

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Marc Luther Krickbaum

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

United States Attorney, Southern District of Iowa, United States Department of Justice

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.

United States Attorney's Office
219 South Dearborn Street, 5th Floor
Chicago, Illinois 60604

Residence: Wilmette, Illinois

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

1979; Waco, 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.

Harvard Law School, 2002 – 2006
J.D., *cum laude*, 2006

University of Iowa, 1997 – 2001
B.A. in Philosophy and Political Science, with highest distinction, 2001

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.

United States Attorney's Office for the Northern District of Illinois
219 South Dearborn Street, 5th Floor
Chicago, Illinois 60604
Assistant United States Attorney, April 2016 – present
Assistant United States Attorney, May 2009 – September 2013

United States Attorney's Office for the Southern District of Iowa
United States Courthouse Annex
110 East Court Avenue, Suite # 286
Des Moines, Iowa 50309
Chief of Appeals, April 2015 – March 2016
Deputy Chief of Appeals, April 2014 – April 2015
Assistant United States Attorney, September 2013 – April 2014

Civil Division
United States Department of Justice
20 Massachusetts Avenue NW, Room 6102
Washington, District of Columbia 20001
Federal Programs Branch, Trial Attorney, February 2009 – May 2009
Appellate Staff, Intern, July 2004 – August 2004

Office of the Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, District of Columbia 20530
Counsel to the Deputy Attorney General
April 2008 – February 2009

The Honorable Mark Filip
United States District Court for the Northern District of Illinois
219 South Dearborn Street
Chicago, Illinois 60604
Law Clerk
October 2007 – March 2008

The Honorable Steven M. Colloton
United States Court of Appeals for the Eighth Circuit
110 East Court Avenue, Suite # 461
Des Moines, Iowa 50309
Law Clerk
September 2006 – September 2007

Mayer Brown LLP
71 South Wacker Drive
Chicago, Illinois 60606
Summer Associate

May 2006 – July 2006

Harvard College
University Hall
Cambridge, Massachusetts 02138
Teaching Fellow, Justice (Professor Michael Sandel)
September 2005 – January 2006

Harvard Law School
233 Areeda Hall
Cambridge, Massachusetts 02138
Research Assistant (Professor Jack Goldsmith)
June 2005 – September 2005

International Criminal Tribunal for Rwanda, Office of the Prosecutor
Arusha International Conference Centre
Arusha, Tanzania
Intern (unpaid)
January 2005 – June 2005

Mayer Brown LLP
71 South Wacker Drive
Chicago, Illinois 60606
Summer Associate
May 2004 – July 2004

Legal Resources Centre
House No. C270/14 Wawa Lane, Ozorwulu
Accra, Ghana
Intern (unpaid)
May 2003 – August 2003

Self-employed and Thesaurus House
4F Ozaki Building, 1-20-1 Uehara, Shibuya-ku
Tokyo, Japan
English Teacher
October 2001 – May 2002

Albertson's
1444 West Center Road
Omaha, Nebraska 68144
Produce Clerk
May 2001 – August 2001

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 U.S. Military. I have registered for the selective service.

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

U.S. Department of Agriculture-OIG Appreciation Award (2015)
Chicago Crime Commission Award for Combatting Illegal Weapons (2014)
Chicago Crime Commission Excellence in Law Enforcement Award (2012)
FBI Appreciation Award (2012)
Attorney General's Honors Program (2008)
Harvard Law School, graduation *cum laude* (2006)
Best Oralist, Ames Moot Court Finals (2004)
Best Brief, Ames Moot Court Semifinals (2004)
University of Iowa, Phi Beta Kappa, graduation with highest distinction (2001)

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.

None.

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.

Illinois, November 2006. No membership lapses.

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

U.S. District Court for the Southern District of Iowa, admitted September 24, 2013, no membership lapses.

U.S. Court of Appeals for the Eighth Circuit, admitted April 10, 2007, no membership lapses.

The U.S. Court of Appeals for the Seventh Circuit and the U.S. District Court for the Northern District of Illinois permit government lawyers to practice before them without obtaining formal membership, and I have not obtained formal

membership in either 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.

Connexus Association (2017) (I was automatically made a member of this charitable organization when my home equity line of credit was transferred to Connexus Credit Union)

Central Iowa Working Group on Human Trafficking (2014 – 2016)

Mock Trial Instructor, Meredith Middle School (2014)

Mock Trial Instructor, Lawndale Middle School (2012 – 2013, est.)

Everybody Wins! Iowa, Mentor (2006 – 2007, est.)

Lutheran Services in Iowa, Tutor (2006 – 2007, est.)

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 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.

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

12. **Published Writings and Public Statements:**

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

I have done my best to identify all books, articles, reports, letters to the editor, editorial pieces and other published material, including through a review of my personal files, and searches of publicly available electronic databases. Despite my

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

“No More Than Spectators at a Funeral,” Mayer Brown Pro Bono Update, Summer 2005, Copy supplied.

In approximately 2005, I kept an online journal about my travels in east Africa. The journal no longer exists. Copy not available. The article identified above (“No More Than Spectators at a Funeral”) was adapted from one of my journal entries.

- 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. I have been unable to locate any responsive items.

- 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. I have been unable to locate any responsive items.

- 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 through a review of personal files and searches of publicly

available electronic databases. 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:

Investigating and Prosecuting Human Trafficking, Iowa Law Enforcement Academy (2016). A copy of a standard human trafficking presentation is supplied.

Federal Prosecution of Human Trafficking, Iowa Law Enforcement Coordinating Committee Conference (2015, est.). Copy supplied (same as above).

Federal Prosecution of Human Trafficking, Human Trafficking Conference in Central Iowa (2015, est.). Copy supplied (same as above).

Federal Prosecution of Human Trafficking, Iowa Law Enforcement Conference (2014). Copy supplied (same as above).

The Problem of Human Trafficking, Various Iowa Community Groups (2014 – 2016). Copy supplied (same as above).

Case Presentation on Human Trafficking: *U.S. v. Sawyer*, Leadership Greater Chicago (2013). Copy supplied (same as above).

Case Presentation on Human Trafficking: *U.S. v. Sawyer*, Chicago Bar Association (2012). Copy supplied (same as above).

Oral argument, Ames Moot Court Finals, Harvard Law School (2004). A press report of the event is supplied.

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

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

In approximately 2014, I was interviewed on background by a producer for “American Greed” about the prosecution in *United States v. Trudeau*, 10 CR 886 (N.D. Ill. 2010). I did not do an on-camera interview. Copy not available.

In November 2011, I was interviewed by the *New York Times* about the prosecution in *United States v. Sawyer*, 10 CR 744 (N.D. Ill. 2010). The resulting

article, which does not quote me, is available at <http://www.nytimes.com/2011/11/25/us/raising-awareness-of-sex-trafficking-one-lecture-at-a-time.html>.

In October 2000, while in college, I was interviewed for the student newspaper, The Daily Iowan, about a presidential debate among student groups that I organized and moderated. The resulting article is available at <http://uis4n.tripod.com/di1031.html>. Copy supplied.

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 not been appointed or elected to any public offices. I have not run for any 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.

To my knowledge, I have never been involved in any such activities.

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;

October 2007 – March 2008: Judicial Law Clerk; U.S. District Court for the Northern District of Illinois; The Honorable Mark Filip.

September 2006 – September 2007: Judicial Law Clerk; U.S. Court of Appeals for the Eighth Circuit; The Honorable Steven M. Colloton.

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

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

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Assistant United States Attorney, April 2016 – present
Assistant United States Attorney, May 2009 – September 2013

United States Attorney's Office for the Southern District of Iowa
United States Courthouse Annex
110 East Court Avenue, Suite # 286
Des Moines, Iowa 50309
Chief of Appeals, April 2015 – March 2016
Deputy Chief of Appeals, April 2014 – April 2015
Assistant United States Attorney, September 2013 – April 2014

Civil Division
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Federal Programs Branch, Trial Attorney, February 2009 – May 2009
Appellate Staff, Intern, July 2004 – August 2004

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United States Department of Justice
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Washington, District of Columbia 20530
Counsel to the Deputy Attorney General
April 2008 – February 2009

The Honorable Mark Filip
United States District Court for the Northern District of Illinois
219 South Dearborn Street
Chicago, Illinois 60604
Law Clerk
October 2007 – March 2008

The Honorable Steven M. Colloton
United States Court of Appeals for the Eighth Circuit
110 East Court Avenue, Suite # 461
Des Moines, Iowa 50309
Law Clerk
September 2006 – September 2007

Mayer Brown LLP
71 South Wacker Drive
Chicago, Illinois 60606
Summer Associate
May 2006 – July 2006

- 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 2006 to 2008, I served as a judicial law clerk, conducting legal research and helping to draft judicial opinions.

From 2008 to 2009, as Counsel to the Deputy Attorney General, I worked on policy issues relating to criminal law and national security.

In 2009, as a Trial Attorney in the Federal Programs Branch of the Civil Division, I drafted pleadings in civil cases, typically where the opposing party challenged a statute or an Executive action.

From 2009 to the present, as an Assistant U.S. Attorney, I have conducted grand jury investigations and handled criminal prosecutions and appeals in a wide variety of criminal cases. For approximately two years, I supervised all criminal and civil appellate litigation, in addition to maintaining a district court docket.

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

I have represented the United States, primarily in criminal matters.

- 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.

From 2009 to the present, 100% of my practice has been in litigation, and I have appeared in court frequently.

- i. Indicate the percentage of your practice in:

1. federal courts: 100%
2. state courts of record: 0%
3. other courts: 0%
4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

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

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

I have tried 9 criminal cases to verdict in federal district courts. I was sole counsel in 1 case, chief counsel in 6 cases, and associate counsel in 2 cases.

i. What percentage of these trials were:

1. Jury: 100%
2. non-jury: 0%

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. Redwood
16 CR 80 (N.D. Ill. 2016)
The Honorable Amy J. St. Eve

U.S. District Court for the Northern District of Illinois
Date of Representation: 2016 – 2017

Co-Counsel: Andrianna Kastanek
Assistant U.S. Attorney
Northern District of Illinois
219 South Dearborn Street, 5th Floor
Chicago, Illinois 60604
(312) 886-0974

Opposing Counsel: Alison Motta
Motta & Motta LLC
559 W. Galena Boulevard
Aurora, Illinois 60506
(630) 844-2766

J. Clifford Greene, Jr.
55 East Monroe Street, Suite 3800
Chicago, Illinois 60603
(312) 212-4412

A 14-year-old girl showed up to a fistfight after school with a loaded gun supplied by her uncle. During the fight, the 14-year-old shot two other girls, killing a 14-year-old and wounding a 16-year-old. The teenage shooter and her uncle, who originally provided her with the gun, were charged with murder in state court. Vandetta Redwood, the shooter's adult cousin, was charged in federal court based on allegations that Redwood handed the loaded gun to the shooter during a particularly heated moment in the fight and instructed her to shoot. Redwood was charged with transferring a handgun to a juvenile knowing she would use the firearm to commit a crime of violence, and possession of a firearm within a school zone.

After a seven-day jury trial, Redwood was acquitted. I joined the case after it was indicted, and was co-counsel during pretrial litigation. I was lead counsel at trial.

2. United States v. Springer, et. al.
4:14-CR-89 (S.D. Iowa 2014)
The Honorable John A. Jarvey
U.S. District Court for the Southern District of Iowa
Date of Representation: 2014 – 2016

Co-Counsel: Virginia Bruner
Assistant U.S. Attorney
Southern District of Iowa
110 East Court Avenue, Suite # 286
Des Moines, Iowa 50309

(515) 473-9324

Opposing Counsel F. Montgomery Brown (Defendant Springer)
1001 Office Park Road, Suite 108
West Des Moines, Iowa 50265
(515) 225-0101

J. Keith Rigg (Defendant Smith)
418 6th Avenue, Suite 200
Des Moines, Iowa 50309
(515) 284-7930

Ward Rouse (Defendant Steven)
4940 Pleasant Street
West Des Moines, Iowa 50266
(515) 223-9000

James Whalen (Defendant Makohoniuk)
Federal Public Defender
400 Locust Street, Suite 340
Des Moines, Iowa 50309
(515) 309-9610

Mark Weinhardt (Defendant Hogan)
The Weinhardt Law Firm
2600 Grand Avenue, Suite 450
Des Moines, Iowa 50312
(515) 564-5272

Five defendants were charged with carrying out a short-sale mortgage fraud scheme in which they negotiated short sales with lenders on behalf of distressed homeowners, purchased the homes in the short sale, and quickly resold the homes at a substantial profit. The defendants were charged with making misrepresentations to, and concealing material facts from, lenders in order to induce the short sales. Three defendants pleaded guilty and two defendants—a prominent local real estate attorney and a realtor—were convicted after an eight-day jury trial. I was lead counsel on the case.

3. United States v. Parsons
4:14-cr-52 (S.D. Iowa 2014)
The Honorable James E. Gritzner
U.S. District Court for the Southern District of Iowa
Date of Representation: 2014

Co-Counsel: None

Opposing Counsel: F. John Spellman
Spellman Law Office
2635 Hubbell Avenue
Des Moines, Iowa 50317
(515) 265-8877

Parsons took sexually explicit photographs of a 9-year-old boy who had been entrusted to his care. He was originally charged in the state with far less serious offenses. The federal investigation involved a close partnership with local law enforcement, which led to Parsons's federal arrest and detention and the recovery of significant additional evidence of a pattern of sexual abuse. Parsons pleaded guilty and was sentenced to 18 years in prison and a lifetime of supervised release. I was sole counsel on the case.

4. United States v. Shaoming, et. al.
4:13-CR-147 (S.D. Iowa 2013)
The Honorable Stephanie M. Rose
U.S. District Court for the Southern District of Iowa
Date of Representation: 2015 – 2016

Co-Counsel: Jason Griess
Assistant U.S. Attorney
Southern District of Iowa
110 East Court Avenue, Suite # 286
Des Moines, Iowa 50309
(515) 473-9302

Opposing Counsel: Mark Weinhardt
The Weinhardt Law Firm
2600 Grand Avenue, Ste. 450
Des Moines, Iowa 50312
(515) 564-5272

Mark Beck
Orrick
777 South Figueroa Street, Suite 3200
Los Angeles, California 90017
(213) 612-2339

Six Chinese nationals were charged with conspiracy to commit theft of trade secrets, based on allegations that they stole trade secrets worth hundreds of millions of dollars belonging to DuPont-Pioneer and Monsanto. I joined the case as co-counsel after it was indicted. After extensive pretrial proceedings, including thousands of pages of briefing, the sole remaining defendant in the United States, Mo Hailong, pleaded guilty and was sentenced to three years in prison. I was co-counsel on this case.

5. United States v. Mohammadi
12 CR 591 (N.D. Ill. 2012)
The Honorable Joan H. Lefkow
U.S. District Court for the Northern District of Illinois
Date of Representation: 2012 – 2013

Co-Counsel: Christopher Veatch
Assistant U.S. Attorney
Northern District of Illinois
219 South Dearborn Street, 5th Floor
Chicago, Illinois 60604
(312) 886-3389

Opposing Counsel: David E. Neely
David E. Neely & Associates
5619 South Wabash Avenue
Chicago, Illinois 60637
(312) 315-8241

Mohammadi and his company, Modir Trading, were indicted for conspiring with an Iranian national to export a defense article to Iran. The defense article was a component in the tube-launched, optically-tracked, wireless-guided (TOW) missile system. I was sole counsel during the investigation and indictment of the case, and I successfully litigated the defendant's motion to suppress his confession. After I transferred to the U.S. Attorney's Office in the Southern District of Iowa, Mohammadi pleaded guilty to conspiracy to violate the International Emergency Economic Powers Act and U.S. sanctions against Iran. A second defendant remains a fugitive.

6. United States v. Dautovic
4:11-cr-159 (S.D. Iowa 2011)
The Honorable John A. Jarvey
U.S. District Court for the Southern District of Iowa
United States v. Dautovic, 763 F.3d 927 (8th Cir. 2014)
The Honorable Roger L. Wollman, William J. Riley, and James B. Loken
U.S. Court of Appeals for the Eighth Circuit
Date of Representation: 2013 – 2015

Co-Counsel: None

Opposing Counsel: J. Keith Rigg
418 6th Avenue, Suite 200
Des Moines, Iowa 50309
(515) 284-7930

Dautovic and his partner, who were Des Moines, Iowa police officers, repeatedly beat a man with a steel baton, splitting open the victim's head and breaking his hand so that bones protruded from his skin. Dautovic then submitted a false or misleading police report about the incident and perjured himself at the victim's state criminal trial. A federal jury convicted Dautovic of deprivation of rights under color of law and obstruction of justice. He was originally sentenced to 20 months in prison, which was an 85% variance from the bottom of the sentencing guidelines range. The government appealed the reasonableness of the sentence, and I handled the oral argument in the court of appeals. (I joined the case after trial and after the appeal was briefed. Assistant U.S. Attorney John Courter tried the case, and Assistant U.S. Attorney Shannon Olson wrote the brief. Both attorneys later left the office.)

The Eighth Circuit reversed the sentence as substantively unreasonable. On remand, I wrote the government's sentencing memorandum. Dautovic committed a murder-suicide the day before resentencing.

7. United States v. Trudeau
10 CR 886 (N.D. Ill. 2010)
The Honorable Ronald A. Guzman
U.S. District Court for the Northern District of Illinois
United States v. Trudeau, 812 F.3d 578 (7th Cir. 2016)
U.S. Court of Appeals for the Seventh Circuit
The Honorable Frank H. Easterbrook, Ilana D. Rovner, and Diane S. Sykes
Date of Representation: 2010 – 2016

Co-Counsel: April Perry
Office of the Cook County State's Attorney
69 West Washington, Suite 3200
Chicago, Illinois 60602
(312) 603-1880

Opposing Counsel: Thomas L. Kirsch II
Winston & Strawn LLP
35 West Wacker Drive
Chicago, Illinois 60601
(312) 558-3220

Carolyn Pelling Gurland
200 South Wacker Drive 31st Floor
Chicago, Illinois 60606
(312) 420-9263

Trudeau, known as the "infomercial king," committed contempt of court in the form of a \$37 million consumer fraud. Trudeau was charged with making infomercials that misrepresented the content of his book, *The Weight Loss Cure*

“They” Don’t Want You to Know About, in violation of a civil consent decree. Consumers lost \$37 million in purchases of this fraudulently-marketed book. After extensive pretrial litigation and a six-day trial, a jury convicted Trudeau of criminal contempt. Trudeau was sentenced to 10 years in prison. I was lead counsel in this case.

8. Ryan v. United States
10 CV 5512 (N.D. Ill. 2010)
The Honorable Rebecca R. Pallmeyer
U.S. District Court for the Northern District of Illinois
Ryan v. United States, 688 F.3d 845 (7th Cir. 2012)
The Honorable Frank H. Easterbrook, Diane P. Wood, and John D. Tinder
U.S. Court of Appeals for the Seventh Circuit
Date of Representation: 2010 – 2012

Co-Counsel: Laurie Barsella
Assistant U.S. Attorney
Northern District of Illinois
219 South Dearborn Street, 5th Floor
Chicago, Illinois 60604
(312) 353-6069

Opposing Counsel: Dan K. Webb
Winston & Strawn LLP
35 West Wacker Drive
Chicago, Illinois 60601-9703
(312) 558-5600

Albert Alschuler
220 Tuttle Road
Cumberland, Maine 04021
(207) 829-3963

Following a six-month trial, George Ryan, the former Secretary of State and Governor of Illinois, was convicted of RICO, mail fraud, and tax offenses, as well as lying to the FBI. After the Supreme Court held in *Skilling v. United States*, 561 U.S. 358 (2010), that the honest services statute is limited to bribes and kickbacks, Ryan filed a motion under 28 U.S.C. § 2255 challenging his convictions and sentence. I was co-counsel in this case, and was the primary author of the government’s briefs in the district court and the court of appeals. The district court and the Seventh Circuit held that the jury properly convicted Ryan of taking bribes and kickbacks, and affirmed his RICO conviction and sentence.

9. United States v. Sawyer
10 CR 744 (N.D. Ill. 2010)

The Honorable Charles P. Kocoras
U.S. District Court for the Northern District of Illinois
United States v. Sawyer, 733 F.3d 228 (7th Cir. 2013)
The Honorable Diane P. Wood, Frank H. Easterbook, and David F. Hamilton
U.S. Court of Appeals for the Seventh Circuit
Date of Representation: 2010 – 2013

Co-Counsel: Michelle Nasser
Dowd Bennett
7733 Forsyth Boulevard, Suite 1900
St. Louis, Missouri 63105
(312) 889-7345

Opposing Counsel: David Peilet
230 W. Jackson Street, Suite 200
Chicago, Illinois 60606
(847) 909-5907

Sawyer was responsible for the sex trafficking of dozens of victims, whom he trafficked as minors, or through the use of force, or both. Sawyer recruited young and vulnerable victims, including several who were homeless or runaways. Many of the victims were teenagers, and the youngest was twelve years old. Sawyer branded victims with tattoos of his name. He took all the money his victims made from acts of prostitution. And when victims did not follow his rules, he threatened and beat them, often savagely. After a 9-day jury trial, he was convicted of ten counts of sex trafficking. He was later sentenced to 50 years in prison.

I was lead counsel for the investigation, at trial, and on appeal.

10. In re National Security Agency Telecommunications Records Litigation
MDL Docket No. 06-cv-1791-VRW (N.D. Cal. 2006)
The Honorable Vaughn R. Walker
U.S. District Court for the Northern District of California
In re Nat'l Sec. Agency Telecommunications Records Litig., 671 F.3d 881 (9th Cir. 2011)
The Honorable Harry Pregerson, Michael Daly Hawkins, and M. Margeret McKeown
United States Court of Appeals for the Ninth Circuit
Date of Representation: 2009

Co-Counsel: Anthony Coppolino
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW, Room 7346
Washington, District of Columbia 20001
(202) 514-4782

Opposing Counsel: Cindy Ann Cohn
Electronic Frontier Foundation
815 Eddy Street
San Francisco, California 94109
(415) 436-9333
(Among many others, not feasible to list here. This was a multidistrict litigation involving many plaintiffs and attorneys.)

Numerous plaintiffs brought suit against telecommunications carriers challenging the National Security Agency's Terrorist Surveillance Program. The United States intervened and moved to dismiss under § 802 of the Foreign Intelligence Surveillance Act, which provided immunity from suit for telecommunications carriers if the Attorney General certified specific facts to the district court. In this and related cases, including *Jewel v. National Security Agency*, No. 08-cv-4373 (N.D. Ca. 2008) and *McMurray et al. v. Verizon Comm., Inc. et al.*, No. 09-cv-0131 (N.D. Ca. 2009), I drafted, in whole or in part, multiple filings, including motions to dismiss. In *In re Nat'l Sec. Agency Telecommunications Records Litig.*, 671 F.3d 881 (9th Cir. 2011), the Ninth Circuit affirmed the dismissal of the suit against the telecommunications carriers.

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.)

From 2009 to the present, as an Assistant U.S. Attorney in the Northern District of Illinois and the Southern District of Iowa, I have led grand jury investigations and prosecutions of offenses including public corruption, fraud, theft of trade secrets, export of defense articles, human trafficking, child exploitation, drug and gun trafficking, Hobbs Act robbery, bank robbery, counterfeiting, and immigration.

In 2015 and 2016, as the Chief of Appeals in the Southern District of Iowa, I supervised all criminal and civil appellate litigation, reviewed all appellate briefs filed in the district, conducted moot courts for all appellate oral arguments, and made recommendations to the Criminal Division and the Solicitor General with respect to appeals of adverse decisions.

I have personally handled 17 cases before the Seventh Circuit Court of Appeals and the Eighth Circuit Court of Appeals, either writing the brief, or presenting the oral argument, or both. Two of these cases have been successful affirmative government appeals.

While in the Southern District of Iowa, I also served as the human trafficking coordinator, and I chaired the law enforcement human trafficking working group in central Iowa and gave presentations about human trafficking to groups across the state. I also helped supervise the office's intern program.

In addition to the specific cases described in my response to question 15 above, I participated in a number of cases that did not result in trials.

For example, I coordinated the government's responses in twelve pending cases in which defendants filed motions to dismiss based on allegations of selective enforcement. I led teams in two Title III wiretap investigations of Chicago-area street gangs, resulting in prosecutions of approximately thirty defendants. I prosecuted a gang member in Des Moines, Iowa, who acted as an arms dealer to criminal associates in the area, including while on federal pretrial release. I led the Hobbs Act prosecution of a crew that, over the course of several years, committed nearly a dozen armed robberies of jewelry stores and banks in the Chicago area. I charged and convicted a Chicago-area man who collected and distributed tens of thousands of images of child pornography, and, in the weeks before he was arrested, had moved into a house with, and was grooming, a 7-year-old boy. And I prosecuted two Chicago-area men who manufactured approximately \$1 million of high-quality counterfeit \$100 bills.

In Chicago, I was also chosen to work on several special assignments involving some of the most significant cases in the office. For example, I assisted in the trial of former Illinois Governor Rod Blagojevich by researching and drafting numerous pre-trial motions. I served a similar role for the team prosecuting Vicente Zambada-Niebla, the son of Ismael Zambada Garcia, who was at the time the co-leader of the Sinaloa Cartel.

In 2008 and 2009, as Counsel to the Deputy Attorney General, I worked on projects relating to counterterrorism, international organized crime, cybercrime, and fraud, and I accompanied the Deputy Attorney General on related travel to the Middle East and Europe. I also assisted on professional responsibility matters, and reviewed clemency petitions. Finally, I accompanied the Deputy Attorney General on visits to dozens of U.S. Attorney's Offices.

From 2006 to 2008, as a law clerk for the Honorable Steven M. Colloton, U.S. Court of Appeals for the Eighth Circuit, and the Honorable Mark Filip, U.S. District Court for the Northern District of Illinois, I reviewed briefs, attended oral arguments, and helped the judges draft judicial opinions.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

In 2005 and 2006, as a law student, I was a Teaching Fellow for "Justice," a class about moral and political philosophy taught by Professor Michael Sandel at Harvard College. I

taught two discussion sections per week. A course syllabus and video of the class, which is substantially similar to the class for which I taught, is available at:

<http://justiceharvard.org/justicecourse/>

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).

Financial Disclosure report is attached.

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 Government 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 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.

I have devoted my legal career to public service. Much of my work has served people who are disadvantaged, particularly children who are the victims of violent crime.

In approximately 2012 and 2013, I volunteered for mock trial programs at a middle school serving disadvantaged students in Chicago. In 2014, I created, organized, and led such a program in Des Moines, Iowa.

In approximately 2006 and 2007, I volunteered weekly by reading to a local elementary school student and tutoring refugee families in Des Moines.