

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Matthew Thomas Schelp

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

United States District Judge for the Eastern District of Missouri

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.

Husch Blackwell, LLP
190 Carondelet Plaza, Suite 600
St. Louis, Missouri 63105

Residence: Kirkwood, Missouri

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

1970; Kansas City, Missouri

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.

1993-1996, University of Missouri School of Law; J.D., 1996

1988-1992, University of Missouri Robert J. Trulaske Sr. College of Business; BSBA, 1992

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.

2013 – Present
Husch Blackwell, LLP
190 Carondelet Plaza, Suite 600

St. Louis, Missouri 63105
Partner

2002 – 2012
United States Navy Reserve
NAMARA-Appellate Defense
5316 South Douglas Boulevard
Oklahoma City, Oklahoma 73150
Naval Reserve Judge Advocate General

2010 – 2013
Jensen, Bartlett and Schelp LLC
222 South Central Avenue, Suite 110
St. Louis, Missouri 63105
Founding Partner

2001 – 2010
United States Attorney's Office
Eastern District of Missouri
111 South 10th Street, 20th Floor
St. Louis, Missouri 63102
Assistant United States Attorney

January 2001 – August 2001
Husch Blackwell, LLP
190 Carondelet Plaza, Suite 600
St. Louis, Missouri 63105
Associate Attorney

1999 – 2001
Thompson Coburn LLP
505 North 7th Street
St. Louis, Missouri 63101
Associate Attorney

1996 – 1999
United States Navy
Judge Advocate General's Corp
Naval Submarine Base New London
1 Crystal Lake Road
Groton, Connecticut 06340
Active Duty United States Navy Judge Advocate General's Corps

January 1993 – August 1993
Carl I. Brown Mortgage
612 West 47th Street

Kansas City, Missouri 64112
Loan Servicing Department

Other Affiliations

2003 – Present
Concordia Lutheran Church
505 South Kirkwood Road
Kirkwood, Missouri 63122
Past Church Council Member and Current President

2002 – Present
St. Louis Official's Association
No physical mailing address
Contact: sloastlmo@gmail.com
High School Basketball Official

2002 – Present
International Association of Approved Basketball Officials – 173
National Mailing Address:
IAABO, Inc.
Post Office Box 355
Carlisle, Pennsylvania 17013
Local contact: gregransom@sbcglobal.net
High School Basketball Official

1995 – 1996
Oliver, Walker Carlton and Wilson
401 Locust Street, Suite 406
Columbia, Missouri 65201
Legal Intern

Summer 1994
Honorable Lee E. Wells
16th Circuit Court of Jackson County, Missouri
415 East 12th Street
Kansas City, Missouri 64106
Summer Law Clerk

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.

1996 – 1999
United States Navy
Lieutenant Commander 0-3
Honorable Discharge

2002 – 2012
United States Navy Reserve
Lieutenant Commander 0-3
Honorable Discharge

I registered for the selective service when I turned 18 years of age.

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.

Missouri and Kansas Super Lawyer, Criminal Defense: White Collar, 2018 – 2019

Navy Commendation Medal, 2010

United States Attorney's Office Special Achievement Award, 2008

Missouri Lawyers Weekly, "Up and Coming Lawyer," 2007

Navy Commendation Medal, 1999

Navy Achievement Medal, 1997

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, 2013 – present

American Health Lawyers Association, 2013 – present

Bar Association of Metropolitan St. Louis, 2013 – present

Committee for Appointment of Federal Public Defender, Eastern District of Missouri-8th Circuit Court of Appeals, 2014

Criminal Justice Act Panel Eastern District of Missouri Lead Panelist, 2010 – present

Federal Bar Association, 2012 – present

Missouri Bar

Annual Meeting Planning Committee, 2012; 2016 – 2018

Divisional Chair of Practice and Procedures Division, 2014 – 2018

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.

Missouri, 1996

Kansas, 1997

Texas, 2002

There have been no lapses in membership. I am currently considered inactive in Texas.

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 Eighth Circuit, 1999

United States Court of Appeals for the Tenth Circuit, 2005

United States Court of Appeals for the Armed Forces, 1997

Navy-Marine Court of Criminal Appeals, 1997

United States District Court for the Northern District of Florida, 2010

United States District Court for the Southern District of Illinois, 1999

United States District Court for the Southern District of Iowa, 2015

United States District Court for the District of Kansas, 2010

United States District Court for the Eastern District of Missouri, 1999

United States District Court for the Western District of Missouri, 1999

United States District Court for the Southern District of Ohio, 2014

United States District Court for the Eastern District of Tennessee, 2014

United States District Court for the Western District of Texas, 2010

United States Tax Court, 2002

I have no known lapses in membership for any admissions.

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.

Concordia Lutheran Church Kirkwood

Council President, 2016 – present

Council Vice President, 2015 – 2016

Council Member, 2014 – 2015

Elks Lodge #9, 2016 – present

Federalist Society for Law and Public Policy Studies, St. Louis Chapter, 2015 – present

International Association of Approved Basketball Officials, 2002 – present

Missouri Athletic Club-2013-present-member

Missouri State High School Activities Association Registered Official, 2001 – present

Navy Reserve Association, 2005 – 2010

Republican National Lawyers Association, 2014 – present

St. Louis Official's Association, 2002 – present

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. 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.

It is my understanding that prior to my joining, the Benevolent and Protective Order of Elks (the Elks) limited membership to white men. These limitations no longer exist. As a general matter, the national parent organization for the Elks requires that members must be a citizen of the United States over the age of 21 who believes in God. I am not aware, however, of any test whereby a prospective member's citizenship or religious beliefs are scrutinized.

With that exception, to the best of my knowledge, none of the organizations listed in response to 11a currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

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

With Grant Ford, *Maintaining Privilege and Work-Product Protection in Investigations*, 65 St. Louis Bar J., Fall 2018, at 20. Copy supplied.

With Matthew Diehr, *The Yates Memo and Its Effects on White Collar Representation and Internal Investigations*, 62 St. Louis Bar J., Winter 2016, at 30. Copy supplied.

With Diehr, *Sentencing and Restitution Issues in Criminal Tax Fraud Cases*, 60 St. Louis Bar J., Summer 2013, at 28. Copy supplied.

With Monica Allen & Steve Bishara, *Seeing Clearly: Practical Advice for Internal Investigations*, ACC Docket, April 2018 at 24. Copy supplied.

With Lorinda Holloway, *Manage False Claims Risk Before It's Too Late!*, 112 Mo. Med. 414 (2015). 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.

September 20, 2019: Participant, "White Collar Crime" Missouri Bar podcast. Podcast to be broadcast in early November 2019.

September 20, 2019: Presenter, "Trends in Healthcare Prosecutions," Missouri Bar Annual Meeting. Copy of presentation supplied.

March 21, 2019: Presenter, "The Power of Ethical Decision Making," Thrivent Financial. Copy of presentation supplied.

April 10, 2019: Presenter, White Collar Seminar "Trends in Healthcare Enforcement,"

CLE sponsored by Federal Bar Association and Bar Association of Metropolitan St. Louis. Copy of presentation notes supplied.

October 10, 2018: Presenter, "Internal Investigations," Centene Corporation. Copy of presentation notes supplied.

August 14, 2018: Presenter, "Ethics, Professionalism, and Malpractice Prevention: *SEC v. Herrera* – Preserving Privilege in Government Investigations," Commerce Bank. Copy of presentation notes supplied.

July 27, 2018: Presenter, "Recommendations to Ensure Ethical, Compliant and Effective Investigations," Husch Blackwell, LLP CLE live webinar. I cannot locate any notes from this presentation, but the content of the presentation was consistent with the program's title. The address of Husch Blackwell, LLP is 190 Carondelet Plaza, Suite 600, St. Louis, Missouri 63105.

June 25, 2018: Presenter, "Ethics, Professionalism, and Malpractice Prevention: *SEC v. Herrera* – Preserving Privilege in Government Investigations," Wells Fargo Advisors. Copy of presentation notes supplied.

May 30, 2018: Presenter, "Ethics, Professionalism, and Malpractice Prevention: *SEC v. Herrera* – Preserving Privilege in Government Investigations," Emerson Electric. Copy of presentation notes supplied.

April 26, 2018: Presenter, "Ethics, Professionalism, and Malpractice Prevention: *SEC v. Herrera* – Preserving Privilege in Government Investigations," Husch Blackwell, LLP CLE. Copy of presentation notes supplied.

March 3, 2017: Presenter, "Internal Investigations," Husch Blackwell LLP CLE presentation. Copy of presentation notes supplied.

September 15, 2017: Presenter, "State of the Art Investigation Techniques for Visible and High Intensity Employee and Contractor Issues," Husch Blackwell LLP CLE. I cannot locate any notes from this presentation, but the content of the presentation was consistent with the program's title. The address of Husch Blackwell, LLP is 190 Carondelet Plaza, Suite 600, St. Louis, Missouri 63105.

October 3, 2017: Panelist, "Government: Friend, Foe or Opportunity?" Husch Blackwell LLP CLE. I cannot locate any notes from this presentation, but the panel discussion addressed best practices in dealing with a government investigation. The address of Husch Blackwell, LLP is 190 Carondelet Plaza, Suite 600, St. Louis, Missouri 63105.

September 6, 2016: Presenter, "Corporate Compliance and Ethics Program Basics for Board Members: A/K/A How to Stay out of Court and off the Front Page," Missouri Primary Care Association. Copy of presentation notes supplied.

November 18, 2016: Presenter, "Understanding Touhy Regulations: Requests for Official Information and Government Witnesses," Husch Blackwell LLP CLE. Copy of presentation notes supplied.

April 2, 2015: Presenter, "Global Anti – Corruption Training," Tricor Braun. Copy of presentation notes supplied.

June 18, 2015: Presenter, "Ethics, Professionalism & Malpractice Prevention," Husch Blackwell LLP CLE. Copy of presentation notes supplied.

June 29, 2015: Presenter, "Ethics, Professionalism & Malpractice Prevention," Husch Blackwell LLP CLE. Copy of presentation notes supplied.

July 10, 2015: Presenter, "Anti- Corruption Policy Training," Husch Blackwell LLP CLE. Copy of presentation notes supplied.

May 21, 2014: Presenter, "The Ins and Outs of a Solid Compliance Program," Husch Blackwell LLP CLE. Copy of presentation notes supplied.

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

There are many news articles that quote me for news stories, primarily while I served as an Assistant States Attorney in Missouri from 2001 to 2010. I do not recall participating in any formal interviews or making other public statements for the media. I have, to the best of my ability, identified all items called for in the question, including conducting a thorough review of my files and records and searches of publically electronic databases. I will supply what I have been able to locate, and list them below.

Robert Patrick, *Lincoln County Prosecutor's Ex-Husband Claims Unauthorized Cell Phone Access*, St. Louis Post-Dispatch, Sept. 22, 2016, at A6. Copy Supplied. Reprinted in multiple outlets.

Ben Frederickson, *BenFred: What We Don't Know About Cardinals' Hacking Scandal*, St. Louis Post-Dispatch, July 20, 2016, at B3. Copy supplied.

Robert Patrick, *Cardinals Hacker Tells Judge "Scrawny" Player's Name was Key to Unlocking Astro's Data*, St. Louis Post-Dispatch, Jan. 24, 2016. Copy supplied.

Derrick Goold and Robert Patrick, *Former Cardinals Scouting Director Admits Illegal Access to Astro's Database*, St. Louis Post-Dispatch, Jan. 9, 2016, at A1. Copy supplied.

Derrick Goold, *Cardinals Reputation at Stake in Federal Probe of Astros Hacking*, St. Louis Post-Dispatch, June 17, 2015. Copy supplied.

Derrick Goold and Robert Patrick, *FBI Looks at Cardinals in Data Breach of Astros Last Year*, St. Louis Post-Dispatch, June 17, 2015, at A1. Copy supplied.

Robert Patrick, *Brief: St. Louis Lawyer Admits Stealing from Clients*, St. Louis Post-Dispatch, Jan. 29, 2013. Copy supplied.

Robert Patrick, *St. Louis Lawyer Ed Griesedick Suspended Until 2014*, St. Louis Post-Dispatch, Jan. 29, 2013. Copy supplied.

Robert Patrick, *Former Missouri Guardsman Tells of Training White Supremacists*, St. Louis Post-Dispatch, Aug. 6, 2012, at A1. Copy supplied.

Lisa Brown, *Ex-Governor Seeks Leniency in Laundering Attorney Says Roger Wilson's Reputation Already Has Taken a Hit, Actions Weren't for Personal Gain*, St. Louis Post-Dispatch, July 4, 2012, at A2. Copy supplied.

Robert Patrick Jim Doyle & Virginia Young, *Former Missouri Gov. Wilson Pleads Guilty in Campaign Donation Scheme*, St. Louis Post-Dispatch, April 13, 2012. Copy supplied.

Robert Patrick, *2 U.S. Prosecutors Here Are Leaving Their Jobs to Start Small Law Firm*, St. Louis Post-Dispatch, Jan. 1, 2010, at C3. Copy supplied.

Robert Patrick, *Fake Lawyer Admits Swindling Former Fellow Prisoners*, St. Louis Post-Dispatch, Nov. 13, 2009. Copy supplied.

Robert Patrick & Virginia Young, *Feds Say Pyramid Scheme Cost Missouri Farmers up to \$50 Million*, St. Louis Post-Dispatch, July 20, 2009. Copy supplied.

Robert Patrick, *Mom in MySpace Case Says It Was Properly Dismissed*, St. Louis Post-Dispatch, July 3, 2009. Copy supplied.

Patrick L. Thimangu, *Former Steris Plant Manager Pleads Guilty to Stealing \$1.5M*, St. Louis Bus. J., Oct. 15, 2008. Copy supplied.

Bridget Heos, *Meet the Best of Missouri's GEN X*, Mo. Law. Wkly., Aug. 27, 2007. Copy supplied.

Up & Coming Lawyers in Missouri, Mo. Law. Wkly., Aug. 27, 2007. Copy supplied.

Gina Barton, *Man Accused in \$200,000 Scam of Gems; Authorities Say He Posed as Doctor Trying to Replace Wife's Lost Diamond*, Milwaukee J. Sentinel, March 15, 2006, at A1. Copy supplied.

Jessica Lowell, *Cheyenne Stock Analyst Sentenced to 21 Months*, Wyoming Tribune-

Eagle, July 27, 2005. Copy supplied.

Peter Shinkle, *Ex-Director Admits Cheating Charity Out of \$400,000*, St. Louis Post-Dispatch, June 18, 2005, at 8. Copy supplied.

Jack Naudi, *Would-Be Siding Go-Between Pleads Guilty in Masonite Case*, Jan. 5, 2005, St. Louis Post-Dispatch, at C1. Copy supplied.

Peter Shinkle, *Prisoner Created Fake Tax Returns in \$73,000 Scam, Indictment Says*, St. Louis Post-Dispatch, Aug. 29, 2004, at C12. Copy supplied.

Inmate's Tax Refund Scam Nets more than \$70,000, Prosecutors Say, Associated Press, Aug. 29, 2004. Copy supplied. Reprinted in multiple outlets.

Man Indicted for Seeking IRS Refunds, Jefferson City News-Trib., Aug. 27, 2004. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

i. Of these, approximately what percent were:

jury trials:	_____ %
bench trials:	_____ % [total 100%]
civil proceedings:	_____ %
criminal proceedings:	_____ % [total 100%]

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **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.

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.

I served as a volunteer field worker on behalf of the Republican National Lawyers' Association on Election Day in 2014 and 2018.

16. **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;

None.

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

None.

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.

1996 – 1999

United States Navy Judge Advocate General's Corps
Naval Submarine Base New London
1 Crystal Lake Road
Groton, Connecticut 06340
Judge Advocate

1999 – 2001

Thompson Coburn LLP
505 North 7th Street
St. Louis, Missouri 63101
Associate

2002 – 2012

United States Naval Reserve

Judge Advocate General's Corps
NAMARA Appellate Defense
NAMARA Appellate Government
5316 South Douglas Boulevard
Oklahoma City, Oklahoma 73150

January 2001 to approximately August 2001
Husch Blackwell LLP
190 Carondelet Plaza, Suite 600
St. Louis, Missouri 63105
Associate

2001 – 2010
United States Attorney's Office
Eastern District of Missouri
111 South 10th Street, 20th Floor
St. Louis, Missouri 63102
Assistant United States Attorney

2010 – 2013
Jensen, Bartlett and Schelp, LLC
222 South Central Avenue, Suite 110
St. Louis, Missouri 63105
Founding Partner

September 2013 – present
Husch Blackwell LLP
190 Carondelet Plaza, Suite 600
St. Louis, Missouri 63105
Partner

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.

After graduating from law school in 1996, I spent four years on active duty in the United States Navy in its Judge Advocate General's Corps. In that role, I was a trial counsel (prosecutor), defense counsel, legal assistance attorney and claims attorney. In those roles I represented active service members in

criminal and legal assistance matters and their families in legal matters.

From 1999 to 2001, I was a litigation associate at Thompson Coburn LLP and Husch Blackwell, LLP, both firms in St. Louis. I primarily represented defendants in complex civil cases. I also represented plaintiffs in patent enforcement matters.

From 2001 to 2010, I was an Assistant United States Attorney and worked in the offices Economic Crimes Unit. I focused on the prosecution of fraud matters, with an emphasis on healthcare and securities fraud.

In 2010, I was one of three founding members of Jensen, Bartlett and Schelp, LLC, a boutique white-collar defense and litigation firm. From 2010 to 2013, I represented corporations and individuals in a variety of enforcement matters. I also represented some relators in *qui tam* matters. In this time, I was also listed as a "Senior Advisor" to the Ashcroft Law Firm and billed hourly for compliance and monitoring projects.

From 2013 to present, I worked at Husch Blackwell LLP and led its Government Compliance, Investigations and Litigation Practice Specialty Group. My practice here involves a significant amount of internal investigations work, compliance review, complex civil litigation, criminal defense and representations before enforcement agencies, such as the Securities and Exchange Commission.

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

I have always specialized in litigation. In the beginning I represented active duty service members accused of violating the Uniform Code of Military Justice or represented the Navy in prosecuting such actions.

As a litigation associate, I worked on civil cases that were almost exclusively pending in various federal courts, mixing in some state court matters.

As an Assistant United States Attorney, I represented the United States. I worked almost exclusively on complex federal criminal fraud matters before the United States District Court for the Eastern District of Missouri. In this capacity, I also argued several cases before the 8th Circuit Court of Appeals.

In private practice since leaving the United States Attorney's Office, I have continued to work on complex federal criminal fraud matters in the Eastern District of Missouri and other federal courts throughout the United States. I have also continued to represent clients in complex trade secret litigation in federal courts. I frequently appear before state, federal and regulatory enforcement agencies in civil matters, having appeared in more than 300 United States District Court matters.

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

i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|-----|
| 1. | federal courts: | 65% |
| 2. | state courts of record: | 10% |
| 3. | other courts: | 5% |
| 4. | administrative agencies: | 20% |

ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|-----|
| 1. | civil proceedings: | 40% |
| 2. | criminal proceedings: | 60% |

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 ten cases to verdict or final decision. I was chief counsel in seven cases and associate counsel in three cases.

i. What percentage of these trials were:

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

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the United States Supreme Court.

17. **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. *Monsanto Co. v. Chen*, No. 4:16-cv-00876 CDP (E.D.Mo.) (Perry, J.).

In June 2016, I represented the plaintiffs in one of the very first cases filed under the Defend Trade Secrets Act. The Court granted a temporary restraining order and a permanent injunction in favor of my clients. The case settled before a trial.

Co-Counsel

Matthew Diehr
Husch Blackwell, LLP
190 Carondelet Plaza, Suite 600
St. Louis, Missouri 63105
(314) 480-1500

Mark Milton
120126 Manchester Road
Des Peres, Missouri 63131
(314) 394-3370

Counsel for Defendant

Richard Sindel
Sindel Noble
8000 Maryland Avenue, Suite 910
St. Louis, Missouri 63105
(314) 499-1282

2. *United States ex rel. Hanlon v. Columbine Mgmt. Svcs., Inc.*, 2016 WL 8673000, No. 13-cv-00826 (D. Colo. March 25, 2016) (Blackburn, J.), *affirmed* 676 Fed. Appx. 787 (10th Cir. 2017) (Baldock, Holmes, Bacharach, JJ.).

In April 2016, I defended Columbine Management in federal *qui tam* case filed in Denver, Colorado. The Court granted my client's motion to dismiss and awarded sanctions against the plaintiff and plaintiff's counsel. I also represented my client in the appeal, where he decision was affirmed by the 10th Circuit Court of Appeals.

3. *United States ex rel. Cairns v. D.S. Med., L.L.C.*, Case No. 1:12CV00004 AGF (E.D. Mo.) (Fleissig, J.).

I represented a group of relators who filed suit on January 1, 2015. The case went to trial in November 2017. After an approximate eight-day jury trial, a jury in the United States District Court rendered a verdict of approximately \$8.3 million in my client's favor. The case is currently pending post-trial rulings by the District Court. In addition to originating and filing this action, I served on the trial team in this matter.

Co-Counsel

Matthew P. Diehr
Husch Blackwell, LLP
190 Carondelet Plaza, Suite 600
St. Louis, Missouri 63105
(314) 480-1916

Counsel for the United States

Andrew J. Lay
Office of the United States Attorney for the Eastern District of Missouri
111 South Tenth Street, 20th Floor
St. Louis, Missouri 63102
(314) 539-2200

Diana Kay Cieslak
John K. Henebery
U.S. Department of Justice
Civil Division
Ben Franklin Station
Post Office Box 261
Washington, DC 20044
(202) 514-2000

Counsel for Defendant

Drey A. Cooley
Sanford J. Boxerman
Capes and Sokol
7701 Forsyth Boulevard, 12th Floor
St. Louis, Missouri 63105
(314) 721-7701

James G. Martin
Dowd Bennett, LLP
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4. *Makovec. v. Eighteen Invs.*, No. 10SL-CC03667 (Mo. 21st Cir. Ct. 2012) (Wallace, J.).

In June 2012, I tried this case on behalf of my clients. The case was a civil fraud matter and the jury returned a \$93K verdict in my client's favor.

Co-Counsel

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5. *United States v. Conner*, Case No. 4:07-cr-00050 HEA (E.D. Mo.) (Autrey, J.).

In November 2007, I led a bank fraud prosecution against an executive with Bank of America who had defrauded borrowers in its Minority Lending Initiative. I served as lead trial counsel. After an approximate five-day jury trial, a jury in the United States District Court for the Eastern District of Missouri rendered guilty verdicts on 36 counts against the Defendant. The Defendant was sentenced to a term of 114 months imprisonment and ordered to pay restitution in this matter.

Co-Counsel

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6. *United States v. Hines*, Case No. 4:06-cr-00440 RWS (E.D. Mo.) (Sipperl, J.).

In January 2007, I was trial co-counsel in a public corruption prosecution against a St. Louis County Sherriff for bribery. After an approximate five-day jury trial, a jury in the United States District Court for the Eastern District of Missouri rendered guilty verdicts all on three counts against the Defendant. The Defendant was sentenced to a term of imprisonment and ordered to pay restitution in this matter.

Co-Counsel

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Counsel for Defendant

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7. *United States v. Shanahan*, Case No. 4:07-cr-00175 JCH (E.D. Mo.) (Hamilton, J.).

In July 2007, I was co-lead in a prosecution of a very well-known local executive for fraud related to stock option backdating. The case was ultimately resolved by way of a guilty

plea.

Co-Counsel

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Michael W. Reap

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8. *United States v. Humphrey*, No. 4:05-cr-00139 CEJ (E.D. Mo. Mar. 10, 2005) (Jackson, J.).

In November 2005, I led wire fraud prosecution against an individual who was defrauding travelers who utilized American Airlines for their air travel. I served as lead trial counsel. After an approximate five-day jury trial, a jury in the United States District Court for the Eastern District of Missouri rendered guilty on all counts against the Defendant. The Defendant was sentenced to a term of 135 months imprisonment and ordered to pay restitution in this matter.

Co-Counsel

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Counsel for Defendant

Bruce W. Simon

Simon and Simon

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Kansas City, Missouri 64106

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9. *United States v. Hines* No. 4:05-cr-00107 HEA (E.D. Mo.) (Autrey, J.).

In November 2005, I led a fraud prosecution against an individual who was defrauding a series of local individuals and businesses. I served as lead trial counsel. After an approximate four-day jury trial, a jury in the United States District Court for the Eastern District of Missouri rendered guilty on five counts against the Defendant. The Defendant was sentenced to a term of 95 months imprisonment and ordered to pay restitution in this matter.

Co-Counsel

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Counsel for Defendant:

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Sims and Bailey
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St. Louis, Missouri 63108
(314) 534-0800

10. *United States v. Griesedieck*, No. 4:12-cr-001156 MLM (E.D. Mo.) (Medler, J.); *In re Griesedieck*, SC92505 (Mo. 2012) (Wilson, Draper, Fischer, Breckenridge, Russel, Teitelman, Stith, JJ.).

In April 2012, I defended a prominent local attorney in a criminal campaign finance investigation involving Missouri's former Governor, Roger Wilson. I served as lead trial counsel. After an extensive period of pretrial negotiations, the case was resolved with a misdemeanor guilty plea. The Defendant was sentenced to a term of probation and ordered to pay a fine in this matter. In a follow-up to this matter, I represented my client in a proceeding before the Missouri Supreme Court and was successful in achieving a favorable disciplinary disposition.

Co-Counsel

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Counsel for United States

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Counsel for Office of Disciplinary Counsel

Sharon Weedin
Office of Chief Disciplinary Counsel
3327 American Avenue
Jefferson City, Missouri 65109

18. **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 my career, I have conducted a variety of high-level and complex privileged internal investigations for my clients that did not progress to a trial or involve litigation.

I have never performed lobbying activities.

19. **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.

From approximately 2015 to 2019, I was a guest lecturer for a seminar course titled "Corporate and White Collar Crime" at Washington University School of Law in St. Louis, Missouri. In total I made approximately six one-hour "teaching" appearances. In each instance, I spoke about federal criminal grand jury proceedings. I cannot locate a syllabus for this class.

In 2011, I served as a guest lecturer for a seminar course titled "Lawyer Ethics. I made a single one hour teaching appearance in in this class and discussed ethical issues in criminal representation. I cannot locate as syllabus for this class

20. **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 could potentially receive deferred compensation related to my work at Jensen, Bartlett and Schelp, LLC. Also, if confirmed, at some point within two years of my separation from Husch Blackwell LLP, I will be entitled to the return of capital that I have "paid into" the firm. My capital account is presently approximately \$175,000.

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

If confirmed, I hope that I will be able to teach a law school course on an adjunct basis. I have no commitments or agreements to do so, and no other plans for outside activities. Also, if allowable, would like to continue officiating high school basketball games.

22. **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 Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements 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.

If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing all cases where my current firm, Husch Blackwell LLP, represents a party. I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case by case basis and determine appropriate action with the advice of the parties and their counsel including recusal where necessary.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, any and all other laws, rules and practices governing such circumstances.

25. **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.

My pro bono work is mostly aimed at helping current and former military members and veterans with their legal problems. In these matters I have assisted more than a dozen military members with issues involving veteran’s benefits, mental health conditions and employment matters. I am currently affiliated with the University of Missouri’s School of Law’s Veterans Clinic and am actively representing a client in a matter appealing the denial of a military award.

I estimate that I dedicate approximately 30 to 40 hours per year on pro bono matters.

26. **Selection Process:**

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In November 2018, I contacted Senator Blunt’s staff to inform them of my interest in vacancies that were expected in the Eastern District of Missouri. In November 2018, I provided Senator Blunt’s Office with a copy of my resume and other biographical information. On March 2, 2019, I met with Senator Blunt in St. Louis and discussed my interest in the expected vacancies. On that same day, I also briefly met with Senator Josh Hawley and mentioned my interest in the expected vacancies. Later in March 2019, I conducted a phone interview with staff members from the Office of Senator Josh Hawley.

On May 22, 2019, I interviewed with attorneys from the White House Counsel’s Office. In late July 2019, I was contacted by Senator Blunt’s staff and I confirmed my continued interest for any vacancy. On August 1, 2019, I was contacted by an attorney from the White House Counsel’s Office and told I had been selected by the President as a potential nominee for the United States District Court for the Eastern District of Missouri.

Throughout this process I have been in contact with representatives of the White House Counsel’s Office and the Office of Legal Policy.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		63	000	Notes payable to banks-secured (auto)			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		882	571	Notes payable to relatives			
Unlisted securities		175	000	Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		333	078
Real estate owned – see schedule		310	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		50	000	-Student Loans			
Cash value-life insurance		14	600				
Other assets itemize:							
City Pension Plan							
				Total liabilities		333	078
				Net Worth	1	162	093
Total Assets	1	495	171	Total liabilities and net worth	1	495	171
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

Altria Group Inc. stock	14,77
Ameren Corp stock	5,944
American FDS College Fund	92,381
American FDS College Targe Date SER 2027 Fund	117,224
American FDS College Targe Date SER 2027 Fund	70,691
Brighthouse Financial Inc. stock	106
DXC Technology Company stock	2,639
Evergy Inc. stock	42,798
Investco QQQ TR ETF Fund	8,432
Metlife Inc. stock	1,555
Pesico Inc. stock	41,228
Perspecta Inc. stock	1,275
SPDR S&P Dividend ETF	15,146
Molson Coors Brewing stock	9,705
Thrift Savings Plan Fund	147,125
Vanguard EM MKT ST IDX IS Fund	95,847
Vanguard Institutional Index Fund	119,698
Vanguard Mid Cap ETF	2,641
Vanguard TOT BD MKT INST Fund	98,804
XCEL Energy Inc. stock	9,332
Total Listed Securities	<u>\$882,571</u>

Real Estate Owned

Personal residence	<u>\$310,000</u>
Total Real Estate Owned	<u>\$310,000</u>

Real Estate Mortgages Payable

Personal residence – mortgage	<u>\$333,078</u>
Total Real Estate Mortgages Payable	<u>\$333,078</u>

AFFIDAVIT

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

October 8, 2019
(DATE)

MT. Schelp
(NAME)



Maria Mangiore Kohrs
(NOTARY)