

January 15, 2014

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

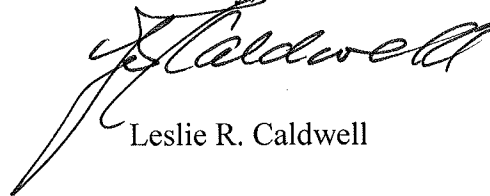
Dear Mr. Chairman:

I reviewed the Senate Judiciary Questionnaire filed on November 4, 2013, in connection with my nomination to be Assistant Attorney General for the Criminal Division. I certify that the information contained in that document is and remains, to the best of my knowledge, true and accurate.

I am also submitting an updated Financial Statement (Net Worth), which is enclosed.

Thank you and the Committee for consideration of my nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Caldwell", with a long, sweeping underline that extends to the left.

Leslie R. Caldwell

cc: The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Enclosure

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Leslie Ragon Caldwell

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

Assistant Attorney General, Criminal Division, U.S. 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.

Morgan Lewis & Bockius
101 Park Avenue
New York, NY 10178

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

Steubenville, OH; 1957

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.

George Washington University Law School, August 1979-May 1982, J.D. May 1982

Pennsylvania State University, August 1975-May 1979, B.A. May 1979

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.

September 2004-Present
Partner
Morgan Lewis & Bockius
101 Park Avenue
New York, NY 10178

August 2004-January 2012 (Estimated)
Member
Ethics Committee of Board of Directors of U.S. Olympic Committee
1 Olympic Plaza
Colorado Springs, CO 80909

(Not compensated)

May 2004-August 2004
Special Assistant to the Assistant Attorney General
Criminal Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

January 2002-May 2004
Director
Enron Task Force
Criminal Division
U.S. Department of Justice
1400 New York Avenue, N.W.
Washington, D.C. 20005

May 2001 (Estimated)-January 2002
Chief
Criminal Division
U.S. Attorney's Office for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

September 2001-January 2002
Terrorism Coordinator
U.S. Attorney's Office for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

February 2000-August 2001 (Estimated)
Chief
Securities Fraud Section
U.S. Attorney's Office for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

January 1999-May 2001 (Estimated)
Deputy Chief
Criminal Division
U.S. Attorney's Office for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

January 1999-February 2000
Chief
Economic Crimes Section
U.S. Attorney's Office for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

August 1987-December 1998

Assistant U.S. Attorney
U.S. Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

August 1996 (Estimated)-December 1998
Senior Trial Counsel
Business & Securities Fraud Section
U.S. Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

February 1994-August 1996 (Estimated)
Chief
Violent Criminal Enterprises Section
U.S. Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

March 1993 (Estimated)-February 1994
Assistant U.S. Attorney
Special Prosecutions Section
U.S. Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

September 1991 (Estimated)-March 1993 (Estimated)
Deputy Chief
General Crimes Section
U.S. Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

December 1988 (Estimated)-September 1991 (Estimated)
Assistant U.S. Attorney
Narcotics Section
U.S. Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

August 1987-December 1988 (Estimated)
Assistant U.S. Attorney
General Crimes Section
U.S. Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

May 1984 (Estimated)-July 1987
Associate
Cadwalader, Wickersham & Taft
One World Financial Center
New York, NY 10281

September 1982-May 1984 (Estimated)
Associate
Spengler Carlson Gubar and Brodsky
280 Park Avenue
New York, NY 10029
(Firm no longer exists)

May 1981 (Estimated)-August 1981
Summer Associate
Sidley & Austin
1501 K Street, N.W.
Washington, D.C. 20005

June 1980-August 1980
Summer Intern
U.S. Interstate Commerce Commission
Twelfth Street and Constitution Ave., N.W.
Washington, D.C. 20423
(Agency no longer exists)

June 1979-August 1979
Bookkeeper
Koppers Co. Follansbee Tar Plant
100 Koppers Road
Follansbee, WV 26037

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 was not required to register 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.

National Law Journal 50 Most Influential Women Lawyers in America, 2007
Attorney General's Award for Exceptional Service as Director of Enron Task Force, 2006
New York Super Lawyer, 2006-2011
Attorney General's Award for Fraud Prevention, 2000
Attorney General's John Marshall Award for Trial of Litigation, 1991
Director's Award for Superior Performance, 1994, 1996
New York City Bar Association Henry L. Stimson Medal for Outstanding Public Service by an AUSA, 1994
Articles Editor, George Washington Law Review
JD, cum laude
BA, summa cum laude
Phi Beta Kappa

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, Member, January 2007-Present
American Bar Association National White Collar Crime Institute, Organizing Committee, 2004-2011
Association of Bar of City of New York, Member, May 1997-November 2010
Association of Business Trial Lawyers of Northern California, Member, Board of Governors, 2000-2001

10. **Bar and Court Admission:** Answer each part separately.

- 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.

New York, December 1983
California State Bar (Admission pending)

I have had no lapses in membership.

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

U.S. District Court, Southern District of New York, 1987
U.S. District Court, Eastern District of New York, 1987
U.S. Court of Appeals for the Second Circuit, 1988

I have had no lapses in membership.

11. **Memberships:** Answer each part separately.

- 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.

Member, Ethics Committee of Board of Directors of U.S. Olympic Committee, August 2004-January 2012 (Estimated)

Member, Phi Beta Kappa, 1978-Present
Member, Alpha Phi Fraternity, 1977-Present
Member, Metropolitan Museum of Art, Various times including at present.
Member, Museum of Modern Art, 2012
Member, Iron Oars Team, Bay Area Whaleboat Racing Association, 1999-2002

I have made financial contributions to charitable organizations over the years. I have not included in the list above any organizations to which I gave funds and

did not otherwise participate in programmatic activities although the organization may label me a member.

- 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 to my knowledge, with the exception that membership in the Alpha Phi Fraternity is restricted to women.

12. Published Writings and Public Statements: Answer each part separately.

- 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 any titles, publishers and dates of books, articles, reports, letters to the editor, editorial pieces, or 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 I have been unable to identify, find, or remember. I have located the following:

Manhattan District Attorney Promises Broader Use of the Martin Act in Combating Financial Fraud and Vows to Fight for Tougher Penalties, with Martha B. Stolley and Kelly A. Moore, Mondaq, February 2, 2011 (Copy Supplied)

The UK Bribery Act Continues to Keep Businesses on Edge as They Await Its Implementation, Morgan Lewis LawFlash, January 18, 2011 (Copy Supplied)

Proposed Rewards for FCPA Whistleblowers Raise Risk for Multinational Corporations, Morgan Lewis LawFlash, April 15, 2010 (Copy Supplied)

Department of Justice Announces Key Changes to the Principles of Federal Prosecution of Business Organizations, Morgan Lewis LawFlash, July 15, 2008 (Copy Supplied)

Recent Delaware Decision Orders Production of Communications Among Independent Counsel, Special Committee, and Full Board of Directors in Stock Options Investigation, Morgan Lewis LawFlash, December 6, 2007 (Copy Supplied)

Different Rules for Different Suspects, Cal. Law Review, November 21, 2007; same article also published as *DOJ's Inconsistent Publicizing of Suspects (Not Accused)*, New York Law Journal, November 14, 2007 (Copy Supplied).

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If

you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- 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 my 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, which, except where indicated, were to the best of my knowledge neither recorded nor transcribed, and having spoken without prepared text, I did not retain any notes or outlines:

Panelist, Office Depot Conference
Success Strategies for Businesswomen (Copy of Newspaper Coverage Provided)
Boca Raton, FL
February 24, 2003

Panelist, ABA National Institute on White Collar Crime
Securities Fraud Panel
Miami, FL
March 2004

Speaker, ABA Annual Meeting
White Collar Crime
Kona, Hawaii
September 2004

Panelist, ABA General Counsel Conference
Corporate Crime and Investigations
Palm Beach, FL
December 11, 2004

Panel Moderator, ABA White Collar Crime Committee
Philadelphia Chapter—Young Lawyer Division

“The Driving Forces Behind the Government’s Corporate Prosecutions in the Post-Enron Era”

Philadelphia, PA

February 25, 2005

Panel Moderator, ABA National Institute on White Collar Crime

“What to Do When the World Is Watching: Handling High Profile Cases”

Las Vegas, NV

March 4, 2005

Panelist, New York Council of Defense Lawyers

White Collar Crime

New York, NY

March 11, 2005

Speaker, Smeal College of Business

Pennsylvania State University

White Collar Crime

University Park, PA

March 31, 2005

Panelist, ABA Section of Litigation Annual Meeting

White Collar Crime

New York, NY

April 20, 2005

Panelist, AdvaMed Conference

“Fraud and Abuse: A Case Study Approach—A (Bad) Day in the Life of a Medical Technology Sales & Marketing Executive”

Hosted by Advanced Medical Technology Association

Philadelphia, PA

April 28, 2005

Panelist, ABA Health Care Fraud Annual Meeting

Health Care Fraud

Palm Springs, CA

May 18, 2005

Speaker, Dallas Bar Association

White Collar Crime

Dallas, TX

June 14, 2005

Panelist, Georgetown Law School Continuing Legal Education Program

“Defending the White Collar Case in and out of Court”

Georgetown Law School

Washington, D.C.

September 22, 2005

Panelist, Los Angeles Bar Association

Securities Fraud and Corporate Internal Investigations

Los Angeles, CA

October 28, 2005

Panelist, Minority Corporate Counsel Association Annual Meeting
“Civil Litigation: Employee Criminal Acts”
Chicago, IL
March 15, 2006

Panelist, Boalt Hall School of Law
University of California at Berkeley
“The Criminalization of Corporate Law”
Berkeley, CA
March 17, 2006

Panelist, American Conference Institute Pharmaceutical Roundtable
“A Question of Confidentiality: Preserving Privilege in Internal Investigations”
New York, NY
April 27, 2006

Panelist, Northern District of California Judicial Conference
White Collar Crime
Santa Cruz, CA
April 28, 2006

Panelist, American Corporate Counsel Association Meeting
Corporate Internal Investigations
Pittsburgh, PA
May 2, 2006

Panelist, ABA National Institute on Health Care Fraud
“Corporate Crime and Compliance”
Ft. Lauderdale, FL
May 18, 2006

Speaker, University of Pennsylvania
The Wharton School
Corporate Crime
Philadelphia, PA
June 14, 2006

Panelist, ABA Annual Meeting
“Deferred Prosecution Agreements”
Honolulu, HI
August 4, 2006

Panelist, ABA National Institute on White Collar Crime
Securities Fraud
San Diego, CA
May 2, 2007

Panelist, Northern District of California Judicial Conference
White Collar Crime
Santa Cruz, CA
May 5, 2007

Panel Moderator, American Conference Institute FCPA Conference
“Dealing with Potential Violations: How to Conduct an Internal Investigation in
Challenging Countries”
London, UK
June 14, 2007

Panelist, Association of Business Trial Lawyers of Northern California
“International Criminal Investigations—Opportunities and Obstacles”
San Francisco, CA
October 8, 2007

Panelist, ABA National Institute on White Collar Crime
Securities Fraud
Miami, FL
May 6, 2008

Panelist, Northern District of California Judicial Conference
Corporate Crime
Napa, CA
May 3, 2008

Panelist, Santa Clara University
Corporate Ethics
Santa Clara, CA
May 28, 2008

Panel Moderator, ABA National Institute on White Collar Crime
“Securities Enforcement”
San Francisco, CA
March 5, 2009

Panelist, American Corporate Counsel Association Meeting
“Risks and Temptations: Governance Game-Changers in 2010”
Pittsburgh, PA
April 20, 2009

Panelist, ABA National Institute on Securities Fraud
Securities Fraud
Washington, DC
October 15, 2009

Panelist, ABA National Institute on White Collar Crime
White Collar Crime
Miami, FL
February 25, 2010

Speaker, Morgan Lewis Webinar
Foreign Corrupt Practices Act Webinar Series: A Focus on FCPA Investigations
(Copy of Presentation Materials Supplied)
March 4, 2010

Panelist, American Corporate Counsel Association Meeting
Corporate Internal Investigations and Governance

Pittsburgh, PA
April 19, 2010

Speaker, Morgan Lewis Webinar
FCPA Mid-Year Webinar Series: A Focus on FCPA Investigations (Copy of
Presentation Materials Supplied)
September 9, 2010

Speaker, Morgan Lewis Webinar
Working with Expert Consultants: Procedures for Controlling Material Non-
Public Information (MNPI)
(Copy of Presentation Materials Supplied)
December 2, 2010

Guest Speaker, Stanford Law School
The Enron Prosecution
Palo Alto, CA
February 3, 2011

Speaker, Morgan Lewis Webinar
The FCPA and the Dodd-Frank Act (Program 2, the 2011 Foreign Corrupt
Practices Act Webinar Series) (Copy of Presentation Materials Supplied)
March 8, 2011

Panelist, Minority Corporate Counsel Annual Meeting
Corporate Internal Investigations
Chicago, IL
March 17, 2011

Panelist, ABA Section of International Law Spring Meeting
“International Investigations: Too Fast Too Furious”
Washington, DC
April 6, 2011

Panelist, American Corporate Counsel Association Meeting
“New Rules of the Game—Corporate Governance Challenges 2011”
Pittsburgh, PA
April 12, 2011

Panelist, United States Sentencing Commission Annual Conference
Organizational Sentencing Guidelines
San Diego, CA
May 20, 2011

Panelist, National Association of Criminal Defense Lawyers Conference
Corporate Crime
Lake Tahoe, NV
June 16, 2011

Speaker, Morgan Lewis Webinar
Foreign Corrupt Practices Act Update (Audio recording available online at
<http://www.morganlewis.com/index.cfm/fuseaction/publication.detail/publicationI>

D/69d6128e-8d93-4305-bf78-f56f6e4c6d67); Copy of Presentation Materials
Supplied)

November 17, 2011

Speaker, Morgan Lewis Webinar,
2011 FCPA Year in Review (Audio recording available online at
<http://www.morganlewis.com/index.cfm/fuseaction/publication.detail/publicationID/35e06ddb-524f-465c-bbdb-36b0b4e46217>)
February 2012

Panelist, ABA National Institute on Internal Corporate Investigations
“The Nuts and Bolts of Internal Investigations”
San Francisco, CA
May 18, 2012

Panelist, American Conference Institute FCPA Boot Camp
“In-House Think Tank: Adequate Standards and Global Structures for Anti-
Corruption Compliance Programs in a Changing Enforcement Environment”
Berkeley, CA
October 2, 2012

Panelist, American Corporate Counsel Association Meeting
Corporate Internal Investigations
Pittsburgh, PA
April 26, 2013

Panelist, United States Sentencing Commission Annual Conference
Organizational Sentencing Guidelines
New Orleans, LA
June 15, 2013

Speaker, Legal Outreach
Prosecutions in New York
New York, NY 10178
July 13, 2013

Panelist, ABA Annual Meeting, White Collar Crime Section
“Internal Investigations in a Time of Enhanced Enforcement”
San Francisco, CA
August 9, 2013

- 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 through 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:

"10 Years After the Collapse; Views Clash on Legacy of Enron; Some Battle the Negatives, While Others Say Image Deserved," Tom Fowler, The Houston Chronicle, December 4, 2011. Copy Supplied.

"Enron Lessons Lost, So History Repeats; Observers Say the Collapse of 2008 Had Same Ingredients," Tom Fowler, The Houston Chronicle, December 2, 2011. Copy Supplied.

"10 Years After the Collapse; British Bankers' Guilty Pleas 'Put an End to a Nightmare,'" Tom Fowler, The Houston Chronicle, November 27, 2011. Copy Supplied.

"Blowing the Whistle to Pay Off; In a Move that Could Prove Far-Reaching, Rewards for Exposing Fraud Now Extended to the Private Sector," David G. Savage, Chicago Tribune, July 26, 2010. Copy Supplied.

"Law Sets Payday for Wall Street Whistle-Blowers; In a Move that Could Prove Far-Reaching, Rewards for Exposing Fraud Now Extended to the Private Sector," David C. Savage, The Baltimore Sun, July 24, 2010. Copy Supplied

"Finance Reform Law to Reward Tipsters; In a Move that Could Prove Far-Reaching, Whistle-blower Policy has Been Extended to the Private Sector," David C. Savage, Los Angeles Times, July 23, 2010. Copy Supplied

"Financial Reform Law to Reward Fraud Tipsters," David C. Savage, Chicago Tribune, July 22, 2010. Copy Supplied.

"Clarity on Insider Trading Often Elusive; Wall Street is Watching Fund Case for Clues on Where the Line is Drawn," Alex Berenson, The International Herald Tribune, October 21, 2009. Copy Supplied.

"A Thin Line Separates Insider Trading and Legal Research," Alex Berenson, The New York Times, October 20, 2009. Copy Supplied.

"Federal Crackdown on Insider Trading," On the Trail with Barack Obama, October 19, 2009. Copy Supplied.

"Knotty Problems Hang Over Nominee for Top Legal Post," Joanna Chung & Edward Luce, Financial Times, January 15, 2009. Copy Supplied.

"Collapsing Firms' GCs in Spotlight; In-house Counsel; Potential Actions Echo Backdating Era, but Difficult to Prove," Amanda Bronstad, The National Law Journal, November 17, 2008. Copy Supplied.

"A Labyrinthine Path to Justice; FBI, SEC Lead Complex Probe of Housing Crisis," Carrie Johnson, The Washington Post, February 14, 2008. Copy Supplied.

"Corporate Crackdown Not Netting Lots of Jail," Bloomberg News, Pittsburgh Tribune Review, December 23, 2007. Copy Supplied.

"Lawyers 'Fly Blind' on Options Penalties," Pamela A. MacLean, The National Law Journal, August 20, 2007. Copy Supplied.

"Looks Like Eliot's M.O.," The New York Post, July 24, 2007. Copy Supplied.

"Ten Former Federal Prosecutors Talk About Life In The Private Sector," Kelly Niknejad, California Lawyer, June 2007. Copy Supplied.

"Lifestyles of the Rich and Infamous; Alleged Criminal Acts Peaked with Conrad and Barbara Amiel Black's spending, Records Show," Patricia Hurtado, The Vancouver Sun, May 26, 2007. Copy Supplied.

"Looks Bad on the Resume," Sherry Karabin, Corporate Counsel, May 1, 2007. Copy Supplied.

"Skilling Embarking on Longest Prison Term in Enron Case," Patrick Condon, Associated Press Financial Wire, December 13, 2006. Copy Supplied.

"Israeli Public Companies Must Take Action on Misconduct," Sharon Wrobel, Jerusalem Post, November 1, 2006. Copy Supplied.

"End of Enron's Saga Brings Era to a Close; Corporate-Crime Enforcement Shifts Focus," Carrie Johnson, The Washington Post, October 25, 2006. Copy Supplied.

"Moving the Market—Executives on Trial: Enron: The Tale of Two Sentencings—If Skilling Gets 20 Years in Prison, It'll Show It Hurts Not to Sing to Prosecutors," John R. Emshwiller, The Wall Street Journal, October 19, 2006. Copy Supplied.

"Subway Series Alive After All: The Legal One—Federal Prosecutors in Brooklyn One-Up Prosecutors Across River, Snag More White-Collar Cases," Paul Davies & Peter Lattman, The Wall Street Journal, October 11, 2006. Copy Supplied.

"Fastow Gets Six Years as Judge Calls for Mercy—Plea Deal Had Envisioned A Decade of Imprisonment; Ebberts Also Begins His Time," John R. Emshwiller & John M. Biers, The Wall Street Journal, September 27, 2006. Copy Supplied.

"The Enron Case That Almost Wasn't," Alexei Barrionuevo and Kurt Eichenwald, The New York Times, June 4, 2006. Copy Supplied.

"McAfee GC Fired Over Stock Options; Brewing in the Background is a Possible Bicoastal Tussle between Federal Prosecutors," Petra Pasternak & Justin Scheck, Corporate Counsel, May 31, 2006. Copy Supplied.

"The Enron Verdicts: Trial Fails to Answer Many Questions About a Spectacular Collapse," Rebecca Smith, The Wall Street Journal, May 26, 2006. Copy Supplied.

"Milberg Weiss Weighs Nonprosecution Deal," Justin Scheck, National Law Journal, May 16, 2006. Copy Supplied.

"Enron Prosecutors Aim to Rattle, Not Be Rattled," Alexei Barrionuevo, The New York Times, April 13, 2006. Copy Supplied.

“Enron Trial Puts Focus on Fastow—Ex-Finance Chief, a Key Witness, Poses Trouble for Both Sides,” John R. Emshwiller, *The Wall Street Journal Europe*, January 30, 2006. Copy Supplied.

“Taking Enron to Task; Government’s Prosecutors Are Ambitious, Driven and Accustomed to Winning,” Carrie Johnson, *The Washington Post*, January 18, 2006. Copy Supplied.

“Branches Nationwide,” *Corporate Counsel*, November 2005. Copy Supplied.

“Spreading Franchise: Fraud Cases,” Pamela A. MacLean, *The National Law Journal*, August 22, 2005. Copy Supplied.

“Tracking the Numbers/Street Sleuth: How a Big Securities-Fraud Case Unravels—An Initial 48-Count Indictment Mysteriously Shrinks to a Plea On Two Counts With No Jail Time,” John R. Emshwiller, *The Wall Street Journal*, August 16, 2005. Copy Supplied.

“Women to Watch (A Special Report)—The Watchdogs,” Elizabeth Grossman, *The Wall Street Journal*, November 8, 2004. Copy Supplied.

“CEOs Grumble at Spitzer Style,” Ann Davis, Kara Scannell & Charles Forelle, *The Wall Street Journal*, October 26, 2004. Copy Supplied.

“The Chosen One: After Spending Most of Her Career Putting Drug Dealers and Mobsters Behind Bars, Valerie Caproni Landed One of the Most Coveted Legal Jobs in the Intelligence Community,” Robert Vosper, *Corporate Legal Times*, October 1, 2004. Copy Supplied.

“Enron Prosecutor Joins Morgan, Lewis,” *The Recorder (California)*, September 10, 2004. Copy Supplied.

“Respected Federal Prosecutor Joins Morgan Lewis,” Eric Cummins, *San Francisco Daily Journal*, September 9, 2004. Copy Supplied.

“Briefs and Company News” *The Toronto Star*, September 9, 2004. Copy Supplied.

“Prosecutors Score White-Collar Victories,” Alex Berenson, *The New York Times*, April 4, 2004. Copy Supplied.

“Leader of Justice’s Enron Team to Step Down,” Kurt Eichenwald, *The New York Times*, March 2, 2004. Copy Supplied.

“The Nation; Ex-CEO Arraigned in Fraud at Enron,” Dana Calvo & David Streitfeld, *Los Angeles Times*, February 20, 2004. Copy Supplied.

“Fastow Plea Deal Could Boost Cases Against Enron Ex-CEOs,” John R. Emshwiller & Thaddeus Herrick, *The Wall Street Journal*, January 15, 2004. Copy Supplied.

“Enron’s No. 3 Exec Pleads Guilty,” Howard Witt & Cam Simpson, *Chicago Tribune*, January 15, 2004. Copy Supplied.

“Ex-Chief Financial Officer of Enron and Wife Plead Guilty,” Kurt Eichenwald, The New York Times, January 15, 2004. Copy Supplied.

“Enron Wizard Admits Conspiracy,” Carrie Johnson, The Washington Post, January 15, 2004. Copy Supplied.

“Fastow Plea Deal May Boost Cases Against Enron’s Ex-CEOs,” John R. Emshwiller & Thaddeus Herrick, The Wall Street Journal, January 15, 2004. Copy Supplied.

“Plea Boosts Enron Investigation; Ex-Finance Chief to Help Prosecutors,” Kristen Hays, The Herald-Sun, January 15, 2004. Copy Supplied.

“Fastows Plead Guilty to Enron Charges,” Dana Calvo & Rivera Brooks, Los Angeles Times, January 15, 2004. Copy Supplied.

“Baby-sitting Bogs Down Enron: A Plea Agreement Shows the Government Needs Andrew Fastow to be part of its Investigation,” Joshua Chaffin, The Financial Times (London), January 12, 2004. Copy Supplied.

“Enron Plea Bargain Deal Folds; Lea Fastow Sentencing Guide at Issue,” James P. Miller & contributions made by Cam Simpson, Chicago Tribune, January 10, 2004. Copy Supplied.

“Update (2): Lea Fastow’s Lawyer Says Plea Talks To Go On,” Dow Jones Energy Service, January 10, 2004. Copy Supplied.

“Enron Prosecution Beefs Up Its Team,” Mary Flood, Houston Chronicle, September 26, 2003. Copy Supplied.

“The Fall of Enron; Merrill Lynch Accepts Reforms; Firm Makes Deal to Avoid Charges,” Mary Flood & Melissa Drosjack, Houston Chronicle, September 18, 2003. Copy Supplied.

“Merrill Bows to Hard-Line Reforms,” Edward Iwata, USA Today, September 18, 2003. Copy Supplied.

“Enron Ex-Officer Pleads Guilty—Former Treasurer Glisan Becomes First Top Executive To Go to Jail Over Scandal,” John R. Emshwiller & Roy R. Reynolds, The Asian Wall Street Journal, September 11, 2003. Copy Supplied.

“Enron Official Heads to Prison; Ex-Treasurer Pleads Guilty, Gets 5 Years,” Carrie Johnson & Peter Behr, The Washington Post, September 11, 2003. Copy Supplied.

“Former Enron Treasurer Jailed 5 Years on Conspiracy Charge,” Winnipeg Free Press, September 11, 2003. Copy Supplied.

“Former Enron Treasurer Enters Guilty Plea,” Kurt Eichenwald, The New York Times, September 11, 2003. Copy Supplied.

“Former Enron Exec Pleads Guilty; Ex-Treasurer Gets 5 Years for Conspiracy,” Chicago Tribune, September 11, 2003. Copy Supplied.

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13. Public Office, Political Activities and Affiliations: Answer each part separately.

- 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.

None.

- 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.

None.

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 have not clerked.

- 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.

September 2004-Present
Partner
Morgan Lewis & Bockius
101 Park Avenue
New York, NY 10178

May-August 2004
Special Assistant to the Assistant Attorney General
Criminal Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

January 2002-May 2004
Director
Enron Task Force
Criminal Division
U.S. Department of Justice
1400 New York Avenue, N.W.
Washington, D.C. 20005

May 2001 (Estimated)-January 2002
Chief
Criminal Division
U.S. Attorney's Office for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

September 2001-January 2002
Terrorism Coordinator
U.S. Attorney's Office for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

February 2000-August 2001 (Estimated)
Chief
Securities Fraud Section
U.S. Attorney's Office for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

January 1999-May 2001 (Estimated)
Deputy Chief
Criminal Division
U.S. Attorney's Office for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

January 1999-February 2000
Chief
Economic Crimes Section
U.S. Attorney's Office for the Northern District of California

450 Golden Gate Avenue
San Francisco, CA 94102

August 1987-December 1998
Assistant U.S. Attorney
U.S. Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

August 1996 (Estimated)-December 1998
Senior Trial Counsel
Business & Securities Fraud Section
U.S. Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

February 1994-August 1996 (Estimated)
Chief
Violent Criminal Enterprises Section
U.S. Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

March 1993 (Estimated)-February 1994
Assistant U.S. Attorney
Special Prosecutions Section
U.S. Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

September 1991 (Estimated)-March 1993 (Estimated)
Deputy Chief
General Crimes Section
U.S. Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

December 1988 (Estimated)-September 1991 (Estimated)
Assistant U.S. Attorney
Narcotics Section
U.S. Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

August 1987-December 1988 (Estimated)
Assistant U.S. Attorney
General Crimes Section
U.S. Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

May 1984 (Estimated)-July 1987
Associate

Cadwalader, Wickersham & Taft
One World Financial Center
New York, NY 10281

September 1982-May 1984 (Estimated)
Associate
Spengler Carlson Gubar and Brodsky
280 Park Avenue
New York, NY 10029
(Firm no longer exists)

May 1981 (Estimated)-August 1981
Summer Associate
Sidley & Austin
1501 K Street, N.W.
Washington, D.C. 20005

June 1980-August 1981
Summer Intern
U.S. Interstate Commerce Commission
Twelfth Street and Constitution Ave., N.W.
Washington, D.C. 20423
(Agency no longer exists)

- 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.

September 1982-July 1987 (Estimated), Associate: I was an associate handling litigation matters. I started by assisting partners and other associates in litigation arising from commercial disputes. As I developed an interest in trial work and matters involving fraud, I began to develop courtroom skills and participated in two trials, one each in state and federal court.

August 1987-December 1998, U.S. Attorney's Office for the Eastern District of New York: From 1987 until approximately December 1988, I was assigned to the General Crimes Section, where I handled cases involving narcotics trafficking and some smaller fraud and corruption cases, including approximately 7 jury trials. I was then promoted to the Narcotics Section, where I handled investigations and trials involving large drug organizations. My primary focus was on two violent inner city narcotics organizations run by Lorenzo "Fat Cat" Nichols and Howard "Pappy" Mason, which were responsible for dozens of murders, including the execution-style murders of a New York City Police Officer and a New York State Parole Officer. In approximately September 1991, I was promoted to Deputy Chief of the General Crimes Section, and held that role through approximately March 1993. I provided training for a group of new AUSAs, including serving as a supervisory "second seat" on more than a dozen trials, and also continued to handle my own docket of Racketeer Influenced and Corrupt Organizations (RICO) murder and other cases. In approximately March 1993, I transferred to the Special Prosecutions Section (Public Corruption), and prosecuted numerous corruption cases, including cases against corrupt parole officers who assisted drug organizations. I also tried a major RICO case against the leaders of the murderous "Supreme Team" drug gang, whose leader had been acquitted repeatedly on state murder charges. In February 1994, I became the Chief of the newly-created Violent Criminal Enterprises Section, whose mandate was to prosecute non-traditional organized crime groups. As Chief of that Section, I oversaw many prosecutions involving Asian organized crime, Russian organized crime, and cases involving other major violent groups. I also continued to try cases, including: RICO cases against Chinatown businessmen who, while purporting to be civic leaders, were in fact the bosses of a violent Chinatown gang; the attempted murder of an AUSA by booby-trapped briefcase; a RICO case involving a criminal defense attorney who deployed his clients and others to engage in criminal conduct throughout the country; and a case involving an attempted murder at the Brooklyn Navy Yard in which an insanity defense was asserted. In approximately August 1996, I became Senior Trial Counsel in the Business and Securities Fraud Section, and prosecuted numerous cases involving market manipulation and other securities fraud. In total, while in the EDNY I successfully first-chaired approximately 25 jury trials, including numerous multi-defendant RICO matters, and handled more than 20 appeals to the U.S. Court of Appeals for the Second Circuit. I also second-chaired at least a dozen other trials in a supervisory capacity.

January 1999-January 2002, U.S. Attorney's Office for the Northern District of California: In January 1999, I joined the U.S. Attorney's Office in San Francisco after being recruited by then-U.S. Attorney Robert S. Mueller III. Initially I was Deputy Chief of the Criminal Division and Chief of the Economic Crime Section. As Deputy Chief, I supervised AUSAs in San Francisco, Oakland and San Jose in the prosecution of white collar crime, computer crime and intellectual property theft. As Chief of Economic Crime, I oversaw all of the District's major white collar cases, and personally handled major health care fraud cases involving Medicare fraud and unlawful drug promotion. At the same time, I initiated numerous securities fraud investigations.

In February 2000, U.S. Attorney Mueller created a Securities Fraud Section, and named me Chief (while I continued to serve as Deputy Chief of the Criminal Division). That Section was charged with investigating and prosecuting financial fraud, insider trading and other securities violations in Silicon Valley and the Bay Area. Working closely with the FBI and the Securities and Exchange Commission (SEC) in San Francisco and Washington, D.C., the NDCA brought numerous insider trading, accounting fraud, and other securities fraud prosecutions, significantly raising the profile of the office and the San Francisco office of the SEC. In approximately May 2001, I became the Chief of the Criminal Division, overseeing the work of all criminal prosecutors in San Francisco, San Jose and Oakland. This included matters involving narcotics trafficking, securities fraud, health care fraud, public corruption, organized crime, and terrorism. In September 2001 I was appointed as Terrorism Coordinator for the NDCA. I also continued to handle my own docket of securities fraud matters until leaving the NDCA in January 2002.

January 2002-May-2004, Enron Task Force: In January 2002 I was asked by then Assistant Attorney General Michael Chertoff to lead a task force being created to oversee an investigation into the collapse of the Enron Corp. I served as Director of the Enron Task Force from January 2002 through May 2004, and oversaw all aspects of the Enron investigation, which resulted in the prosecution of approximately 30 individuals. The Task Force also prosecuted others associated with Enron, including the accounting firm Arthur Andersen, which was charged with obstructing justice through document destruction, and executives of banks that assisted in the Enron fraud. Also, two banks entered into deferred prosecution agreements as a result of their dealings with Enron.

May 2004-July 2004, Special Assistant to the Assistant Attorney General, Criminal Division: From approximately May-July 2004, at the request of then-AAG Chris Wray, I conducted a comprehensive review of DOJ's Fraud Section, and made recommendations regarding the Section's management, structure and mission.

September 2004-Present, Morgan Lewis & Bockius: Since 2004, I have been a partner at the law firm of Morgan Lewis & Bockius. The firm is a large full-service firm, with offices in 16 U.S. and 8 foreign cities. My practice is focused on white collar crime and other regulatory matters. At the firm, I have been Co-Chair of the Corporate Investigations and White Collar Practice Group (2004-08). I also have represented companies, corporate boards, board committees, senior executives and others in connection with internal investigations and government inquiries relating to various matters, including allegations of fraud.

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

When I was a law firm associate, I did not have my own clients. I worked for a variety of clients brought in by partners of the firms. These included mainly corporations, and a smaller number of non-profit groups and individuals.

As a federal prosecutor, my client was the United States.

As a partner at Morgan Lewis, my clients have mainly been large corporations, as well as senior corporate executives.

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

My practice has been 100% focused on litigation, including investigations. As an associate attorney from 1982-1987, I appeared in court occasionally, with more frequent appearances (including two trials) as I grew more experienced. As a federal prosecutor in the EDNY from 1987-1998, I appeared in court frequently (including approximately 25 first-chair jury trials, at least a dozen jury trials as a supervisory second seat, more than 20 appeals, and numerous other hearings and appearances). As a federal prosecutor in NDCA, I appeared somewhat less frequently given my mainly supervisory role. As Director of the Enron Task Force, I attended major court hearings but personally appeared only occasionally, given my role. As a partner at Morgan Lewis, I have appeared occasionally—the goal of my practice has been mainly to assist my clients in avoiding indictment or other events that would require court appearances.

- i. Indicate the percentage of your practice in:
 - 1. federal courts; Approximately 90%
 - 2. state courts of record; Approximately 10% (higher as an associate attorney)
 - 3. other courts; N/A
 - 4. administrative agencies N/A
- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings; Approximately 40%
 - 2. criminal proceedings; Approximately 60%

While in government, 100% of my practice was in federal courts. I did not practice in state court, other courts, or before administrative agencies. While an associate attorney in private practice, approximately 70% of my practice was in federal courts, and approximately 30% was in state courts. I did not practice in other courts or before administrative agencies. As a partner in private practice, approximately 90% of my practice is in federal courts or in matters that might end up in federal court. Approximately 10% involves matters that might be handled by a state court.

While in government, 100% of my practice involved criminal proceedings, although I often worked in coordination with civil enforcement authorities including the SEC and the U.S. Attorney's Office or Department of Justice Civil Division. In private practice, approximately 60% of my practice has involved criminal or potential criminal proceedings, and approximately 40% has involved civil or potential civil proceedings.

- 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.

N.Y. State Supreme Court: one bench trial as associate counsel

U.S. District Court, SDNY: one jury trial as associate counsel

U.S. District Court, EDNY: approximately 25 jury trials as sole or chief counsel; at least a dozen jury trials as supervisory "second seat", supervising junior AUSAs

U.S. District Court, NDCA: one jury trial as co-counsel

U.S. Court of Appeals for the Second Circuit: Briefed and argued approximately 20 appeals while an AUSA in the Eastern District of New York

- i. What percentage of these trials were:

1. jury; All but one
2. non-jury; One (NY state court)

- 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 had one matter in which my client's case was heard by the Supreme Court. I represented Kenneth Maxwell, who was the head of counter-terrorism in the FBI's New York Field Office at the time of the September 11, 2001 terrorist attacks. Special Agent Maxwell and several other government officials were named as defendants in a case where plaintiffs alleged that their rights had been violated as a result of their detentions in the aftermath of the September 11th terrorist attacks. The case, *Iqbal v. Ashcroft, et al.*, was heard by the Supreme Court. The docket number is No. 07-1015. I did not participate in oral argument. Copy of brief supplied.

- 15. Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a

capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- 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. Securities and Exchange Commission v. Oracle Corp., No. C 12-4210 (CRB) (NDCA)

Chief counsel for Oracle Corp. in connection with an internal investigation and subsequent August 2012 settlement agreement, in which Oracle neither admitted nor denied a violation of the books and records provisions of the Foreign Corrupt Practices Act (FCPA). The SEC complaint alleged that certain former employees of Oracle's Indian subsidiary arranged to keep funds separate from Oracle's books, creating the risk that the funds could be used in improper ways.

Judge: The Honorable. Charles R. Breyer, NDCA

Co-counsel:

Susan Resley, Esq.
Morgan Lewis & Bockius
One Market Street
San Francisco, CA 94105
415-442-1000

Counsel for the SEC:

Jina Choi, Esq.
Elena Ro, Esq.
SEC San Francisco Regional Office
44 Montgomery Street
San Francisco, CA
415-705-2338

2. United States v. Young Keun Park, No. CR 11-00911 (RS) (NDCA)

Counsel for Young Keun Park in connection with cartel investigation by the DOJ Antitrust Division. On March 27, 2012 Mr. Park, the Chief Marketing Officer of Hitachi LG Data Storage (HLDS), pleaded guilty in connection with the Division's investigation of price fixing and bid rigging by Asian manufacturers of data storage products. Mr. Park was sentenced to a term of 10 months imprisonment.

Judge: The Honorable Richard Seeborg, NDCA

Counsel for Antitrust Division:

Sidney Majalya, Esq.
Manish Kumar, Esq.
Jacklin Chou Lem, Esq.
U.S. Department of Justice, Antitrust Division
San Francisco Regional Office
450 Golden Gate Avenue
San Francisco, CA 94102
415-436-6700

3. United States v. Myron Olesnyckyj, No. 07 CR 0120-01 (JSR) (SDNY)

Counsel for Myron Olesnyckyj, the former General Counsel of Monster.com, in connection with parallel criminal and SEC investigations into stock options backdating. In August 2009, Mr. Olesnyckyj pleaded guilty to securities fraud in connection with the backdating scheme. He agreed to cooperate and later testified at the trial of Monster.com's CFO, who was convicted. At sentencing on March 3, 2010, Mr. Olesnyckyj received a sentence of one year probation.

Judge: The Honorable Jed S. Rakoff, SDNY

Counsel for U.S. Attorney's Office, SDNY:

Deirdre A. McEvoy, Esq.
Current contact details:
Patterson Belknap Webb & Tyler
1133 Avenue of the Americas
New York, NY 10036
212-336-2796

4. United States v. Genentech, Inc. CR 99-141 MJJ (NDCA)

Lead prosecutor in a case against Genentech for violating FDA labeling rules. In 1999, Genentech pleaded guilty and agreed to pay \$50 million in penalties.

Judge: The Honorable Martin J. Jenkins, NDCA

Co-Counsel:

AUSA Joann Swanson
(Last known contact details)
450 Golden Gate Avenue
San Francisco, CA 94102
415-436-7200

AUSA Andy Scoble
450 Golden Gate Avenue
San Francisco, CA 94102
415-437-7200

Counsel for Genentech:

David P. King, Esq.
Current Contact Details:

Chief Executive Officer, Laboratory Corporation of America
358 South Main Street
Burlington, NC 27215-5837
336-229-1127

5. United States v. Beverly Enterprises—California, CR 00-0061 TEH (NDCA)

Chief counsel for the United States in this matter, in which the country's largest nursing home chain pleaded guilty to Medicare fraud in 2000. Beverly also paid a total of \$175 million in fines and penalties.

Judge: The Honorable Thelton E. Henderson

Co-counsel:

AUSA George Hardy
U.S. Attorney's Office, Southern District of California
880 Front Street, Room 6293
San Diego, CA 92101
619-657-5747

Laurie Oberembt, Esq.
Department of Justice
Civil Division, Fraud Section
Judiciary Center Building
555 4th St., N.W.
Washington, D.C. 20001
202-514-3345

Counsel for Beverly Enterprises:

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King & Spalding
1700 Pennsylvania Ave., N.W.
Washington, D.C. 20006
202-737-0500

Honorable Griffin Bell, Esq.
King & Spalding
(Deceased)

Mark Biros, Esq.
Proskauer LLP
1001 Pennsylvania Ave. N.W.
Washington, D.C. 20004-2533
202-416-6800

6. United States v. Lai Kwok Fu, 93 CR 1340 (RR) (EDNY)

Chief prosecutor in a RICO prosecution of a tong boss in New York City's Chinatown neighborhoods. The defendant, a prominent civic figure and advisor to then-Governor Mario Cuomo, was charged with agreeing with other tong bosses to divide control of Chinatown "rackets" into distinct geographic zones. Each tong had an affiliated gang

that was responsible for collecting extortion payments from nearly every lawful business in its zone, as well as guarding and collecting payments from area gambling and “massage parlors”. Lai pleaded guilty in 1995, on the morning of jury selection, in connection with the murders of two men whose Hong Kong triad had tried to wrest control of a tong-controlled gambling parlor.

Judge: The Honorable Reena Raggi, EDNY (Now U.S. Court of Appeals for the Second Circuit)

Counsel for Lai Kwok Fu:

Paul Goldberger, Esq.
Goldberger & Dubin
401 Broadway, Suite 306
New York, NY 10013
212-431-9380

7. United States v. Wong Chi Fai, et al., 93 CR 1340 (RR) (EDNY)

Chief prosecutor in a multi-defendant RICO case involving members of Asian organized crime. Following a three month trial in 1994-95, six defendants were convicted of RICO, including multiple murders, arson, extortion and gambling. Those convicted included a prominent Chinatown tong boss and top ranking members of an affiliated Chinatown gang. The convictions were affirmed on appeal to the U.S. Court of Appeals for the Second Circuit.

Judge: The Honorable Reena Raggi, EDNY (Now U.S. Court of Appeals for the Second Circuit)

Co-counsel:

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Phone number unknown

Defense Counsel (last known contact details):

Barry Schulman, Esq.
189 Montague Street
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189 Montague Street, 8th Floor
Brooklyn, NY 11201
718-694-9768

Bernard Udell, Esq.
16 Court Street
Brooklyn, NY 11241
718-596-2410

8. United States v. Gerald Miller, et al., 92 CR 91 (RJD) (EDNY)

Chief prosecutor in this 1993 trial in which seven top members of the “Supreme Team” drug gang were convicted of RICO, including multiple murders, drug trafficking and money laundering. The convictions were affirmed on appeal to the U.S. Court of Appeals for the Second Circuit.

Judge: The Honorable Raymond J. Dearie, EDNY

Co-Counsel:

Mark P. Ressler, Esq.
(Current contact details)
Kasowitz, Benson, Torres & Friedman
1301 Avenue of the Americas, 36th Floor
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212-506-1752

Defense Counsel (Last known contact details):

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212-964-3700

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212-233-1477

Joel Stein, Esq.
Three New York Plaza, 10th Floor
New York, NY 10004
212-344-8008

Joel Walter, Esq.
67 Atlantic Avenue
Brooklyn, NY 11201
718-522-2772

9. United States v. David Kwong, 93 CR 1415 (RJD) (EDNY)

Prosecutor in this 1994 trial in which the defendant was convicted of attempted murder of an Assistant U.S. Attorney to whom he mailed a booby-trapped briefcase. The conviction was affirmed on appeal to the U.S. Court of Appeals for the Second Circuit.

Judge: The Honorable Raymond J. Dearie, EDNY

Counsel for David Kwong:

Lawrence Schoenbach, Esq.
111 Broadway, Suite 1305
New York, NY 10006
212-346-2400

10. United States v. Howard Mason, 88 CR 496 (ERK) (EDNY)

Chief prosecutor in this RICO prosecution of Queens druglord who ordered the execution-style murder of uniformed New York City Police Officer Edward Byrne. The defendant was convicted of RICO violations, including Officer Byrne's murder,

following trial in 1989. The conviction was affirmed on appeal to the U.S. Court of Appeals for the Second Circuit.

Judge: The Honorable Edward R. Korman, EDNY

Co-counsel:

Peter T. Sheridan, Esq.
P.O. Box 743
Pearl River, NY 10965
(Last Known Address)

Counsel for Howard Mason:

Harry Batchelder, Esq.
100 Maiden Lane, Suite 501
New York, NY 10038
212-504-5629

- 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.)

In addition to the matters listed above, I have conducted numerous confidential internal investigations on behalf of a number of Fortune 500 clients and corporate boards and Audit Committees.

I also have represented numerous corporate and individual clients in matters under investigation by the DOJ and/or SEC in which no action was taken, or which are pending.

I have not performed lobbying services on behalf of any client or organization.

- 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.

I taught Trial Advocacy at New York Law School during approximately 1994-96. The course was designed to train law students in various trial skills, culminating in mock trials at the end of the course. Syllabus not available.

I also participated as an instructor in Department of Justice training programs, including at least once each in Washington, D.C. and at the National Advocacy Center in Columbia, S.C. I have searched my records and have been unable to locate the dates of or topics covered by those programs. Both would have occurred while I was an AUSA in the Eastern District of New York and would have related to criminal law.

- 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.

I have no deferred income or other anticipated future benefits from previous business relationships, including membership in my firm. I have made no arrangements to be compensated in the future for any financial or business interest. As a former U.S. Government employee, I participate in the Federal Thrift Savings Plan.

- 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.

No.

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

See attached SF-278.

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

See attached Statement of Net Worth.

- 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 conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into 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 would consult the Department's designated agency ethics official.

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

Legal Outreach: In 2013, I was a guest speaker for this group, which acts as portal for disadvantaged New York City children interested in pursuing careers in the legal profession. The group identifies promising young people in the eighth grade and provides mentoring and training to them through high school. I spent approximately six hours preparing and making my presentation to the group.

Batya: Between 2010 and 2013, I assisted this non-profit medical rescue organization, which provides emergency services primarily in Orthodox Jewish communities in New York and Israel, in exposing a bogus rescue organization to the New York State Office of Attorney General. In 2013, the AG sued the other "charity" for fraudulently soliciting donations for the bogus rescue organization and numerous other phony charities. I spent approximately 40-50 hours on this matter.

Supervisory FBI Agent: I represented an FBI supervisory special agent (now retired) in connection with an investigation by the DOJ Office of Professional Responsibility (OPR). OPR closed the inquiry without taking any action in April 2011. I spent approximately 100 hours on this matter. This was not a pro bono matter, but was billed at a greatly reduced rate.

Darfur Project: In 2007, I participated in the ABA-sponsored Darfur Project, in which I and other American lawyers provided trial advocacy training to a group of Sudanese human rights lawyers who would represent victims of the Darfur atrocities in the International Criminal Court. The program was an intensive two-week exercise in which I and other lawyers demonstrated advocacy skills, trained the Sudanese lawyers, and critiqued their performances. I spent approximately 120 hours on this matter.

AFFIDAVIT

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

10/23/13
(DATE)

[Signature]
(NAME)



[Signature]
(NOTARY)

District of Columbia: SS
Subscribed and Sworn to before me
this 23 day of October, 2013
[Signature]
Notary Public, D.C.
My commission expires 6/14/2016