

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Daniel Henry Marti
Daniel Enrique (Henry in Spanish) Marti

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

Intellectual Property Enforcement Coordinator

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.

Kilpatrick Townsend & Stockton, LLP
607 14th Street, NW
Suite 900
Washington, D.C. 20005

Residence: Oakton, Virginia

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

July 11, 1974 – Washington, D.C.

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.

Emory University School of Law
Attendance: 1996-1999
JD Degree Awarded May 1999

Georgetown University
Attendance: 1994-1996
BA Degree Awarded May 1996

Miami-Dade Community College
Attendance: 1992-1994
No Degree – Transferred

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.

Kilpatrick, Townsend & Stockton LLP

Attorney - Managing Partner of the Washington, D.C. Office (January 2001- Present)

607 14th Street, NW
Suite 900
Washington, D.C. 20005

Lott & Friedland, P.A.

Attorney (June 1999-December 2000)

355 Alhambra Circle
Coral Gables, FL 33134

The Coca-Cola Company, Global Trademark Division

Legal Intern (est. September-December 1998)

1 Coca Cola Plaza, NW
Atlanta, GA 30313

United States Department of Commerce, Patent and Trademark Office

Legal Intern/Law Clerk (est. June-August 1997)

600 Dulany Street
Alexandria, VA 22314

Federal Trade Commission, Southeastern Regional Headquarters

Legal Intern/Law Clerk (est. August 1997-December 1997)

225 Peachtree Street, NE
Suite 1500
Atlanta, GA 30303

Supreme Court of Georgia, Central Staff to the Justices
Legal Intern/Law Clerk (est. January-May 1998)

244 Washington Street
Room 572
Atlanta, Georgia 30334

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

I have not served in the U.S. Military. I have registered for 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.

- “Super Lawyer” for Intellectual Property in Washington, D.C.; *SuperLawyers*; 2013 and 2014
- “40 Under 40”; National Law Journal; 2014
- “IP Star”; Managing Intellectual Property; 2013 and 2014
- “Rising Star”; *Diversity & the Bar*; 2012
- AV Preeminent rating; Martindale-Hubbell; 2013-Present
- “Coach of the Year” for coaching efforts and associate mentoring; Kilpatrick, Townsend & Stockton LLP; 2007
- “Dean’s Fellowship” in Legal Writing, Research & Appellate Advocacy; Emory University School of Law; Academic Year 1998-1999
- Emory Moot Court Society; Emory University School of Law; Academic Year 1998-1999
- Government Honors Program; Georgetown University; Academic Year 1995-1996
- Lannan Fellowship in Poetry; Lannan Foundation/Georgetown University; Academic Year 1995-1996

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.

- International Trademark Association (INTA), 1999-Present
 - Internet Committee, Registration Practice and DNS Administration Subcommittee; 2008-2010
 - Legislation & Regulatory Analysis Committee, Latin America & Caribbean Subcommittee; 2004-2006

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.

- Florida (1999)
- Virginia (2001)
- District of Columbia (2004)

No lapses in memberships.

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

- United States Court of Appeals for the Federal Circuit (2001)
- United States Court of Appeals for the Fourth Circuit (2001)
- United States Court of Appeals for the Eleventh Circuit (2001)
- United States District Court for the Eastern District Court of Virginia (2001)
- United States District Court for the Southern District of Florida (2000)
- United States District Court for the District of Columbia (2003)

No lapses in memberships.

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.

- American Cancer Society's National Capital Region Corporate Council, Board Member (2013-Present);
- New World Symphony (Miami-Dade), Marketing Committee Member (2005-2007);
- Emory University School of Law, Board of Alumni, *Member* (1999-2004).

- 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.

No.

12. Published Writings and Public Statements:

I have done my best to identify published writing and public statements, including a thorough 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 listed below.

- 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.
 - Co-Author, "Dot-What? – The New gTLDs are Coming and it's Time to Understand the Trademark Clearinghouse," Kilpatrick Townsend, March 20, 2013.
 - Author, "gTLD Reveal Day: Five Things You Need To Know To Protect Your Brand," Kilpatrick Townsend, June 14, 2012.
 - Co-Author, "New gTLD Roll-Out at a Glance," Kilpatrick Townsend, August 8, 2011.
 - Co-Author, "New .XXX Domains are Coming Soon: What Trademark Owners Need to Know to Opt-Out Now," Kilpatrick Townsend, August 4, 2011.
 - Co-Author, "Intellectual Property: Risks and Opportunities Every Captive Should Know," *The DC Captive Insurance Newsletter*, Captives Insurance Council of the District of Columbia, November 2009.
 - Co-Author, "Sweepstakes and Game Promotions Basics," *Intellectual Property Desk Reference*, Kilpatrick Stockton LLP, January 2009.
 - Co-Author, "Applicability of the Common Interest Doctrine for Preservation of Attorney-Client Privileged Materials Disclosed During Intellectual Property Due Diligence Investigations," *Intellectual Property Desk Reference*, Kilpatrick Stockton LLP, January 2009.
 - Co-Author, "Impact of Madrid Protocol on U.S. Practitioners: An In-House Perspective," The International Trademark Association, 2003.
 - Co-Author/Editor, "Practical Tips on Trademark Litigation: Litigation Before the Trademark Trial and Appeal Board: A Different Set of Rules," American Bar Association Section of Intellectual Property Law, April 2001.
 - Co-Author/Editor, "The Americas," The Lawyers' Committee for Civil Rights Under Law, June 2001.
- 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.
- Panelist, “Fluid Trademarks,” XVII Annual Conference, Asociación Interamericana de la Propiedad Intelectual, Punta Cana, Dominican Republic, December 2, 2013.
 - *Presentation Materials Attached*
 - Panelist, “Surviving and Flourishing in a Law Firm: A Panel Discussion with Prominent Latino Managing Partners,” Hispanic Bar Association of D.C., Washington, D.C., October 16, 2013.
 - *No materials or notes/outline exist. The presentation sought to provide tips and best practices as to how best to succeed in a law firm environment.*
 - Speaker, Iacocca Institute – Global Village for Future Leaders of Business and Industry, Washington, D.C., July 18, 2013.
 - *No materials or notes/outline exist. The presentation introduced future business leaders to the importance of intellectual property protection.*
 - Keynote Luncheon Speaker, Hispanic National Bar Association/Microsoft IP Law Institute, Washington, D.C., July 10, 2013.
 - *No materials or notes/outline exist. Keynote luncheon speech focused on my “personal story” and challenged participants to live their personal and professional lives with a sense of intentionality/deliberateness.*
 - Panelist, “Game On: Strategize to Win,” DuPont Minority Counsel Conference, Chicago, Illinois, June 6, 2013.
 - *Presentation Materials Attached*
 - Moderator and Panelist, “Here Come The New generic Top Level Domains (gTLDs): What You Need To Know To Know About Protecting Your Brand At The Top And Second Levels,” Association of Corporate Counsel, Washington Metropolitan Area Chapter, Washington, D.C., April 24, 2012.
 - *Presentation Materials Attached*

- Panelist, “Avoiding Pitfalls in IP Due Diligence,” Intellectual Property Owners Association, Washington, D.C., February 28, 2012.
 - *Presentation Materials Attached*
 - Speaker, “Intellectual Property Protection & Tribal Tourism,” American Indian Alaska Native Tourism Association, September 23, 2013 (Oklahoma), September 12, 2011 (Arizona), September 20, 2010 (Washington), September 21, 2009 (New Mexico), and September 30, 2008 (Idaho).
 - *Presentation Materials Attached (non-material updates to presentation from year to year)*
 - Speaker, “IP Liability & Your Business: Common Trademark, Copyright & Promotional/Advertising Pitfalls,” Association of Corporate Counsel, Washington Metropolitan Area Chapter, Washington, D.C., March 23, 2010.
 - *Presentation Materials Attached*
 - Speaker, “U.S. Copyright and Software Law,” European Law Students’ Association, Stockholm, Sweden, April 28, 2008.
 - *No materials or notes/outline exist. The presentation sought to provide an overview of U.S. copyright law and enforcement measures.*
 - Speaker, “Role of National Copyrights in Global Transactions and Disputes,” Association of Corporate Counsel, Westchester, New York/Southern Connecticut Chapter (WESFACCA), Greenwich, CT, April 28, 2005.
 - *Presentation Materials Attached*
- 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.
- “Executive Profile: Danny Marti,” Washington Business Journal, May 17, 2013.
 - *Interview Attached*
 - “First For Kilpatrick MP,” Biznow, May 1, 2013.
 - *Interview Attached*

Additionally, I was quoted in the following:

- “Kilpatrick Townsend appoints DC managing partner,” World IP Review, March 19, 2013.
 - *Article Attached*

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.

Member, Miami-Dade Community Relations Board, Appointed by Miami-Dade Mayor, June-December 2000.

- 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.

From approximately March 1995 to April 1996, I served as a volunteer on to Senator Robert Dole's Presidential exploratory committee, and subsequently, Presidential campaign. My primary responsibilities included conducting legislative and other research and coordinating visits in New Hampshire.

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 did not serve as a clerk to a judge.

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

I did not practice 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.

I have been affiliated as a lawyer with the following entities:

Lott & Fischer, P.A. (formally known as Lott & Friedland, P.A.)
355 Alhambra Circle, Coral Gables, FL 33134

- Attorney, June 1999 to December 2000

Kilpatrick Townsend & Stockton LLP (formally known as Kilpatrick Stockton, LLP)
607 14th Street, NW, Suite 900, Washington, D.C. 20005

- Attorney, January 2001 to Present
- Partner, January 2007 to Present
- Managing Partner of Washington, D.C. Office, May 2013 to Present

- 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 in alternative dispute resolution proceedings.

b. Describe:

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

The entirety of my legal practice is one specializing in intellectual property matters, focused exclusively on the protection, management, and enforcement of intellectual property assets in the United States and abroad.

From June 1999 to December 2000, I worked at a private law firm in South Florida, Lott & Friedland (now Lott & Fischer). My practice was focused on trademark and copyright enforcement matters, including IP strategy, litigation and prosecution (registration) based matters, with a U.S., Latin-American and European focus.

In December 2000, I moved from South Florida to the Washington, D.C. area, and joined my present law firm, Kilpatrick, Townsend & Stockton LLP. My practice involves advising clients in connection with domestic and international trademark and copyright enforcement matters, including trademark portfolio management, IP licensing, and other intellectual property-based transactions.

Over the past 15+ years, I have represented clients in a wide range of cases involving trademarks, false advertising, unfair competition, copyrights, trade secrets, cybersquatting and computer fraud and abuse matters before various U.S. federal courts, as well as the Trademark Trial and Appeal Board (TTAB) and the World Intellectual Property Organization (WIPO).

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

Typical clients are those with medium to large intellectual property portfolios, strong domestic and international business presence, IP licensors and licensees, and venture capital/start-up businesses.

- 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.

As further described in my responses to Sections 15-16, only a portion of my practice is devoted to litigation, and as a result, my appearance in court could be described as "occasionally." When in court, the percentage may be generally summarized as follows:

- i. Indicate the percentage of your practice in:
 - 1. federal courts; (80%)
 - 2. state courts of record; (5%)
 - 3. other courts; (0%)
 - 4. administrative agencies. (15%)
- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings; (100%)
 - 2. criminal proceedings. (0%)
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried eleven cases to verdict, judgment or final decision (including by way of entry of final judgment by default). I was chief counsel for four cases, and co-counsel for the remaining seven cases.

- i. What percentage of these trials were:
 - 1. Jury; (20%)
 - 2. non-jury. (80%)
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

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

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

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

- ***adidas America, Inc. et al v. Herbalife International, Inc.,***
Case No. 3:09-cv-00661 (D. Or; Hon. Judge Mosman)
April 2009-September 2012

Lead counsel on behalf of adidas America Inc. and adidas AG in trademark infringement litigation against Herbalife International involving the defendant's infringing use of the well-known adidas Trefoil logo. Successfully defeated a motion for preliminary injunction filed against adidas in connection with a dispute involving Major League Soccer and the LA Galaxy soccer jersey design; secured the dismissal of a "second-filed" suit in California, a third-party beneficiary counterclaim, a tortious interference counterclaim, and an appeal to the Ninth Circuit all filed by Herbalife; and obtained a favorable summary judgment ruling on behalf of adidas on all remaining claims, with an award of costs in favor of adidas.

Co-Counsel:

Stephen M. Feldman
Perkins Coie LLP
1120 N.W. Couch Street
Tenth Floor
Portland, OR 97209-4128
Phone: 503.727.2058

Opposing Counsel:

Parna A. Mehrbani
Kenneth R. Davis II
Lane Powell PC
601 SW Second Ave., Suite 2100
Portland, OR 97204-3158
Phone: 503.778.2100

Leila Nourani
Foley & Lardner LLP
555 S Flower Street, #3500
Los Angeles, CA 90071
Phone: 213.972.4500

- ***J. Christopher Burch et al. v. Tory Burch LLC, et al.***
Case No. 7921-CS (Del. Ch. Ct.; Hon. Judge Strine, Jr.)
October 2011-December 2012

Served as IP co-counsel in a case in the Delaware Chancery Court. Represented fashion design house, Tory Burch, LLC, which brought claims against a former director alleging that its former director competed unfairly against the company by launching a knockoff version of the “Tory Burch” brand created with the company’s confidential information and in violation of his fiduciary duties and contractual obligations. Along with co-counsel, negotiated settlement agreement which resolved the case.

Co-Counsel:
David Mayberry
Kilpatrick Townsend & Stockton LLP
607 14th Street, NW
Suite 900
Washington, DC 20005
Phone: 202.508.5870

Andrew J. Naussbaum
Kendall Y. Fox
Wachtell, Lipton, Rosen & Katz
51 West 52nd Street
New York, NY 10019
Phone: 212.403.1000

Opposing Counsel:
Andrew J. Rossman
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Ave.
New York, NY 10010
Phone: 212.849.7282

- ***American Eagle Outfitters v. Payless Shoe Source, Inc.,***
Case No. 071675 (E.D.N.Y.; Hon. Judge Korman; Hon. Judge Pohorelsky)
April 2007-November 2010

Served as co-counsel on behalf of retailer American Eagle Outfitters in connection with trademark, false advertising and unfair competition claims; obtained a preliminary injunction relative to advertising and sale of AMERICAN EAGLE footwear by Payless prohibiting objectionable practices and requiring a prominent disclaimer of any affiliation with American Eagle Outfitters.

Co-Counsel:
Lisa Pearson
Kilpatrick Townsend & Stockton LLP
1114 Avenue of the Americas
New York, NY 10036
Phone: 212.775.8725

Opposing Counsel:
Leslie G. Fagen
Darren W. Johnson
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Phone: 212.373.3000

- ***Lulu Enterprises, Inc. v. N-F Newsite LLC (a/k/a Hulu LLC)***

Case No. 5:07-CV-347 (E.D.N.C.; Hon. Judge Boyle)

September-December 2007

Co-counsel for Hulu LLC, a Fox and NBC Universal collaborative venture, related to the launch of Hulu.com. The firm successfully defeated an attempt by plaintiff to obtain a preliminary injunction that would have delayed the website launch of Hulu.com, a website portal that offers downloadable premium video content.

Co-counsel:
William Brewster
Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309
Phone: 404.815.6500

Betsy Cooke Lanzen
Womble Carlyle Sandridge & Rice, LLP
150 Fayetteville Street
Suite 2100
Raleigh, NC 27601
Phone: 919.755.2189

Opposing Counsel:
Leslie C. O'Toole
Thomas H. Segars
ELIS & WINTRS LLP
P.O. Box 33550
Raleigh, NC 27636
Phone: 919.865.7000

Since litigation comprises only a portion of my practice, additional non-contentious legal activities, such as transactional and counseling matters, are set forth below in Section 16 (Legal Activities).

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.)

The following legal activities are summarized to exclude all confidential information, including information protected by the attorney-client privilege:

- Negotiated a multi-million dollar naming rights deal for the 10,000-seat arena at the University of Central Florida (the second-largest university in the U.S. by enrollment) on behalf of the CFE Federal Credit Union. The “CFE Arena” hosts a variety of events, including UCF’s men’s basketball home games, music concerts, theatrical shows and graduations.
- Advised well-known fashion house in connection with its intellectual property strategy and corporate structure, including licensing issues concerning founder’s name and likeness.
- Development of in-house trademark, copyright and domain name policies and procedures for several well-known companies.
- Counseling several clients in connection with the ICANN’s new gTLD rollout.
- Representation of numerous companies in connection with domain name acquisition and enforcement strategies, including by way of the *in rem* procedures under the Anticybersquatting Consumer Protection Act (ACPA), as well as enforcement of ICANN’s Uniform Domain Name Dispute Resolution Policy in proceedings before the World Intellectual Property Organization (WIPO) in Geneva, Switzerland. Domain names have been successfully transferred on behalf of clients to include actress Fran Drescher, Broyhill Furniture, Costco, Dominion Enterprises, Hickory Chair Company, HoneyBaked Ham Co., Invista (owner of the LYCRA brand), 1-800-PetMeds, Lexington Home Brands, Maitland-Smith, and Thomasville.
- Counseling international hospitality company in connection with the recordal of IP interests around the world.
- Counseling international entertainment company in connection with launch of new program, including clearance, registration and acquisition of rights.

I have not lobbied on behalf of any clients or organizations.

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 have not taught any courses.

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.

401K account, managed by Fidelity Investments, with a balance of \$152,260 as of September 25th, 2014.

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 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 Office of Management and Budget's designated agency ethics official to identify personal conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement I have entered into with OMB's designated agency ethics official which has been provided to this Committee. 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 Office of Management and Budget's designated agency ethics official to identify personal conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement I have entered into with OMB's designated agency ethics official which has been provided to this Committee. 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.

I have served on the Firm's Pro Bono Committee, and worked closely with, and supported, our attorneys and staff to seek out a broad range of pro bono opportunities. As a Pro Bono Committee Member, I helped to update and increase our Firm's Pro Bono Program, which since my involvement beginning in 2002, has grown to represent thousands of individuals and hundreds of community organizations that have benefited from the pro bono representation of our attorneys by an amount of more than 270,000 hours of donated time, at a value of more than \$80 million. This involvement reflects our firm's culture where the idea of giving back is a firmly entrenched value. I have devoted approximately 50+ hours of pro bono services per year throughout my career, including serving as a legal advisor to Gorilla Foundation (since approximately 2008) in connection with great ape conservation and other legal matters.

COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

CONFIDENTIAL

NAME: Daniel Marti
HOME ADDRESS: 10106 Ebenshire Court, Oakton, VA 22124

TELEPHONE NUMBER (both home and office): H: 703-242-3057; O: 202-508-5875

EMAIL ADDRESS: dmarti@kilpatricktownsend.com

1. **Employment History:** State whether you have ever been discharged from employment for any reason or have ever resigned after being informed that your employer intended to discharge you.

I have never been discharged from any employment, nor have I been informed about any intended termination.

2. **Bankruptcy and Tax Information:** Information under this heading must be provided for yourself and your spouse.

- a. Have you and your spouse filed and paid all taxes (federal, state and local) as of the date of your nomination? Indicate if you filed "married filing separately."

Yes.

- b. Have you ever made any back tax payments? If so, indicate if you have made any back tax payments, and provide full details.

On a voluntary basis, and without audit or a request of any kind, I submitted a supplemental tax payment to the Commonwealth of Virginia in the amount of approximately \$400 in May 2014, on behalf of my Au Pair, which was hired through AuPairCare, 600 California St, Fl 10, San Francisco, CA 94108, a fully accredited sponsoring agency.

According to the IRS website, the term Au Pair "describes a class of Exchange Visitors who come to the United States under the auspices of a program administered by the Bureau of Educational and Cultural Affairs (ECA) of the Department of State... Au pair wages are usually not subject to social security and Medicare taxes because of the au pair's status as a J-1 nonimmigrant and as a nonresident alien... Because au pair wages are paid for domestic service in a private home, they are not subject to mandatory U.S. income tax withholding and reporting on Forms 941 and W-2."

Despite this special treatment for qualified Au Pairs, employment taxes were voluntarily submitted to the Commonwealth on behalf of my State Department administered Au Pair.

- c. Has a tax lien or other collection procedure(s) ever been instituted against you or your spouse by federal, state, or local authorities? If so, provide full details.

No.

- d. Have you or your spouse ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, provide full details.

No.

- e. Have you or your spouse ever declared bankruptcy? If so, provide full details.

No.

3. **Past Investigations and Complaints:**

- a. State whether, to your knowledge, you or any organization of which you were or are an officer, director, or active participant at a relevant time has ever been under federal, state, or local investigation for a possible violation of any civil or criminal statute or administrative agency regulation. If so, provide full details.

No.

- b. Have you ever been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group for a breach of ethics, unprofessional conduct or a violation of any rule of practice? If so, provide full details.

No.

4. **Party to Civil Legal or Administrative Proceedings:** State whether you, or any business of which you are or were an officer at a relevant time, have ever been a party or otherwise involved as a party in any civil, legal or administrative proceedings. If so, describe in detail the nature of your participation in the litigation and the final disposition of the case. Include all proceedings in which you were a party in interest. If you are or were a party as part of a partnership, include only if you were involved in a personal, managerial, or supervisory capacity.

- In 1999, and only in a "pro bono/community-based" capacity as an attorney in the State of Florida, I challenged the residency qualifications of a candidate for Miami-Dade School Board, Demetrio J. Perez. I prevailed at the trial court, the decision was affirmed on appeal, and the candidate was held ineligible and removed from ballot. The Florida Bar later ruled that the candidate's false records barred him from becoming a member of the Florida Bar for a few years. The case was originally captioned *Marti v. Perez*.

- In 2012, I filed a Complaint for Divorce in the Circuit Court of Fairfax County (Case No. 2012-09231). The case settled upon execution of a "Separation and Property Settlement Agreement," which served as the basis of the court's entry of a Final Order of Divorce.

5. **Prior Arrests:** Have you ever been arrested for, charged with, or convicted of a crime, other than a minor traffic violation, that is reflected in a record available to the public? If so, provide the relevant dates of arrest, charge and disposition, and describe the particulars of the offense.

No.

6. **Health:**

- a. What is the present state of your health?

Excellent

- b. List the date of your last physical examination.

April 2012 (est.)

- c. Have you ever been treated for or had any problem with alcoholism or any related condition associated with consumption of alcoholic beverages or any other form of drug addiction or dependence? If so, give details.

No.

7. **Disclosure:** Describe any unfavorable information that may affect your nomination.

None to my knowledge.

AFFIDAVIT

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

10/15/14

(DATE)

Daniel Marti

(NAME)

Carlotta S. Dabney

(NOTARY)

District of Columbia: SS

Subscribed and sworn to before me, in my presence,
this 15 day of October, 2014

Carlotta S. Dabney
Carlotta Lee Dabney, Notary Public, D.C.

My commission expires September 30, 2016.