Opposing Counsel: Cristie Gautreaux Gibbens
102 Versailles Boulevard, Suite 816
Lafayette, Louisiana 70501
(337) 262-6336

3. United States v. Wood Group PSN

Case No. 16-CR-00145 (W.D. La.)

January 2016 – March 2017

District Judge: Hon. Dee D. Drell
United States District Court
Western District of Louisiana

In the aftermath of the Deepwater Horizon explosion in the Gulf of Mexico, federal agents initiated an investigation into allegations that Wood Group PSN, an oil services contractor who managed over 40 oil and gas platforms in the Gulf of Mexico, had been falsifying offshore drilling platform safety inspections. During the period investigated, Wood Group reported to regulators that it had conducted routine safety inspections of its platforms as required by law. However, helicopter aviation logs of the transportation company that Wood Group used to transport its employees to the platforms revealed that Wood Group employees had not conducted certain inspections and had falsified the corresponding inspection forms. Wood Group pleaded guilty to making false statements to regulators and was sentenced on February 23, 2017, to three years of organizational probation and fined \$7 million. I represented the United States as co-counsel.

Lead Counsel: Myers P. Namie
517 W. College Street
Lake Charles, Louisiana 70605
(337) 944-4444

Opposing Counsel: Nadira Clarke
2900 K. Street N.W., Suite 200
Washington, D.C. 20007
(202) 625-3767

4. United States v. Hebert, et. al.

Case No. 17-CR-00039 (W.D. La.)

February 2017 – Present

District Judge: Hon. Donald E. Walter
United States District Court
Western District of Louisiana

On November 6, 2017, the United States obtained a conviction on all counts in a jury trial against a Louisiana veterinarian and a Nebraska pharmacy who conspired to make money by selling and instructing others to administer an unapproved opioid to racehorses for the purpose of cheating at the racetrack. From November 2010 to December 2012, Kohll's Pharmacy & Healthcare Inc. of Omaha, Nebraska, distributed a synthetic form of the drug Dermorphin, an opioid unapproved by the FDA that is 40 times more powerful than morphine, to Louisiana veterinarian Kyle Hebert and others in order to illegally enhance the performance of racehorses. Hebert then put the drug into syringes and gave the loaded syringes to racehorse trainers charged with the horses' care. Each trainer was instructed that the drug should be injected into the jugular vein of the racehorses an hour before race time. Demorphin acts as a strong painkiller and masks horses' pain and any pre-existing injuries. Depending on dosage, it can also act as a stimulant when injected into horses. I represented the United States as co-counsel, handling approximately one-half of the trial responsibilities. Sentencing is set for February 23, 2018.

Co-Counsel: Joseph T. Michael
United States Attorney's Office
Western District of Louisiana
800 Lafayette Street, Suite 2200
Lafayette, Louisiana 70501
(337) 262-6618

Opposing Counsel: C Michael Hill
P O Box 81611
Lafayette, LA 70598
(337) 205-8000

Alan G Stoler
Law Office of Alan G Stoler
1823 Harney St Ste 1004
Omaha, NE 68102
(402) 346-1733

Gerald J Block
P O Box 53506
Lafayette, LA 70505
(337) 233-9296

David A Domina
Domina Law Group
2425 S 144th St
Omaha, NE 68144
(402) 493-4100

5. United States v. Nelson, et al

Case No. 12-CR-00224 (W.D. La. 2014)

August 2014 – January 2015

District Judge: Hon. Richard T. Haik
United States District Court
Western District of Louisiana

Within the first month of my arrival at the United States Attorney's Office, I was asked to serve as co-counsel in the re-trial of an armed robbery case, after a jury had been unable to reach a verdict as to the defendant in a previous trial. The defendant and two other men had been indicted on October 24, 2012, by the Grand Jury on charges that they took part in an armed robbery on April 8, 2011, at a casino located in St. Landry Parish, Louisiana. During the trial, I was asked by lead counsel to handle many of the government witnesses, including the government's DNA forensic expert. After a three-day federal trial that ended August 1, 2014, and a brief deliberation, the federal jury found Jones guilty of Hobbes Act armed robbery. He was sentenced on September 19, 2014, to 46 months in prison.

Lead Counsel: Joseph T. Mickel
United States Attorney's Office
Western District of Louisiana
800 Lafayette Street, Suite 2200
Lafayette, Louisiana 70501
(337) 262-6618

Opposing Counsel: Jermaine D. Williams
718 Buchanan Street, Suite A
Lafayette, Louisiana 70501
(337) 235-2989

6. United States v. Zavala

Case No. 16-CR-00053 (W.D. La.)

March 2016 – May 2017

District Judge: Hon. Donald E. Walter
United States District Court
Western District of Louisiana

In 2014, officials at several Department of Homeland Security Immigration and Customs Enforcement ("ICE") detention centers informed law enforcement that a company owned and managed by the defendant had been mailing large numbers of letters advertising

immigration-related services to ICE detainees. Enclosed in each of the envelopes was a letter, written in the Spanish language, offering immigration assistance and a business card providing the defendant's contact information. Suspecting fraud, federal agents were able to obtain financial records disclosing that the defendant had received a large number of wire transfer transactions (including inter-bank wire transfers and Western Union and Money Gram payments) from immigration detainees or their family members. Agents were able to locate 14 of the individuals who had originated the wire transfers to the defendant. They all recounted that they had sent money to the defendant to obtain immigration assistance for relatives who were then being held in ICE detention centers. In each case, the defendant would promise to represent the detainees in immigration court at deportation proceedings, assist them in obtaining work permits, assist them in "bonding out" of detention facilities, or otherwise provide representation on their immigration cases. Additionally, on more than one occasion, the defendant falsely represented to family members of ICE detainees that he was a licensed attorney and would represent the detainee in that capacity. After the defendant received the requested payments from the detainees' family members, he would cease all contact with the subject family member, fail to show up at immigration proceedings as promised, and otherwise fail to take any demonstrable action on behalf of the subject ICE detainee. In many instances the detainees were then removed from the United States and thus unable to assert civil or criminal claims against the defendant.

The defendant ultimately pled guilty to mail fraud and was sentenced to one year of imprisonment and ordered to pay restitution to the victims. Due to the defendant's cooperation with the government, I was also able to prosecute the individual who first introduced the defendant to the scheme. *See United States v. Donald Domingue*, Case No. 16-CR-00216 (W.D. La.). This prosecution resulted in Domingue's conviction and sentence to an 18-month term of imprisonment. I represented the United States as lead counsel in both matters.

Opposing Counsel: Cristie Gautreaux Gibbens
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7. United States v. Le

Case No. 16-CR-00202 (W.D. La.)

September 2015 – July 2016

District Judge: Hon. Donald E. Walter
United States District Court
Western District of Louisiana

In January of 2014, law enforcement became aware that large amounts of cash had been withdrawn from bank accounts owned by the Vietnamese Buddhist Association of Southwest Louisiana, a/k/a Tihn Do Temple (the "Temple") at a casino in Lake Charles, Louisiana. The Temple is a Buddhist church located in Lafayette, Louisiana with approximately 50 regular parishioners. The defendant was a Vietnamese national who

spoke only the Vietnamese language, and who served as the presiding monk of the Temple. A subsequent HSI forensic accountant's audit of the two bank accounts owned by the defendant and three owned by the Temple revealed that a total of \$374,789.79 had been withdrawn by the defendant at or near local casinos during the period from January 2013 to August 2014. Of this amount, \$263,464.36 was withdrawn from the Temple's bank accounts, and \$111,325.43 was withdrawn from the defendant's personal bank accounts. Review of records obtained from casinos indicated that the defendant exchanged approximately \$2 million in cash for chips during the relevant time period.

A one-count criminal complaint charging wire fraud was filed on September 10, 2015, after agents discovered that the defendant was attempting to fly out of the United States. He was arrested at New York LaGuardia Airport on September 14, 2015, while en route to Canada. A four-count indictment was subsequently returned by the Federal Grand Jury on September 23, 2015. The defendant pleaded guilty to Wire Fraud on March 17, 2016, and, on July 25, 2016, was sentenced to 30 months' imprisonment and ordered to pay \$263,463.36 in criminal restitution. The defendant filed an appeal as to the amount of court-ordered restitution, which was denied in a *per curiam* opinion by the Fifth Circuit issued on August 16, 2017. I represented the United States as lead counsel.

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Opposing Counsel: Donald L. Mayeux
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8. United States v. Mendez, et al.
Case No., 14-CR-00208 (W.D. La.)
November 2014 – July 2015

District Judge: Hon. Donald E. Walter
United States District Court
Western District of Louisiana

After receiving information from the Drug Enforcement Administration, local law enforcement arrested two individuals that had driven into Louisiana from Texas with cocaine and methamphetamines hidden in the side panels of their truck. The case subsequently proceeded to a jury trial as one of the defendants, in which I represented the United States as lead counsel. After a two-day trial that ended on March 11, 2015, the defendant, a Guatemalan citizen living in Texas, was convicted by a jury of conspiracy to distribute cocaine and methamphetamine, possession with intent to distribute approximately 15 kilograms of cocaine, and possession with intent to distribute

approximately 516 grams of methamphetamine. He was sentenced to a total of 120 months in prison.

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Opposing Counsel: Benjamin Andrew Cormier
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9. FDIC v. Johnson, et al.

Case No. 11-cv-05953 (W.D. Wa.)

January 2012 – November 2012

District Judge: Hon. Ronald B. Leighton
United States District Judge
Western District of Washington

I became managing counsel of this litigation in January 2012, upon my appointment as a Senior Attorney for the FDIC, and managed it through settlement. The lawsuit alleged that the former directors and officers of the failed Westsound Bank of Bremerton, Washington were grossly negligent and breached their fiduciary duties in the handling of the Bank's affairs. The lawsuit alleged, among other things, that Bank management had negligently permitted a loan officer, in concert with a Ukrainian national, to make high-risk home construction loans to the local Russian and Ukrainian ex-patriot community using the Bank's automated loan refinance program. After litigation in which the assets and insurance coverage of the defendants were depleting rapidly, the FDIC settled its claims for \$1.73 million in November 2012.

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10. FDIC v. Loudermilk, et al.

Case No. 12-CV-04156 (N.D. Ga.)

December 2012 – June 2014

District Judge: Hon. Thomas J. Thrash, Jr.
United States District Judge
Northern District of Georgia

This investigation and litigation, on which I filed suit and was the managing attorney from 2012 to 2014 (and which was thereafter inherited by FDIC Counsel Stuart Tonkinson) stemmed from the December 4, 2009, failure of Buckhead Community Bank in Atlanta Georgia. In 2012, the FDIC sued nine former directors and officers of Buckhead Bank for negligence and gross negligence in recommending or approving imprudent commercial real estate loans. The defendants moved to dismiss the complaint on the ground, among others, that the Georgia business judgment rule precluded the FDIC from asserting negligence claims against them. As there was no precedential law

on the issue, the U.S. District Court Judge certified the question to the Georgia Supreme Court. In a unanimous decision issued on July 11, 2014, the Georgia Supreme Court ruled that the business judgment rule does not automatically protect directors and officers of failed banks from negligence lawsuits if they make decisions in bad faith or without using due diligence. On October 25, 2016, a jury in the Northern District of Georgia entered a verdict against eight of the defendants (the ninth settled before trial). The Court entered a judgment for \$4,986,993, plus costs and post-judgment interest.

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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.)

I have not engaged in any lobbying activity on behalf of clients or organizations.

As a law clerk for Louisiana Supreme Court Justice Jeffrey P. Victory, my primary responsibilities included drafting opinions, conducting legal research, and evaluating and summarizing writ applications. I also assisted Justice Victory in analyzing certain proposed revisions to the Louisiana Rules of Professional conduct that the Louisiana State Bar Association submitted for consideration by the Supreme Court.

While in private practice, I typically handled large corporate litigation as associate counsel. As an example, from 2009 to 2011, I was part of a litigation team representing a major American aluminum manufacturer in a multiyear litigation. The litigation involved a customer's allegations of accelerated, widespread corrosion in its retail products, resulting in claims against my client for breach of contract and breach of warranty. The customer sought in excess of \$250 million in damages. An adverse verdict would have forced our client into bankruptcy. After dozens of depositions of fact and expert witnesses and substantial motions practice, the case settled on favorable terms to our client.

On behalf of the FDIC, I negotiated numerous settlements prior to filing suit by asserting pre-litigation claims against former directors and officers of failed banks. I also asserted pre-litigation claims against attorneys, accountants, and real estate appraisers who performed negligent professional services – thereby causing loss to the failed financial institutions. Examples of these settlements include:

A \$3.3 million settlement with the former directors and officers of the Bank of Hiawasse, Hiawasse, Georgia, for their negligence in originating numerous high-risk commercial real estate and acquisition and development loans, resulting in the failure of the bank.

A \$2.15 million settlement with a major regional accounting firm for their negligence in providing auditing services to Westsound Bank, Bremerton, Washington, despite the fact that a significant fraud scheme were ongoing during the course of the audit. This fraud scheme greatly contributed to the failure of the bank.

A \$1.3 million settlement with the former directors and officers of the Town Community Bank & Trust, Antioch, Illinois, for their negligence in originating numerous high-risk real estate loans, resulting in the failure of the bank.

A \$790,000 settlement with the Georgia law firm of Smith, Welch, and Brittain for negligent services provided to their client, McIntosh Commercial Bank, Carrollton, Georgia in connection with certain real estate transactions.

A \$3.25 million settlement with the former directors and officers of the Statewide Bank, Covington, Louisiana, for their negligence in using depositor money to purchase sub-investment grade mortgage-backed securities, significantly contributing to the failure of the Bank.

A \$2.5 million settlement with the former directors and officers of the Bank of Wyoming, Thermopolis, Wyoming, for their negligence in originating numerous high-risk real estate loans, resulting in the failure of the bank.

Also while at the FDIC, I developed and implemented a corporate witness training program across the agency to train employees to serve as deposition and trial witnesses on behalf of the FDIC in professional liability litigation.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, and 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.

August 2016 – December 2017

Guest Instructor, Criminal Law and Procedure Class, Louisiana State University, Paul M. Hebert Law Center

Baton Rouge, Louisiana

Copy of syllabus provided.

Co-taught a three-hour criminal procedure course to second and third-year law students

April 2011

Guest Lecturer, Constitutional Law, Department of Law, United States Military Academy West Point, New York

Copy of syllabus not available.

Assisted a professor with a lecture on basic constitutional law to undergraduate cadets

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.

None.

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

No.

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 my OGE-278 as provided by the Office of Government Ethics.

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

See attached net worth statement.

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 Governmental Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department'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 the event of a potential conflict of interest, I will consult with the ethics officials in the Executive Office for the United States Attorneys, Department of Justice.

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.

Since becoming an AUSA, I have served as a judge in the local high school moot court competition through the Lafayette Bar Association. I also participate, along with my spouse (who is a breast radiologist), in various Breast Cancer Awareness activities in the Lafayette, Louisiana community. Most of my career has been dedicated to military and public service as JAG Officer, an Attorney with the FDIC, and AUSA with the Western District of Louisiana.

During my time in private practice, I served on the Criminal Justice Act (CJA) panel in the Northern District of Texas on a *pro bono* basis to provide federal criminal legal representation to indigent defendants. I also volunteered on a periodic basis to serve the Dallas community by providing *pro bono* legal advice through the Dallas Volunteer Attorney Program (DVAP), which coordinates the provision of free legal help and access to the justice system for low-income people.

While in Dallas, I served the homeless community of Dallas, Texas through Westminster Presbyterian Church's ministry to provide one dinner a month at The Bridge North Texas Homeless Shelter. I also participated as a teacher in Junior Achievement in Dallas, Texas on an annual basis – teaching one day of curriculum to elementary school students in Dallas County public schools.