

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Travis Gabriel LeBlanc (formerly Travis Gabriel Johnson)

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

Member, Privacy and Civil Liberties Oversight Board

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

Boies Schiller Flexner LLP
435 Tasso Street
Suite 205
Palo Alto, CA 94301

Boies Schiller Flexner LLP
1401 New York Avenue NW
11th Floor
Washington, DC 20005

Resident of Chevy Chase, Maryland.

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

July 7, 1977; New Orleans, Louisiana.

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.

University of Cambridge, LL.M. 2004 (attended 2003 – 2004)
Yale Law School, J.D. 2003 (attended 1999 – 2003)
Harvard University, John F. Kennedy School of Government M.P.A. 2003
(attended 2000 – 2003)
Princeton University, A.B. 1999 (attended 1995 – 1999)
University of Oxford (visiting student 1997 – 1998)
Georgetown University (attended summer 1997 and summer 1998)
University of California at Los Angeles (attended summer 1997)

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.

BOIES SCHILLER FLEXNER LLP, *Partner*

March 2017 – Present

1401 New York Avenue NW, 11th Floor
Washington, DC 20005

435 Tasso Street, Suite 205
Palo Alto, CA 94301

CENTER FOR DEMOCRACY & TECHNOLOGY, *Board Director*

December 2017 – Present

1401 K Street NW, Suite 200
Washington, DC 20005

PUBLIC RIGHTS PROJECT, *Advisory Board Member*

December 2017 – Present

1721 Broadway Street, #201
Oakland, CA 94612

HARVARD UNIVERSITY, BERKMAN KLEIN CENTER FOR INTERNET & SOCIETY, *Senior Advisor and Affiliate*

September 2017 – Present

23 Everett Street, #2
Cambridge, MA 02138

INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION, AMERICAN ARBITRATION ASSOCIATION, *Privacy Shield Annex I Arbitrator*

August 2017 – Present

150 East 42nd Street, 17th Floor
New York, NY 10017

GERSON LEHRMAN GROUP, *Council Member*

April 2017 – Present

60 East 42nd Street, 3rd Floor
New York, NY 10165

AMERICAN BAR ASSOCIATION, NATIONAL INSTITUTE ON CYBERSECURITY LAW, *Co-Chair*

September 2018 – Present

321 North Clark Street
Chicago, IL 60654-7598

INSTITUTE FOR INNOVATION LAW, UC HASTINGS COLLEGE OF THE LAW, *Affiliated Scholar*

May 2014 – Present

200 McAllister, Suite 112
San Francisco, CA. 94102

FEDERAL COMMUNICATIONS COMMISSION, *Chief of the Enforcement Bureau*

March 2014 – January 2017

445 12th Street SW
Washington, DC 20554

ISIDORE NEWMAN SCHOOL, *Board Governor*

July 2009 - June 2015
1903 Jefferson Avenue
New Orleans, LA 70115

**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, *Appellate
Lawyer Representative***

January 2012 – December 2014
P.O. Box 193939
San Francisco, CA 94119

DUPONT USA, *Consultant*

January 2014 – May 2014
974 Centre Road
Wilmington, DE 19805

**OFFICE OF ATTORNEY GENERAL KAMALA D. HARRIS, CALIFORNIA
DEPARTMENT OF JUSTICE, *Special Assistant Attorney General***

January 2011 – October 2013
1300 "I" Street
Sacramento, CA 95814

**OFFICE OF LEGAL COUNSEL, U.S. DEPARTMENT OF JUSTICE, *Attorney-
Advisor***

June 2009 – January 2011
950 Pennsylvania Avenue NW
Washington, DC 20530

KEKER & VAN NEST, LLP, *Associate*

July 2007 – May 2009
633 Battery Street
San Francisco, CA 94111

WILLIAMS & CONNOLLY LLP, *Associate and Summer Associate*

December 2005 – June 2007, May 2002 – July 2002
725 12th Street NW
Washington, DC 20005

**U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT, *Law Clerk to the Hon.
Stephen Reinhardt***

August 2004 – August 2005
P.O. Box 193939
San Francisco, CA 94119

DAVIS, POLK & WARDWELL LLP, *Summer Associate*

May 2004 - August 2004
450 Lexington Avenue
New York, NY 10017

MUNGER, TOLLES & OLSEN LLP, *Summer Associate*

May 2003 – October 2003
350 South Grand Avenue, 50th Floor

Los Angeles, CA 90071

JENNER & BLOCK LLP, *Summer Associate*

July 2002 – August 2002

1099 New York Avenue NW, Suite 900

Washington, DC 20001

STEPTOE & JOHNSON LLP, *Summer Associate*

July 2001 – September 2001

1330 Connecticut Ave NW

Washington, DC 20036

APPELLATE SECTION, CIVIL RIGHTS DIVISION, U.S. DEPARTMENT OF JUSTICE, *Summer Law Intern*

May 2001 – July 2001

601 D Street NW

Washington, DC 20579

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP, *Summer Associate*

May 2000 – August 2000

300 South Grand Avenue, Suite 3400

Los Angeles, CA 90071

CRAVATH, SWAINE & MOORE LLP, *SEO Intern*

June 1999 – August 1999

825 8th Avenue

New York, NY 10019

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

I have not served in the military. I have registered for selective service.

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

Cybersecurity Docket's Incident Response 30 (2018)

The National Law Journal's Cybersecurity and Data Privacy Trailblazer (2017)

Arkansas Traveler (2013)

Columbia University's Visitor from Government Practice (2012)

Cambridge Overseas Trust Scholar (2003)

Sinclair Kennedy Fellowship (2003)

Champion, American Bar Association National Appellate Advocacy Competition (2003)

Best Brief, American Bar Association National Appellate Advocacy Competition (2003)

Potter Stewart Prize, Yale Law School (2002)

Ambassador Leo Walsh Scholarship (1997)

Walter E. Hope Extemporaneous Speaking Prize, Princeton University (1995)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (2016 – Present)

American Law Institute (2015 – Present)

Bar Association of San Francisco (2007 – 2009, 2018 – Present)

U.S. Court of Appeals for the Ninth Circuit, Appellate Lawyer Representative (2012 – 2014)

National Bar Association (2013 – 2014)

National Black Prosecutors Association (2013 - 2014)

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.

California (November 2007)

I took inactive status from February 2010 – January 2011 and January 2015 – February 2017 because I was not practicing law in California.

District of Columbia (March 2006)

Maryland (January 2004)

I have taken inactive status since 2009 because I have not practiced law in Maryland.

- 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. Court of Appeals: D.C. Circuit (June 2006)

U.S. Court of Appeals: Ninth Circuit (August 2005)

U.S. District Court: District of Columbia (May 2006)

U.S. District Court: Northern District of California (December 2007)

U.S. District Court: Central District of California (March 2008)

U.S. District Court: District of Maryland (March 2006)

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.

None.

- 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.

None of the organizations listed above discriminates, or has discriminated, to my knowledge (in contemporary times).

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.

To the best of my recollection, and based on searches of available databases, I have identified the published materials that I authored or co-authored. A list of these items and copies of the responsive materials that I have identified are provided in Appendix 12(a).

- 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.

To the best of my recollection, and based on searches of available databases, I have not identified any such documents on behalf of a non-governmental entity.

- 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 the testimony, official statements or other communications relating to matters of public policy or legal interpretation that I have issued or presented to a public body (which have not been provided in response to other subparts of question 12), including through searches of publicly-available electronic databases and a review of my personal files. Appendix 12(c) contains a list of all responsive documents that I was able to identify, including testimony before a committee of Congress and enforcement advisories that I issued as the Chief of Enforcement at the Federal Communications Commission. Copies of these documents are included in Appendix 12(c).

While I was at the FCC as the Chief of Enforcement, I routinely issued or approved official orders or actions involving matters of public policy and legal interpretation, including consent decrees, notices of apparent liability, and forfeiture orders. I have identified the most newsworthy of these actions in response to question 12(e).

- 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.

To the best of my recollection, and based on searches of available databases, I have provided a list of speeches and talks in Appendix 12(d). Where available, I have provided my prepared remarks or notes in Appendix 12(d).

- 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.

The list in Appendix 12(e) consists of interviews identified from my recollection, from my files, and from a search of Internet databases. I have done my best to identify all interviews I have given. As a general matter, quotes or substantially similar quotes that I may have given to one media organization have been routinely used by other publishers in separate publications, where I did not speak with the reporter. For ease of review, I have tried to reduce the size of this list by including only one or two representative versions of each quote, rather than the entire domain of publications.

During my tenure at the FCC, the Commission routinely issued news and press releases containing quotes from me that were sometimes quoted in media publications. Instead of providing all of the thousands of derivative publications that would have relied upon the same quote, I have provided the FCC's news releases, which are the source documents from which media outlets would have obtained my quotes.

When I was at the FCC and in the California Attorney General's Office, I participated in press conferences and interviews. To the best of my ability, I have identified at least one publication for each of those media availabilities.

Copies of responsive items that I have identified are included in Appendix 12(e).

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.

Office of the Attorney General, California Department of Justice, *Special Assistant Attorney General*

January 2011 – October 2013

Appointing Official: Attorney General Kamala D. Harris

Federal Communications Commission, *Chief of the Enforcement Bureau*

March 2014 – January 2017

Appointing Official: Chairman Tom Wheeler

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not had any such membership or office.

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 judicial law clerk to the Hon. Stephen Reinhardt, U.S. Court of Appeals for the 9th Circuit, from August 2004 to August 2005.

- 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.

Cravath, Swaine & Moore LLP, *SEO Intern*
June 1999 – August 1999
825 8th Avenue
New York, NY 10019

Skadden, Arps, Slate, Meagher & Flom LLP, *Summer Associate*
May 2000 – August 2000
300 South Grand Avenue, Suite 3400
Los Angeles, CA 90071

Appellate Section, Civil Rights Division, U.S. Department of Justice,
Summer Law Intern
May 2001 – July 2001
601 D Street NW
Washington, DC 20579

Steptoe & Johnson LLP, *Summer Associate*
July 2001 – September 2001
1330 Connecticut Ave NW
Washington, DC 20036

Jenner & Block LLP, *Summer Associate*
July 2002 – August 2002
1099 New York Avenue NW, Suite 900

Washington, DC 20001

Munger, Tolles & Olsen LLP, *Summer Associate*
May 2003 – October 2003
350 South Grand Avenue, 50th Floor
Los Angeles, CA 90071

Davis, Polk & Wardwell LLP, *Summer Associate*
May 2004 - August 2004
450 Lexington Avenue
New York, NY 10017

U.S. Court of Appeals for the Ninth Circuit, *Law Clerk to the Hon.*
Stephen Reinhardt
August 2004 – August 2005
P.O. Box 193939
San Francisco, CA 94119

Williams & Connolly LLP, *Associate and Summer Associate*
December 2005 – June 2007, May 2002 – July 2002
725 12th Street NW
Washington, DC 20005

Keker & Van Nest, LLP,¹ *Associate*
July 2007 – May 2009
633 Battery Street
San Francisco, CA 94111

Office of Legal Counsel, U.S. Department of Justice, *Attorney-Advisor*
June 2009 – January 2011
950 Pennsylvania Avenue NW
Washington, DC 20530

Office of Attorney General Kamala D. Harris, California Department of
Justice, *Special Assistant Attorney General*
January 2011 – October 2013
1300 "I" Street
Sacramento, CA 95814

United States Court of Appeals for the Ninth Circuit, *Appellate Lawyer*
Representative
January 2012 – December 2014
P.O. Box 193939
San Francisco, CA 94119

Federal Communications Commission, *Chief of the Enforcement Bureau*
March 2014 – January 2017
445 12th Street NW
Washington, DC 20554

¹ Now Keker, Van Nest & Peters LLP.

International Centre for Dispute Resolution, American Arbitration Association, *Privacy Shield Annex I Arbitrator*
August 2017 – Present
150 East 42nd Street, 17th Floor
New York, NY 10017

Boies Schiller Flexner LLP, *Partner*
March 2017 – Present
1401 New York Avenue NW, 11th Floor 435 Tasso Street, Suite 205
Washington, DC 20005 Palo Alto, CA 94301

- 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.

Last year, I was appointed by the U.S. Department of Commerce and the European Commission to serve as an arbitrator for the U.S.-EU Privacy Shield Framework, which is the legal framework that permits U.S. companies to transfer personal data between Europe and the United States. As of today, I have not been assigned any arbitral disputes. If confirmed as a Board Member on the Privacy and Civil Liberties Oversight Board, I anticipate resigning from serving as an arbitrator of the Privacy Shield Framework.

b. Describe:

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

After completing my LL.M. and judicial clerkship on the Ninth Circuit, I joined Williams & Connolly LLP in 2005. Initially, my practice focused on white collar criminal defense, internal investigations, and complex commercial litigation.

In 2007, I joined Keker & Van Nest LLP, where my practice continued to focus on white collar criminal defense, internal investigations, and complex commercial litigation.

In 2009, I joined the Office of Legal Counsel at the Department of Justice as an attorney advisor. At the Office of Legal Counsel, I provided legal advice to the President, the Attorney General, and general counsels of executive branch agencies on matters of constitutional, statutory and regulatory law, congressional oversight, private international law, treaty interpretation, and national security.

In 2011, I was appointed Special Assistant Attorney General of California by then Attorney General Kamala D. Harris. My practice involved overseeing the California Department of Justice's work on health matters, antitrust matters, and technology matters, including privacy, cybersecurity, and high-tech crimes.

In 2014, I was appointed Chief of the Federal Communications Commission's Enforcement Bureau by then Chairman Tom Wheeler. My practice involved just about all areas of telecommunications law, including the enforcement of the FCC's privacy and security authorities.

In 2017, I joined Boies Schiller Flexner LLP as a partner in Palo Alto, CA and Washington, DC. My practice at BSF primarily involves representing clients in investigations and litigation on issues of privacy, cybersecurity, consumer protection, antitrust, and telecommunications.

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

At Williams & Connolly LLP, I had a wide variety of clients, including individuals and corporations, such as financial services firms, insurance companies, and telecommunications providers.

At Keker & Van Nest LLP, I had a wide variety of clients, including individuals and corporations, such as telecommunications providers, financial services firms, electronic hardware manufacturers, resort operators, and pharmaceutical companies.

At the Office of Legal Counsel, my sole client was the United States of America.

At the California Attorney General's Office, my clients were the Attorney General of California, State of California, and the People of the State of California.

At the Federal Communications Commission, my sole client was the Commission.

At Boies Schiller Flexner LLP, my wide variety of clients include individuals and corporations, such as telecommunications providers, entertainment companies, financial services firms, insurance providers, self-storage facilities, and technology companies.

- 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.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 50% |
| 2. state courts of record: | 20% |
| 3. other courts: | 5% |
| 4. administrative agencies: | 25% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 80% |
| 2. criminal proceedings: | 20% |

Since graduating law school, my private practice experience has focused upon litigation in federal and state courts. I appeared frequently in court when I was at Williams & Connolly LLP and Kecker & Van Nest LLP. However, much of my career – eight of the last ten years – has been in government service, rather than private practice. In those roles, I was not responsible for appearing in court, although I supervised hundreds of lawyers in civil and criminal proceedings pending before federal courts, state courts, and administrative agencies.

- 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. What percentage of these trials were:

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

I served as the sole counsel in two state court civil actions and chief counsel in an administrative proceeding. This does not include cases that reached judgment or final decision by way of summary judgment or other dispositive motions.

- 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.

To the best of my recollection, I have worked on amicus briefs in connection with two U.S. Supreme Court cases. When I worked in the California Attorney General's Office, I worked on an amicus brief concerning severability analysis filed in the U.S. Supreme Court case, *National Federation of Independent Business v. Sebelius* (2012), by the States of Connecticut, Delaware, Hawaii, Illinois, Iowa, Maryland, New Mexico, New York, Oregon, and Vermont, the District of Columbia, and the Governor of Washington.

As a law student in 2003, I participated in the drafting of an amicus brief that was filed in the U.S. Supreme Court on behalf of the Harvard Black Law Students Association and the Yale Black Law Students Association concerning the admissions program at the University of Michigan Law School. I also signed on to an amicus brief filed on behalf of 13,922 then-current law students at accredited law schools concerning the same case.

Copies of these amicus briefs are included in Appendix 14(e).

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. *In Re: Grand Jury*, 490 F.3d 978 (D.C. Cir. 2007) (before Judges Rogers and Kavanaugh and Senior Judge Edwards) (representation 2006 – 2007).

The movant was a witness in a grand jury investigation who had appeared before the grand jury on multiple occasions over several years. This witness was called again to testify before the grand jury and requested a copy of the transcripts of his prior grand jury testimony. The government and the district court denied the movant's requests. The D.C. Circuit reversed, holding unanimously in the movant's favor that federal grand jury witnesses, after they have testified, are entitled to examine the transcripts of their own testimony. Applying Federal Rule of Criminal Procedure 6(e)(3)(E)(i), the court held that grand jury witnesses are entitled to review the transcripts of their own testimony in private at the U.S. Attorney's Office or a place agreed to by the parties or designated by the district court. We represented the movant. I briefed and argued the case in the D.C. Circuit as well as the United States District Court for the District of Columbia.

Co-counsel were Paul Wolff, Williams & Connolly LLP, 725 Twelfth Street, N.W., Washington D.C. 20005, 202-434-5000; Stephen

Sorensen, then of Williams & Connolly LLP, now at Thomas Alexander Forrester & Sorensen LLP, 14 27th Avenue, Venice, CA 90291, 310-961-2536.

Counsel for the United States were Jonathan M. Malis and Denise Cheung, U.S. Attorney's Office for the District of Columbia, 555 4th Street, NW, Washington, DC 20530, (202) 252-7566, and Jeffrey A. Taylor, then of the U.S. Attorney's Office for the District of Columbia, now at General Motors, 300 Renaissance Center, 482-C25-A36, Detroit, MI 48265-3000, (313) 665-2673.

2. *United States ex rel. Taylor v. Gabelli*, 345 F. Supp. 2d 313 (S.D.N.Y. 2004) (motion to dismiss) (U.S. District Court for the Southern District of New York before Judges Shira Scheindlin and Paul Crotty) (representation 2005 – 2006).

On behalf of the United States, relator R.C. Taylor brought a *qui tam* action pursuant to the False Claims Act, alleging a conspiracy to defraud the United States through abuse of the Federal Communication Commission's public bidding procedure for wireless telecommunications licenses. Defendants, including hedge fund manager Mario J. Gabelli, were accused of participating in a scheme whereby numerous sham entities held themselves out as legitimate "small" telecommunications businesses, but were actually fronts for Gabelli and Gabelli-related entities functioning as vehicles for them to acquire valuable spectrum licenses at substantial federal discounts. The United States intervened in the case prior to trial and the case settled shortly thereafter. We represented the relator and I worked on the case as a member of the trial team.

Co-counsel were Brendan V. Sullivan, Paul B. Gaffney, Christopher N. Manning, and Patrick Kim, Williams & Connolly LLP, 725 Twelfth Street, N.W., Washington D.C. 20005, (202) 434-5000 and also John Phillips and Erika A. Kelton, Phillips & Cohen, 2000 Massachusetts Ave., N.W., 1st Floor, Washington, DC 20036, (202) 833-4657.

Counsel for Intervenor United States was David J. Kennedy, U.S. Attorney's Office for the Southern District of New York, 86 Chambers Street, New York, NY 10007, (212) 637-2200.

Opposing counsel for Defendant Mario J. Gabelli were William P. Frank, 4 Times Square, New York, New York 10036, (212) 735-3000, and Thomas J. Fleming, Olshan Frome Wolosky LLP, 1325 Avenue of the Americas, New York, NY 10019, 212-451-2213.

Opposing counsel for Defendant Gabelli entities were Lanny A. Breuer and Christopher M. Denig, Covington & Burling, 1130 Avenue of the Americas, New York, NY 10019, (212) 841-1000.

3. *United States v. Scruggs*, No. 2:07-cr-00325-CRV (N.D Ala. Feb. 29, 2008 (motion to dismiss) (U.S. District Court for the Northern District of Alabama before Senior Judge Acker and Judge Vinson of the U.S.

District Court for the Northern District of Florida) (representation 2007 – 2008).

Defendant Richard Scruggs and his law firm, The Scruggs Law Firm, P.A. were charged with criminal contempt arising out of a civil case pending in the United States District Court for the Northern District of Alabama. After the U.S. Attorney refused to prosecute the case, Defendants were prosecuted for criminal contempt by special prosecutors appointed by Senior Judge William M. Acker, who was also the district judge presiding over the civil case. All of the judges of the U.S. District Court for the Northern District of Alabama were recused from the case and Judge Vinson from the U.S. District Court for the Northern District of Florida was assigned the case, which was ultimately dismissed with prejudice by Judge Vinson. We represented the defendants. I was one of the counsel of-record and worked extensively on the case.

Co-counsel were John W. Keker, Steven A. Hirsch, Brook Dooley, and Warren A. Braunig, Keker, Van Nest & Peters LLP, 633 Battery Street San Francisco, CA 94111, (415) 391-5400; Robert J. McLean, Attorney at Law, 1330 21st Way South, Suite 200, Birmingham, AL 35243, (205) 933-1250; and Bruce Rogers, Bainbridge Mims Rogers & Smith LLP, The Luckie Building, Suite 415, 600 Luckie Drive, Birmingham, Alabama 35223, (205) 879-1100.

Counsel for the United States were Michael V. Rasmussen, Attorney at Law, 130 Inverness Plz, # 175, Birmingham, AL 35242-4800, (205) 401-8142, and Charles E. Sharp, Friedman, Dazzio, Zulasnas & Bowling, P.C., 3800 Corporate Woods Dr., Birmingham, AL 35242, 205-278-7000.

4. *United States v. Scruggs*, No. 3:07-cr-00192-NBB-RP (N.D Miss. Feb. 29, 2008 (motion to dismiss) (U.S. District Court for the Northern District of Mississippi before Senior Judge Biggers) (representation 2007 – 2009), *aff'd* 691 F.3d 660 (5th Cir. 2013) (before Judges Higginbotham, Davis, and Dennis).

Richard F. Scruggs, the Scruggs Law Firm, Inc., and certain individuals associated with the Scruggs Law Firm were charged by the U.S. government with conspiracy to bribe a Mississippi state court judge. All of the defendants pled guilty. We represented Defendant Richard Scruggs. I drafted briefs, assisted with the investigation into the merits, and served on the trial team for the case.

Co-counsel were John W. Keker, Steven A. Hirsch, Brook Dooley, and Warren A. Braunig, Keker, Van Nest & Peters LLP, 633 Battery Street San Francisco, CA 94111, (415) 391-5400, and William M. Quin, II, McCraney Montagnet & Quin, PLLC, 602 Steed Road, Suite 200, Ridgeland, MS 39157, 601-707-5725.

Counsel for Defendant SLF, Inc. was Pope Mallette, Mayo Mallette PLLC, Post Office Box 1456, 2094 Old Taylor Road, Suite 200, Oxford, Mississippi 38655, (662) 236-0055.

Counsel for Defendant David Zachary Scruggs were Michael C. Moore, Mike Moore Law Firm, LLC, 10 Canebrake Blvd., Suite 150, Flowood, MS 39232, (601) 933-0070; Todd P. Graves and Nathan F. Garrett, Graves Garrett LLC, 1100 Main Street, Suite 2700, Kansas City, MO 64105, (816) 256-3181; and Anthony L. Farese, Farese, Farese & Farese, P. O. Box 98, Ashland, MS 38603-0098, (662) 224-6211.

Counsel for Defendant Sidney A. Backstrom was James W. Craig, then Louisiana Capital Assistance Center, now at Roderick and Solange MacArthur Justice Center, 4400 S. Carrollton Avenue, New Orleans, LA 70119-6824, 504-620-2259.

Counsel for Defendant Steven A. Patterson were Kenneth H. Coghlan, Coghlan Law Firm PLLC, 115 Courthouse Sq, Oxford, MS 38655, (662) 234-1400, and Hiram Eastland, Jr., Eastland Law Offices, 307 Cotton Street, Greenwood, MS 38930, 662-453-1227.

Counsel for the United States were Jim Greenlee, Thomas W. Dawson, Robert H. Norman, Clayton A. Dabbs, William C. Lamar, Scott F. Leary, U.S. Attorney's Office, 900 Jefferson Avenue, Oxford, MS 38655, (662) 234-3351.

5. *United States v. Scruggs*, No. 3:09-cr-00002-GHD-SAA (U.S. District Court for the Northern District of Mississippi before Judge Davidson) (representation 2009), *aff'd & remanded*, 714 F.3d 258 (5th Cir. 2013) (before Judges Steward, Smith, and Wiener).

Richard Scruggs was charged with conspiracy to bribe a Mississippi state court judge with the offer of consideration for an appointment to a federal court judgeship. Scruggs pleaded guilty. We represented Scruggs. I drafted briefings and investigated the underlying allegations.

Co-counsel were John W. Keker, Jan N. Little, Steven A. Hirsch, Brook Dooley, and Warren A. Braunig, Keker, Van Nest & Peters LLP, 633 Battery Street, San Francisco, CA 94111, (415) 391-5400; Pope Mallette, Mayo Mallette PLLC, Post Office Box 1456, 2094 Old Taylor Road, Suite 200, Oxford, Mississippi 38655, (662) 236-0055; and Michael C. Moore, Mike Moore Law Firm, LLC, 10 Canebrake Blvd., Suite 150, Flowood, MS 39232, (601) 933-0070.

Counsel for Defendant Bobby Delaughter was John D. Cline, then at Jones Day, now at Law Office of John D. Cline, One Embarcadero Center, Suite 500, San Francisco, California 94111, (415) 875-5812.

Counsel for the United States were Jim Greenlee, Robert H. Norman, Clayton A. Dabbs, Thomas A. Durkin, William C. Lamar, and Curtis Ivy, Jr., U.S. Attorney's Office, 900 Jefferson Avenue, Oxford, MS 38655, (662) 234-3351.

6. *Berger, et al. v. Seyfarth Shaw, LLP, et al.*, No. 3:07-cv-05279-JSW (before U.S. District Court for the Northern District of California Judge Jeffrey S. White) (representation 2007 – 2009).

The plaintiffs, the Bergers, invented a step-in binding that was awarded two United States Patents. The plaintiffs allege that Rossignol, a large French ski company, infringed those patents and that the defendants, Seyfarth Shaw LLP and one of its partners Jack L. Slobodin, mishandled the associated patent infringement litigation, which the plaintiffs lost. The plaintiffs sued defendant attorneys for malpractice in this litigation. The case was resolved by settlement and the plaintiffs' complaint was dismissed. We represented the defendants Seyfarth Shaw and Slobodin in the malpractice litigation. I drafted briefings and regularly participated in the litigation, including by taking several depositions.

Co-counsel were Elliot Peters, Dan Purcell, and Sharif Jacob, Keker, Van Nest & Peters LLP, 633 Battery Street, San Francisco, CA 94111, (415) 391-5400, and Klaus Hamm, then of Keker & Van Nest LLP, now Klarquist Sparkman LLP, One World Trade Center, 121 S.W. Salmon Street, Suite 1600, Portland, Oregon 97204, (503) 595-5300.

Defendant Douglas Allen and his firm were represented by Douglas B. Allen, Santa Cruz County District Attorney, 701 Ocean Street, Room 200, Santa Cruz, CA 95060, (831) 454-2400.

Plaintiffs' counsel were Craig A. Hansen, Hansen Law Firm, 152 N. Third Street, Suite 530, San Jose, CA 95112, (408) 715-7980, and Ronald C. Finley and Justin T. Beck, Beck, Bismonte & Finley, LLP, 150 Almaden Blvd, FL 10, San Jose, CA 95113, (408) 938-7900.

7. *Monugian, et al. vs. Desarrollo Marina Vallarta S.A. DE C.V., et al.*, No. 2:08-cv-01497-GAF-AJW (C.D. Cal. Dec. 15, 2008) (motion to dismiss) (before U.S. District Court for the Central District of California Judge Feess) (representation 2008).

Plaintiffs were California citizens who, while on vacation in Mexico, attended sales presentations which resulted in plaintiffs purchasing timeshares at resort facilities located in Mexico. Plaintiffs alleged that they were fraudulently induced into the timeshare purchases because the defendants wrongfully represented at the sales presentations that the purchase of a timeshare was a wise investment. Plaintiffs also alleged that once they entered into a contract to purchase a timeshare, the defendants fraudulently represented that plaintiffs could not back out of the deal, even though Mexican law provided a right to cancel within five days. Because the sales presentations at issue were made in Mexico, they concerned the sale of units located in Mexico, and plaintiffs had signed sales contracts containing forum selection clauses requiring the contracts to be construed and enforced under Mexican law exclusively within the Mexican judicial system, Judge Feess granted defendants' motions to dismiss the case. We represented Defendants Scott R. Erikson, Resort Quality Controls Inc., Seven Oceans US Inc., Premium Travel Services Inc., Preferred Vacations Inc., Huffsmith-Kohrville Inc., and Canamere Inc. I and one other attorney from my firm handled all aspects of the litigation.

Co-counsel was Asim Bhansali, then Keker & Van Nest LLP, now at Kwun Bhansali Lazarus LLP, 4 Embarcadero Center, Suite 1400 San Francisco, CA 94111, (415) 630-2350;

Defendant Resorts International Marketing Corp. was represented by Robyn C. Crowther, then at Caldwell Leslie & Proctor PC, now at Boies Schiller Flexner LLP, 725 S Figueroa Street, 31st Floor, Los Angeles, CA 90017, (213) 629-9040.

Defendant Resort Condominiums International, LLC was represented by Paula J. Morency, Schiff Hardin LLP, 233 South Wacker Drive, Suite 7100, Chicago, IL 60606, (312) 258.5500.

Defendants Casey Jon Owens, AZM Marketing, LLC, and Resort Solutions, Inc. were represented by Brian C. Lake and Clinton Garrett, Perkins Coie LLP, 2901 North Central Avenue, Suite 2000, Phoenix, AZ 85012, (602) 351-8000.

Opposing counsel were William A. Isaacson, Boies Schiller Flexner LLP, 1401 New York Avenue, N.W., 11th Floor, Washington, DC 20005, (202) 237-2727, and Kevin J. Barry, then at Boies Schiller Flexner LLP, now at the U.S. Attorney's Office, 450 Golden Gate Avenue, 11th Floor, San Francisco, CA 94102, (415) 436-6840.

8. *SanDisk Corporation v. Memorex Products, Inc. et al.*, 3:01-cv-04063-VRW (before U.S. District Court for the Northern District of California Judge Walker) (representation 2007).

SanDisk accused Defendants Memorex Products and Pretec Electronics of infringing SanDisk's patent when the defendants manufactured, sold, and/or resold CompactFlash cards. Although the case was initially filed in 2001, I worked on it only in 2007 as the parties prepared for trial. Ultimately, the case settled. We represented defendant Memorex. I provided legal research, conducted discovery, and drafted briefs in the case.

Co-counsel were Brian L. Ferrall and Matthew Werdegar, Keker, Van Nest & Peters LLP, 633 Battery Street, San Francisco, CA 94111, (415) 391-5400; Jon Streeter, then of Keker, Van Nest & Peters LLP, now Associate Justice of the California First District Court of Appeal, 350 McAllister Street, San Francisco, CA 94102, (415) 865-7300; and G. Whitney Leigh, Law office of Whitney Leigh, One Sansome Street, 35th Floor, San Francisco, CA 94104, (415) 470-4055.

Defendant Pretec Electronics Corporation was represented by Daniel Mount, Mount, Spelman & Fingerman PC, RiverPark Tower, Suite 1650, 333 West San Carlos Street, San Jose, CA 95110, (408) 998-1473.

Defendant and counter-claimant Power Quotient International Co. Ltd. was represented by Bryan Wilson, Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, CA 94304, (650) 813-5600.

Defendant Ritek Corporation was represented by Alan D. Smith, Perkins Coie LLP, 1201 Third Avenue, Suite 4900, Seattle, WA 98101, (206) 359-8000, and Katherine D. Prescott, Fish & Richardson P.C., 500 Arguello Street, Suite 500, Redwood City, CA 94063, (650) 839-5070.

Plaintiff SanDisk Corporation was represented by James C. Yoon and Ryan Smith, Wilson Sonsini Goodrich & Rosati LLP, 650 Page Mill Road, Palo Alto, CA 94304, (650) 493-9300; Michael A. Ladra, Latham & Watkins LLP, 140 Scott Drive, Menlo Park, CA 94025, (650) 463-2600; and Michael A. Berta, Arnold & Porter Kaye Scholer LLP, 3 Embarcadero Center, 10th Floor, San Francisco, CA 94111, (415) 471-3100.

9. *Visionmedia Incorporated vs. GE Healthcare, et al.*, No. 2005CV006092 (before Milwaukee, Wisconsin County Court Judge Christopher R. Foley) (representation 2005 – 2007).

VisionMedia Inc. alleged that defendants General Electric Company, GE Medical Systems Inc., GE Healthcare, and NBC Universal Inc. had misappropriated the plaintiff's intellectual property for a health care-related television program that the defendants broadcasted. The case was dismissed with prejudice and defendants were awarded costs. We represented the defendants. I worked on all aspects of the case including brief writing, interacting with the clients and opposing counsel, and taking and defending depositions in the United States and Canada.

Co-counsel were Thomas G. Hentoff, Williams & Connolly LLP, 725 Twelfth Street, N.W., Washington D.C. 20005, 202-434-5000; Jon R. Fetterolf, Zuckerman Spaeder LLP, 1800 M Street, N.W., Suite 1000, Washington, DC 20036, (202) 778-1800; Gerson A. Zweifach, then at Williams & Connolly LLP, now at 21st Century Fox, 1211 6th Avenue, New York, NY 10036, (212) 852-7729; and Beth Kushner, vonBriesen & Roper s.c., 411 E. Wisconsin Avenue, Suite 700, Milwaukee, WI 53202, (414) 287-1373.

Opposing counsel were Philip Hampton II, then at Dickstein, Shapiro, Morin & Oshinsky LLP, now at Haynes and Boone LLP, 800 17th Street, N.W., Suite 500, Washington, DC 20006, (202) 654-4533; Rachael Lea Leventhal, then at Dickstein, Shapiro, Morin & Oshinsky LLP, now at Morgan Lewis, 1111 Pennsylvania Avenue, N.W., Washington, DC 20004, (202) 739-5963; and Gerardo H. Gonzalez, Gonzalez Law LLC, 250 E. Wisconsin Avenue, Suite 1800, Milwaukee, WI 53202, (414) 877-0877.

10. *Securities and Exchange Commission v. Veraz Networks*, No. 5:10-cv-02849-PVT (Before U.S. District Court for the Northern District of California Magistrate Judge Trumbull) (Representation 2007 – 2009).

The Securities and Exchange Commission brought an action against Defendant Veraz Networks alleging violations of the books and records and internal control provisions of the Foreign Corrupt Practices Act. The litigation was resolved with a settlement in which Veraz agreed to pay a civil penalty of \$300,000 and certain injunctive terms. One of the

company's employees was also prosecuted criminally for destruction of records and obstruction of justice during the government's investigation of Veraz. We represented Veraz's directors and the audit committee in connection with the SEC's investigation. I coordinated and conducted document review, digital forensics, witness interviews, communications with the client and SEC, and preparation of a presentation for the directors.

Co-counsel were Robert Van Nest, Michael Celio, and Rachael Meny, Keker, Van Nest & Peters LLP, 633 Battery Street, San Francisco, CA 94111, (415) 391-5400.

Counsel for Veraz Networks was John Dwyer, Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304, (650) 843-5000.

Counsel for the SEC were Monique C. Winkler and Marc J. Fagel, Securities & Exchange Commission, 44 Montgomery Street, Suite 2600, San Francisco, CA 94104, (415) 705-2500, and Robert S. Leach, U.S. Attorney's Office for the Northern District of California, 450 Golden Gate Avenue, Box 36055, San Francisco, CA 94102, (415) 436-7200.

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 never acted as a lobbyist. The significant professional experiences included in the list below are in no particular order.

- a. **Mobile Apps Agreement:** In 2012, I negotiated a global agreement between the California Attorney General's Office and Amazon, Apple, Facebook, Google, Hewlett-Packard, Microsoft, and Research in Motion (now Blackberry) that committed the six leading operators of mobile application platforms to improve privacy protections for millions of consumers around the globe who access the Internet through apps on their smartphones, tablets, and other mobile devices. Among other commitments, the agreement promotes the need for privacy policies in mobile apps, allows consumers the opportunity to review an app's privacy policy before they download the app rather than after, and offers consumers a consistent location for an app's privacy policy on the application-download screen.
- b. **Privacy Enforcement and Protection Unit:** On behalf of California Attorney General Kamala D. Harris, I designed and launched California's statewide Privacy Enforcement and Protection Unit, which works full-time to protect consumer and individual privacy through prosecution of state and federal privacy laws regulating the collection, retention, disclosure, and destruction of private or sensitive information by individuals, organizations, and the government, including laws relating to cyber privacy, health privacy, financial privacy, identity theft, government records, and data breaches.
- c. **eCrime Unit:** On behalf of California Attorney General Kamala D. Harris, I designed and launched California's statewide high-tech crime unit, the eCrime

Unit. This unit is staffed with Department of Justice criminal prosecutors and investigators charged with identifying and prosecuting identity theft crimes, cyber crimes, intellectual property crimes, child exploitation, and other crimes involving the use of technology.

- d. **FCC Privacy and Security Enforcement:** As the FCC's Chief of Enforcement, I took more than \$50 million in enforcement actions for privacy and security violations. For example, in 2014, we brought the FCC's seminal data security case against telecommunications providers, TerraCom and YourTel, who apparently stored Social Security numbers, names, addresses, driver's licenses, and other sensitive information belonging to 305,000 low income customers on unprotected Internet servers that anyone in the world could access. The FCC sought to fine the two companies \$10 million for jeopardizing the privacy their consumers. This enforcement action established the FCC's legal authority for the FCC's 2016 broadband privacy rules.
- e. **Mobile Cramming Settlements:** In 2014 and 2015, the FCC entered settlements with AT&T, Sprint, T-Mobile, and Verizon totaling \$353 million as a result of the companies' practices of unlawfully billing consumers hundreds of millions of dollars in unauthorized third-party subscriptions and premium text messaging services. Examples of the unauthorized third-party charges included those for unwanted services such as monthly subscriptions for ringtones, wallpaper, and text messages providing unrequested information, including horoscopes, flirting tips, celebrity gossip, and more. The charge for each of these types of subscriptions was typically \$9.99 per month and was included on customers' bills even though the customers never requested or authorized those charges (an unlawful practice known as cramming). The FCC partnered with the Federal Trade Commission, Consumer Financial Protection Bureau, and all 50 state attorneys general in bringing these four actions.
- f. **Human Trafficking Report:** In 2011 and 2012, I led the California Attorney General's Human Trafficking Work Group. Comprised of representatives of educational institutions, private entities, and a broad spectrum of law enforcement agencies, governmental agencies, victim service providers, and technology companies, the Work Group evaluated the nature and extent of human trafficking in California and discussed how government and non-governmental organizations could collaborate to develop an effective response. In 2012, California Attorney General Kamala D. Harris publicly released the Work Group's extensive report, *The State of Human Trafficking in California 2012*.

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.

Except where noted, I unfortunately do not have a syllabus for any of the following courses that I have taught:

"Markets and Morals," Yale College, Instructor (Fall 2002)

The course examined the relationship between market and moral principles. It explored the relationship between economics and ethics by examining the ethical values of economic actors, the ethical values of economists, and the impact of economic institutions and policies on rational actors.

"Economics, Ethics & Public Policy," Harvard College, Instructor (Spring 2001)

The course applied economic principles to contemporary ethical controversies confronting government decision makers. It questioned how one applies economics in a world where facts and values are inherently interdependent. A copy of the syllabus is included in Appendix 17.

“Crime and Punishment,” Yale College, Teaching Fellow (Spring 2003)

This course dealt with topics in the theory and practice of crime and punishment in contemporary America from the standpoint of politics and political theory. Syllabus available here: <https://shapiro.macmillan.yale.edu/courses/plsc-252b-crime-and-punishment-spring-2003> A copy of the syllabus is also included in Appendix 17.

“Introduction to Ethics,” Yale College, Teaching Fellow (Fall 2002)

This course examined various philosophical approaches to morality from Immanuel Kant, John Stuart Mill, Thomas Hobbes, and David Hume.

“Philosophy of Law,” Yale College, Teaching Fellow (Spring 2002)

This course explored the relationship of philosophy to the law.

“Ethics in Government,” Harvard Kennedy School, Teaching Fellow (Fall 2001)

This course explored how to apply moral principles to public policy decisions.

“Introduction to Political Theory,” Harvard College, Teaching Fellow (Fall 2001)

This course investigated the central problems of political theory that concern the justification of democracy, with a focus on political philosophy with canonical thinkers, including Plato, Aristotle, Rousseau, and John Stuart Mill.

“Justice,” Harvard College, Teaching Fellow (Fall 2000)

This course explored critical analysis of classical and contemporary theories of justice, including discussion of then-present-day applications such as affirmative action, income distribution, same-sex marriage, the role of markets, debates about rights, arguments for and against equality, and dilemmas of loyalty in public and private life.

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.

If I am fortunate enough to be confirmed, I will not need to withdraw from my law partnership at Boies Schiller Flexner LLP. I contribute to Boies Schiller Flexner LLP's 401k plan, which is maintained by a third-party provider and is intended for retirement benefits at age 65. In addition to my salary, I anticipate that this year I will receive my proportionate share of 2018 earned profits.

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

Yes. I intend to continue working as a partner with my law firm, Boies Schiller Flexner LLP. I also intend to consult with Gerson Lehrman Group. This is consistent with demands of the position for which I have been nominated.

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).

The current OGE-278 containing my sources of income will be delivered directly to the Committee 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).

I have completed and attached the financial 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 Privacy and Civil Liberties Oversight Board's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Board's agency ethics official. I am not aware of any other potential conflicts of interest.

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Privacy and Civil Liberties Oversight Board's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Board's agency ethics official. I am not aware of any other potential conflicts of interest.

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

During the course of my career, I have worked on pro bono matters involving civil, criminal, and family law. The three largest pro bono matters that I have worked on are:

Kaveladze v. Lakoff – On a pro bono basis, I currently represent University of California Professor Emeritus George Lakoff in defamation litigation surrounding statements that he

made on "Meet The Press" about whether the plaintiff is a person responsible for money laundering. The case is pending in Orange County Superior Court in California. I expect to spend 25 hours this month on the case and probably more hours each successive month until the case is resolved.

Attash v. Bush – On a pro bono basis, in 2008 and 2009, I represented Hassan bin Attash, a detainee at Guantanamo Bay who was detained at the age of 16, in federal habeas litigation in federal district court in DC. This was a very time consuming representation. I would estimate that I spent 50-75 hours per month on the case.

In re Eolus Davis - On a pro bono basis, in 2006 and 2007, I represented Eolus Davis in parole revocation proceedings in DC. I spent over 100 hours on the case.

On a pro bono basis, I have also represented clients in child custody and child support proceedings, a criminal defendant charged with stalking, and a criminal defendant charged with assault.