UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).
   - Alejandro Nicholas Mayorkas (Nickname: "Ali")

2. **Position**: State the position for which you have been nominated.
   - Director, U.S. Citizenship and Immigration Services, Department of Homeland Security

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.
   - O'Melveny & Myers LLP, 400 South Hope Street, 16th Floor, Los Angeles, CA 90071

4. **Birthplace**: State date and place of birth.
   - Havana, Cuba; November 24, 1959

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.
   - Law School: Loyola Law School; Los Angeles, CA; 1982-1985; J.D., 1985
   - College: University of California at Berkeley; Berkeley, CA; 1977-1978 and September 1979-1981.B.A., 1981. University of California at Los Angeles; Los Angeles, CA; January-June 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.

   Employment:
   - Law Partner, O'Melveny & Myers LLP, 400 South Hope Street, Los Angeles, CA 90071 (September 2001 – present)
   - United States Attorney, Central District of California, 1200 United States Courthouse, 312 North Spring Street, Los Angeles, CA 90012 (1998 - 2001)
   - Assistant United States Attorney, Chief, General Crimes Section, Central District of California, 1200 United States Courthouse, 312 North Spring Street, Los Angeles, CA 90012 (1996-1998)
   - Adjunct Professor, Loyola Law School in Los Angeles, California. (1996-1997)
   - Assistant United States Attorney, Central District of California, 1200 United States Courthouse, 312 North Spring Street, Los Angeles, CA 90012 (1989-1996)
   - Associate, Patterson, Belknap, Webb & Tyler (during portion of timeframe, known as Rosenfeld, Parnell & Shames) 1875 Century Park East, Los Angeles, CA 90067 (April 1989 - September 1989, February 1986 - April 1987)

- Associate, Cooper, Epstein & Hurewitz, (law firm no longer in existence), 345 N. Maple Drive, Beverly Hills, CA 90210 (April 1987 - March 1989)
- Law Clerk, Law Office of Colyn Desatnik, 9665 Wilshire Boulevard, Beverly Hills, CA 90212 (October 1985 - January 1986)
- Law Clerk, Law Office of Dennis M. Harley, 2000 Riverside Drive, Suite 200, Los Angeles, CA 90039 (June 1983 - May 1985)
- Assistant Law Librarian, Fulop & Hardee (law firm no longer in existence), Beverly Hills, CA (June 1981 - August 1982)

Other Affiliations:

- Bet Tzedek Legal Services, Non-profit legal services, Board Member (2002 - present), Board Chair (2008 - present)
- California Commission on the Fair Administration of Justice, Non-profit State Commission, Commissioner (2004 - 2008)
- Federal Bar Association, Los Angeles Chapter, Member (2006 - 2008)
- Charles R. Drew University of Medicine and Science, Board of Trustees Member (2005-2008)
- American Bar Association's Committee on Ethics and Professionalism, Co-Chair (2005-2008)
- Cedars Sinai Medical Center, Board of Governors Member (2005 - present), Audit Committee Member (2005-2007)
- Loyola Law School Center for Juvenile Law & Policy, Law School legal clinic, Member, Board of Advisors (2005 - present)
- Anti-Defamation League, Regional Board Member (2003 - present)
- Planned Parenthood Los Angeles, Board Member (2002 - present), Board Secretary (2006 - 2008), and Advocacy Project Board Member (2005 - present)
- United Friends of the Children, Board Member (2002 - present)
- Women Against Gun Violence, Advisory Board Member (2001 - 2002)
- Executive Committee, Criminal Law Section, State Bar of California, Member (1997)

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.
    - None

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.

    Government Service

    - United States Postal Inspection Service Award for the successful prosecution of Buford O. Furrow, Jr.
    - Special commendations from U.S. Attorney General Janet Reno and F.B.I. Director Louis J. Freeh for the successful prosecutions in Operation Polar Cap (drug money laundering cases)
    - Commendations from the F.B.I. and the I.R.S. for the successful prosecution of the federal tax, loan fraud, and money laundering case against Heidi Fleiss

- Commendation from the U.S. Department of Justice for successfully directing Operation Senior Sentinel in the Central District of California (nationwide takedown of illegal telemarketers)
- Commendations for the successful prosecution of ten civil forfeiture actions in *United States v. Steven D. Wymer* (white collar fraud forfeiture actions)
- Commendation from the D.E.A. for outstanding contributions in the field of law enforcement
- Commendation from the United States Secret Service for outstanding contributions in the field of law enforcement
- Commendation from Concerned Citizens for judicial excellence
- Special Achievement Awards for outstanding service as an Assistant United States Attorney
- Named in 1999, 2000 by the Daily Journal as one of the 100 most influential attorneys in California

I have received numerous additional awards from federal, state, and local law enforcement agencies for outstanding contributions in the field of law enforcement. However, I have not retained information on the specific awards or the dates of the awards.

<u>Private Law Practice</u>

- Named in 2008 by the National Law Journal as one of the "50 Most Influential Minority Lawyers in America"
- Named in 2006, 2007, 2008 by Los Angeles Magazine as a Los Angeles "Super Lawyer"
- Named in 2007, 2008 as one of the "Best Lawyers in America" in "Best Lawyers in America."
- Recipient, O'Melveny & Myers' Values Award, annual award given to two partners worldwide who exemplify the firm's values of leadership, excellence, and citizenship
- Chair, Warren Christopher Scholarship Committee
- Chair, O'Melveny & Myers' Values Awards Committee
- Loyola Law School Alumnus of the Year Award (2001)

9. **<u>Bar Associations</u>**: 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, Co-Chair, Committee on Ethics and Professionalism (2005 - 2007), Member (1986 - present, intermittently)
   - Hispanic National Bar Association, Member (2009)
   - Association of Business Trial Lawyers, Member (2007 - present)
   - Federal Bar Association, Los Angeles Chapter, Member (2006 - 2008)
   - American Bar Foundation, Member (2007 - 2008)
   - Cuban American Bar Association, Member (1998 - 1999)
   - Los Angeles County Bar Association, Member (1994-1999)

10. **<u>Bar and Court Admission</u>**:

    a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

    - California State Bar (1986 – present)

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.

- California State Courts (1986 – present)
- United States District Court, Central District of California (1986 – present)
- Ninth Circuit Court of Appeals (1986 – present)

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.

- Human Rights Watch, Member (2007 - present)
- Pacific Council on International Policy, Member (2006 - present)
- Nature Conservancy, Member (2005 - present)
- World Affairs Council, Member (2005 - present)
- United Friends of the Children, Board Member (2002 - present)
- American Jewish Committee, Member (2002 - present)
- Chancery Club, Member (2001 - present)
- Sierra Club Member (2001 - present)
- University of California at Berkeley Alumni Association, Member (1981 - present, intermittently)

b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

  - None of these organizations currently or, to my knowledge, formerly discriminated on the basis of race, sex, or religion

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.

   Two case notes in Loyola Law School's *Entertainment Law Journal*:
   "Explicit Drafting of Royalty Contracts"(1984)
   "Relief for Innocent Creators" (1984)

   Copies attached as Exhibit A

b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

- Column from the Co-Chairs, ABA Committee on Ethics and Professionalism Volume 4, No. 1, Winter 2006
- Column from the Co-Chairs, ABA Committee on Ethics and Professionalism Volume 4, No. 2, Spring 2006
- "Lights, Camera, Ethics! An Interactive Discussion of Ethics and Professionalism with Scenes from Your Favorite Legal Films," ABA Section of Litigation Annual Conference, April 2006

Copies attached as Exhibit B

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.

- Notes of speeches as United States Attorney for the Central, District of California, 1998 - 2001:
  - Speech at induction ceremony, United States Attorney for the Central District of California, November 16, 1999
  - February 2, 1999 press conference for Mexican Mafia indictments
  - January 28, 1999 press conference, U.S. v. Kingman Quon
  - March 16, 1999 press conference, Operation Eastern Approach
  - April 29, 1999 press conference, U.S. v. Howard Hernandez et al.
  - June 7, 1999 press conference, U.S. v. John David Ward et al.
  - July 8, 1999 press conference, civil rights
  - July 15, 1999 press conference, stop senior abuse
  - August 12, 1999, press conference, U.S. v. Buford Furrow, Jr.
  - August 31, 1999 statement to the Congressional Black Caucus
  - October 27, 1999, press conference, U.S. v. Thomas O'Donnell et al.
  - December 15, 1999, press conference, HUD Housing Fraud Initiative
  - February 23, 2000, press conference, Rampart Division
  - March 17, 2000, press conference, U.S. v. Patrick J. Naughton
  - April 5, 2000, press conference, U.S. v. Edward Ruiz et al.
  - June 15, 2000, press conference, Operation Tar Pit
  - July 18, 2000, press conference, 18th Street Gang, CLCS
  - July 26, 2000, press conference, MDMA ("Ecstasy")
  - August 31, 2000, press conference, U.S. v. Mark Simeon Jakob (Emulex)
  - September 27, 2000, press conference, Craig Consumer Electronics et al.
  - December 5, 2000, press conference, sale of illegal pharmaceuticals
  - January 16, 2001, press conference, Pico Union/Rampart Weed and Seed
  - January 24, 2002, press conference, U.S. v. Buford Furrow, Jr.
  - March 30, 2001, press conference, U.S. v. Nino Floyd Durden

Copies attached as Exhibit C

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.

- Notes for comments for September 2008 Hispanic National Bar Association panel on corporate compliance and responsible corporate citizenship
- Notes for comments for July 31, 2008 Ninth Circuit Judicial Conference panel on "Spanning the Globe: Dilemmas of Law and Policy" (effects of globalization on courts and counsel)
- April 18, 2008 American Bar Association, Section of Litigation conference panel, "Real to Reel - Images of Ethics and Professionalism in the Courtroom" (no notes)
- Notes for speech at June 27, 2007 ACLU luncheon
- March 6, 2006 American Bar Association White Collar Crime conference panel discussion on the Sarbanes-Oxley Act: The New Corporate Standards (no notes)
- Notes as moderator for late 2003 (possibly October) Los Angeles County Bar Association panel on United States Attorney's Office and SEC prosecutions of white collar crime
- July 2003 Practicing Law Institute Corporate Compliance workshop (no notes)
- April 2003 American Bar Association, Section of Litigation conference panel on trial advocacy topic (no notes)
- March 2003 Orange County Bar Association conference of general counsel, panel discussion of criminal and SEC enforcement
- August 25, 2001 speech at Concerned Citizens annual award dinner
- May 2001 speech at Loyola Law School, La Raza graduation celebration (no notes)
- March 2001 speech at Law Enforcement Ethics symposium (no notes)
- March 8, 2001 American Bar Association White Collar Crime conference panel discussion on compliance with *Brady* obligations (no notes)
- February 15, 2001 Practicing Law Institute Corporate Compliance workshop panel discussion on corporate compliance programs (no notes)
- February 20, 2001 speech to Culver Marina Bar Association, "New Challenges for Federal Law Enforcement at the Beginning of the 21st Century"
- December 13, 2000 speech regarding the prosecution of hate crimes, sponsored by the Japanese American Citizens League, Organization of Chinese Americans, Coalition for Humane Immigrant Rights, American Jewish Committee, Asian Pacific Legal Center, Southern Christian Leadership Conference (no notes)
- October 26, 2000 speech to Chancery Club (Los Angeles lawyers' luncheon club)
- October 19, 2000 speech for induction of Stephen Larson as United States Magistrate Judge
- October 17, 2000 lecture at University of Southern California Law School class on local criminal justice (no notes)

- October 6, 2000 speech at Los Angeles Police Department Integrity 2000 seminar
- October 2, 2000 roundtable discussion at UCLA School of Law, regarding guns and violence (no notes)
- September 2000 speech at Federal Bar Association, Riverside Chapter, luncheon
- September 14, 2000 panel discussion, Loyola Law School, responsibility of the criminal justice system to detect and deter police abuse
- July 12, 2000 speech to summer law associates program of the Anti-Defamation League, Los Angeles (no notes)
- July 11, 2000 speech at unveiling of the "Tower of Hope" Beverly Hills, CA
- June 27, 2000 speech at U.S. Department of Justice Bureau of Justice Assistance conference
- June 15, 2000 speech to Association of Deputy District Attorneys
- May 27, 2000 speech, Graduate Commencement Exercises, Chapman University School of Law (no notes)
- May 24, 2000 welcoming remarks, Hate Crimes Seminar, United States Attorney's Office, Central District of California
- May 2000 speech to Los Angeles County Bar Association, Corporate Law Department Section (no notes)
- May 15, 2000 speech to lawyers at Munger, Tolles & Olson LLP
- April 2000 participation on panel for Ninth Circuit Judicial Conference (no notes)
- March 9, 2000 speech, Chief Special Agents Association (no notes)
- February 2, 2000 speech to American Jewish Committee, Los Angeles Chapter
- January 20, 2000 speech at RAND on federal criminal prosecution of gun violence (no notes)
- January 14, 2000 speech, U.S. Department of Justice Bureau of Justice Assistance, collaborative approach between federal and local law enforcement
- November 17, 1999 speech, Chapman University School of Law and Orange County Hispanic Bar Association (no notes)
- November 8, 1999 panel, Southern California Gun Law Enforcement Conference
- November 5, 1999 speech, Outstanding Corporate Counsel Award Dinner
- November 2, 1999 panel, Healthcare Fraud Prosecution (no notes)
- October 1999 speech, Federal Bar Association, Inland Empire Chapter, 1999 Annual Installation of Officers (no notes)
- October 1, 1999 speech at the California State Bar Convention, environmental crimes prosecutions
- September 21, 1999, Association of Business Trial Lawyers, Los Angeles chapter, panel moderator, "How to Make Your Trial Shorter, and Why You Should"
- July 13, 1999 speech, Nursing Home Fraud, Abuse and Neglect Conference
- June 24, 1999 speech, Thirteenth Annual Joint Regulatory Conference, hosted by the U.S. Securities and Exchange Commission, Los Angeles
- May 12, 1999, Los Angeles County Bar Association panel discussion, Diversity on the Bench (no notes)
- May 11, 1999, PricewaterhouseCoopers Symposium on White Collar Crime, panelist (no notes)

- April 20, 1999 American Bar Association, White Collar Crime Committee, Los Angeles chapter, "Crossfire - a Dialogue Between the U.S. Attorney's Office And the Criminal Defense Bar" (no notes)
- April 1999, Fifth Annual Women Litigators Forum, panel discussion, "The Art of Negotiation" (no notes)
- March 3, 1999 meeting of Anti-Defamation League executive committee, "Expanding Civil Rights Enforcement"
- February 1999 introduction of Antonio Gonzalez at Mexican American Bar Association, Los Angeles, installation dinner
- January 14, 1999, Bryan Cave LLP Securities Roundtable, panel discussion (no notes)

Copies attached as Exhibit D

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

- To the best of my recollection, I provided interviews to:
  - "The Enforcer," Los Angeles Magazine (September 1, 2000)
  - KCRW (local radio station, discussing gang/gun violence)
  - Local radio show broadcast from Pasadena, California

I do not have transcripts or recordings. A Lexis search conducted to recover dates was unsuccessful.

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.

- United States Attorney for the Central District of California, December 1998 - April 2001, Appointed by President Clinton
- Assistant United States Attorney for the Central District of California, September 1989 - December 1998, Appointed by Attorney General Richard Thornburgh
- In November 2008, I joined the then-President Elect's United States Department of Justice Agency Review Team. I led the Team's review of the Department of Justice's Criminal Division. I served in that capacity from November 2008 through January 2009, and my service was on a volunteer basis.

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.

- Hosted fundraiser in two local (Los Angeles, California) campaigns:

Wendy Greuel, Los Angeles City Controller
Eric Garcetti, Los Angeles City Council

- Raised funds for an event for Senator Dianne Feinstein
- Volunteered at phone bank for Barack Obama

These are the events I am able to recall at this time.

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 for a judge.

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.

- **Law Office of Colyn Desatnik**
  Beverly Hills, California
  Part-time law clerk, October 1985 - January 1986 (estimated)

- **Rosenfeld, Parnell & Shames (became the Los Angeles, CA office of Patterson, Belknap, Webb & Tyler)**
  Los Angeles, California
  Litigation Associate, January 1986 - April 1987 (estimated)

- **Cooper, Epstein & Hurewitz**
  Los Angeles, California
  Litigation Associate, April 1987 - April 1989 (estimated)

- **Patterson, Belknap, Webb & Tyler**
  Los Angeles, California
  Litigation Associate, April 1989 - September 1989 (estimated)

- **United States Department of Justice**
  United States Attorney's Office for the Central District of California, Los Angeles, California

  Assistant United States Attorney, Asset Forfeiture Section, 1989-1992
  Assistant United States Attorney, Criminal Division, 1992-1993 (estimated)
  Assistant United States Attorney, Major Frauds Section, 1993-1996

Assistant United States Attorney, Chief, General Crimes Section, 1996-1998
United States Attorney for the Central District of California, 1998-2001

- **O'Melveny & Myers LLP**
  Los Angeles, California
  Litigation partner, September 2001 - 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 such proceedings.

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

- January 1986 - September 1989. During this period, I served as an associate working on complex business litigation. I researched and drafted legal memoranda, conducted civil discovery, and assisted in pre-trial motion practice in matters pending in federal and state courts.
- September 1989 - January 1992 (estimated). During this period, I served as a prosecutor in the newly-created Asset Forfeiture Section of the United States Attorney's Office. I prosecuted cases to seize and forfeit property purchased with illegal proceeds or used to facilitate the commission of crimes. The majority of these cases targeted properties involved in or derived from narcotics trafficking or investment fraud.
- January 1992 - January 1993 (estimated). During this period, I served as a criminal prosecutor in the United States Attorney's Office. I prosecuted a wide array of criminal cases, including narcotics trafficking, immigration crimes, bank robberies and other violent crimes, and other federal offenses.
- February 1993 - January 1996 (estimated). During this period, I served as a criminal prosecutor in the Major Frauds Section of the United States Attorney's Office. I specialized in the prosecution of complex white collar fraud. I also served as Coordinator of the Telemarketing Fraud Task Force, a task force comprised of federal, state, and local law enforcement agencies focused on the investigation and prosecution of telemarketing fraud.
- January 1996 - December 1998. During this period, I served as the Chief of the General Crimes Section of the United States Attorney's Office. In that capacity, I trained and managed all incoming Assistant United States Attorneys in their prosecution of criminal cases, including in the areas of violent crime, immigration, narcotics trafficking, and fraud. I also continued to prosecute my own caseload in the area of white collar fraud.
- December 1998 - April 2001. During this period, I served as the United States Attorney for the Central District of California. I led an office of approximately 245 Assistant United States Attorneys in the largest federal judicial district in the nation. I oversaw the prosecution of cases in every area of federal law enforcement, including cases of public corruption, high-tech and computer-related crime, immigration, organized crime, investment fraud, violent crime, narcotics trafficking, and international money laundering. I also oversaw the office's Civil Division. I served as Vice Chair of the Attorney General's Advisory

Subcommittee on Civil Rights and as a member of the Subcommittee on Ethics in Government.

- September 2001 - Present. During this period, I have worked as a litigation partner in the firm of O'Melveny & Myers LLP. My practice has been devoted primarily to complex business litigation. I also lead internal investigations on behalf of companies and advise them and their Boards with respect to corporate compliance programs and other aspects of responsible corporate citizenship.

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

  - January 1986 - September 1989. During this period, I worked as an associate primarily on behalf of companies involved in business litigation.
  - September 1989 - April 2001. During this period, my only client was the United States. As noted above, I focused on federal law enforcement, handling or overseeing cases in every area of federal prosecution and developing particular expertise in the prosecution of white collar fraud.
  - September 2001 - present. During this period, I have represented primarily companies involved in business litigation. I also have handled internal investigations on behalf of both public and private companies.

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

  i. Indicate the percentage of your practice in:
     1. federal courts;
     2. state courts of record;
     3. other courts;
     4. administrative agencies

  ii. Indicate the percentage of your practice in:
     1. civil proceedings;
     2. criminal proceedings.

- January 1986 - April 1987 (estimated). I would estimate that, during this period, eighty percent of my litigation practice was in federal court and the remaining twenty percent was in state court. All of my litigation work was in civil proceedings. I did not appear in court.
- April 1987 - April 1989 (estimated). I would estimate that, during this period, virtually all of my litigation practice was in state court. All of my litigation work was in civil proceedings. I rarely, if ever, appeared in court.
- April 1989 - September 1989 (estimated). I would estimate that, during this period, virtually all of my work was in connection with a civil administrative proceeding. I did not appear in court.
- September 1989 - January 1992 (estimated). During this period, I served as an Assistant United States Attorney. All of my work was in federal court. I prosecuted quasi-criminal matters that were technically civil proceedings (the

civil forfeiture of property tied to violations of federal criminal law). I appeared in federal court on a weekly basis.

- January 1992 - January 1996 (estimated). During this period, I served as an Assistant United States Attorney. All of my work was as a federal criminal prosecutor. I appeared in federal court on a weekly basis.
- January 1996 - December 1998 (estimated). During this period, I served as an Assistant United States Attorney and the Chief of the General Crimes Section. In these capacities, I worked as a federal criminal prosecutor and as a supervisor of all new federal criminal prosecutors. I appeared in federal court on a weekly basis.
- December 1998 - April 2001 (estimated). During this period, I oversaw an office of federal criminal prosecutors and federal civil attorneys representing the United States. I would estimate that eighty to ninety percent of my work was in federal criminal proceedings and the remaining ten to twenty percent of my work was in federal civil proceedings. I did not appear in court.
- September 2001 - present. I would estimate that sixty to seventy percent of my work has been in civil proceedings, the great majority of which have been in state court. The remaining portion of my practice involves internal investigations or the representation of companies involved in civil or criminal government investigations. I appear in court infrequently.

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

i. What percentage of these trials were:
1. jury;
2. non-jury.

- As an Assistant United States Attorney prosecuting civil asset forfeiture cases, I was the sole trial attorney in approximately five cases tried to verdict, three of which were tried to a jury. I also was the supervising trial attorney in several additional civil asset forfeiture prosecutions tried to verdict.
- As an Assistant United States Attorney prosecuting criminal cases, I was the sole trial attorney in three criminal cases tried to a jury verdict; I was co-counsel in two cases tried to a jury verdict; and, I was the supervising trial attorney in approximately fifteen to twenty additional criminal prosecutions tried to a jury verdict.

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 appeared before the Supreme Court of the United States.

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

in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Amerco v. PricewaterhouseCoopers LLP*
Case Number CV2003-011032
Superior Court of the State of Arizona, County of Maricopa
Courtroom of the Honorable Mark W. Armstrong

Served as co-lead counsel for defendant PricewaterhouseCoopers in a sophisticated accounting malpractice case. Case was filed in 2003 and settled in approximately 2004.

Lead co-counsel in the case were:
Linda Smith
O'Melveny & Myers LLP
1999 Avenue of the Stars
8th Floor
Los Angeles, CA 90067
(310)246-6801

H. Michael Clyde
Brown & Bain P.A.
2901 North Central Avenue, Suite 2000
Phoenix, AZ 85012
(602) 351-8000

Principal counsel for plaintiff Amerco was:
Ronald Jay Cohen
Cohen Kennedy Dowd & Quigley
2425 East Camelback Road, Suite 1100
Phoenix, AZ 85016
(602) 252-8400

2. *American Interbanc Mortgage, LLC v. Bankrate, Inc. et al.*
Case Number 02 CC 04857
Superior Court of the State of California, County of Orange
Courtroom of the Honorable Robert H. Gallivan

Lead counsel in defense of an antitrust boycott case. Case was filed in 2002 and settled in approximately 2005 before trial.

Principal counsel for plaintiff American Interbanc were:
William D. Claster
Gibson, Dunn & Crutcher LLP

4 Park Plaza, Suite 1400
Irvine, CA 92614-8557
(949) 451-3800

Mary A. Dannelley
4 Park Plaza, Suite 100
Irvine, CA 92614
(949) 252-1600

3. *Geter v. Screen Actors Guild*
Case Number BC 297050
Superior Court of the State of California, County of Los Angeles
Courtroom of the Honorable Kenneth Freeman

Served as co-lead trial counsel for defendant Screen Actors Guild in an employment discrimination case. Case was tried to a jury and settled during trial in 2005.

Co-counsel were:
Catherine B. Pepe
c/o O'Melveny & Myers LLP (retired)
610 Newport Center Drive, 17th Floor
Newport Beach, CA 92660
(949) 760-9600

Eric Amdursky
O'Melveny & Myers LLP
2765 Sand Hill Road
Menlo Park, CA 94025
(650) 473-2644

Principal counsel for plaintiff Deborah Geter were:
Dan Stormer
Hadsell & Stormer, Inc.
128 North Fair Oaks Avenue, Suite 204
Pasadena, CA 91102-3645
(626) 585-9600

Rick Hicks and Eugenia Hicks
499 North Cannon Drive
Suite 307
Beverly Hills, CA 90210
(310) 472-8073

4. *United States v. Wanis Koyomejian et al.*
Case Number CR 89-189-CBM
Courtroom of the Honorable Consuelo B. Marshall
United States District Court for the Central District of California

Co-lead trial counsel in the prosecution of what was known as Operation Polar Cap, then one of the largest money laundering cases in U.S. history. The government proved that more than $300 million in narcotics proceeds were laundered through complex gold bullion transactions. 1993

There were more than ten defendants in the case. Only one of the defendants, Jimmy Contreras, went to trial; I obtained a conviction as the sole trial counsel in a re-trial of the case. The other defendants pled guilty.

Co Counsel was:

Richard Rathmann
Then Assistant United States Attorney
312 North Spring St.
Los Angeles, CA 90012

Defense attorneys:

Donald M. Re
660 South Figueroa Street
Suite 2109
Los Angeles, CA 90017
(213) 623-4234

Steve Cochran
Katten Muchin & Zavis
1999 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
(310) 788-4455

David Reed
8530 Wilshire Boulevard, Suite 404
Beverly Hills, CA 90211
(310) 854-5246

Jay Lichtman
3550 Wilshire Boulevard, Suite 2000
Los Angeles, CA 90010
(213) 386-3878

David McLane
Kaye, McLane & Bednarski LLP
128 N. Fair Oaks Avenue
Pasadena, CA 91103
(626) 844-7660

These are all of the counsel I have been able to identify.

5. *United States v. Heidi Fleiss*
Case Number CR 94-603-CBM
Courtroom of the Honorable Consuelo B. Marshall
United States District Court for the Central District of California

Co-lead trial counsel in the successful prosecution of Heidi Fleiss on charges of federal conspiracy, tax fraud, and money laundering charges. Defendant Fleiss was convicted at trial. 1995

My co-counsel was:
Mark C. Holscher
Kirkland & Ellis LLP
777 South Figueroa Street
Los Angeles, CA 90017

Trial counsel for defendant Heidi Fleiss were:

Robert C. Bonner
Thomas C. Holliday
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90071
(213) 229-7370

6. *United States v. Real Property located at 2401 Santiago Drive, Newport Beach, California*
Case Number CV 92-0099-RAG
Courtroom of the Honorable Richard A. Gadbois, Jr. (deceased)
United States District Court for the Central District of California

Prosecuted this and nine other related civil forfeiture actions against properties acquired by criminal defendant Steven D. Wymer. Wymer purchased or maintained these properties with the proceeds of his fraudulent institutional investment scheme. At the time, these actions together represented the largest white collar fraud forfeiture actions in the nation. The cases were resolved in the government's favor in 2003, before trial.

Defendant Steven Wymer's principal defense attorney were:

James D. Riddet
Stokke & Riddet
2677 North Main Street, Suite 100
Santa Ana, CA 92705
(714) 543-2700

Paul Gabbert
2115 Main Street
Santa Monica, CA 90405
(310) 399-3259

7. *United States v. Anthony Edwards et al.*
Case Number CR 95-1197-GHK
Courtroom of the Honorable George H. King (earlier pending in the courtroom of the Honorable James M. Ideman, retired)
United States District Court for the Central District of California

Sole prosecutor of twelve defendants who participated in a fraudulent telemarketing operation. Losses exceeded $1.6 million. Leaders of the telemarketing operation as well as every salesman who could be identified were prosecuted. All of the defendants pled guilty in 1995-1996.

Defense attorneys for the lead defendants were:

Michael D. Nasatir
2119 Main Street
Santa Monica, CA 90405
(310) 399-3259

Michael Lightfoot
Crowell Moring LLP
800 Wilshire Boulevard, Suite 500
Los Angeles, CA 90017
(213) 622-4750

These are all of the counsel I have been able to identify.

8. *United States v. David Stafford et al.*
Case Number CR 94-088-JGD (and related cases)
Courtroom of the Honorable John G. Davies (retired)
United States District Court for the Central District of California

Sole prosecutor of five telephone salesmen involved in a $16 million telemarketing fraud. All five defendants pled guilty in 1994.

The most prominent defense attorneys were:

Brian Sun
Jones Day LLP
555 South Flower Street, 50th Floor
Los Angeles, CA 90071
(213) 248-2858

Richard Steingard
Sheppard , Mullin, Richter & Hampton
333 South Hope Street, 48th Floor
Los Angeles, CA 90071
(213) 620-1780

Christopher Caldwell
Caldwell, Leslie & Proctor
1000 Wilshire Boulevard, Suite 600
Los Angeles, CA 90017
(213) 629-9040

Michael D. Nasatir
Nasatir, Hirsch & Podberesky
2115 Main Street
Santa Monica, CA 90405
(310) 399-3259

Gary Lincenberg
Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg
1875 Century Park East, 23rd Floor
Los Angeles, CA 90067
(310) 201-2100

These are all of the counsel I have been able to identify.

9. *United States v. Lissa Yuson et al.*
Case Number CR 96-818-R
Courtroom of the Honorable Manuel L. Real
United States District Court for the Central District of California

Lead prosecutor of individuals involved in health care fraud and insurance fraud. Defendants Lissa Yuson and Alex Yuson operated medical clinics located in Southern and Northern California. Through these medical clinics, the defendants processed fraudulent personal injury claims. Three defendants pled guilty. 1996

Defense counsel included:

Paul Potter
Potter, Cohen & Samulon
3852 East Colorado Boulevard
Pasadena, CA 91107
(626) 795-6081

Robin Scroggie
Last known information:
333 South Grand Avenue
37th Floor
Los Angeles, CA 90071
(213) 620-9576

Stephen Webber
Last known information:
3435 Wilshire Boulevard, Suite 1800
Los Angeles, CA 90010

These are all of the counsel I have been able to identify.

10. *United States v. Hugo Rincon*
Decision published at 28 F.3d 921 (9th Cir. 1994).
Ninth Circuit Judges Clifford Wallace, Stephen Trott, T.G. Nelson

Successfully briefed in the Ninth Circuit the basis of excluding at trial a defense witness who intended to testify as an expert in the field of eyewitness identification. Defendant's conviction was affirmed in the Ninth Circuit's published opinion.

The defense attorney was:

Deputy Federal Public Defender Neison Marks
Former telephone number: (213) 894-2854

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.)

- My most significant legal activity has been my work as a federal prosecutor in the United States Attorney's Office for the Central District of California. I served as the United States Attorney, the Chief of the General Crimes Section, as a line criminal prosecutor in the Major Frauds Section, and as a civil prosecutor in the Asset Forfeiture Section. As the United States Attorney I led approximately 245 Assistant United States Attorneys in their prosecution of criminal and civil cases and their defense of the United States. As the Chief of the General Crimes Section, I trained and managed all incoming Assistant United States Attorneys in their prosecution of criminal cases in many areas of federal law enforcement, including violent crime, immigration, narcotics trafficking, and fraud.

- I am currently serving as lead counsel in significant pending civil litigation. One example of the pending litigation in which I serve as lead counsel for the defendant is:
    - *Vietnam Telecom International v. Qwest Communications International Inc. et al.* Case Number BC 364137, Superior Court of the State of California, County of Los Angeles, Courtroom of the Honorable Joanne O'Donnell, Department 37. This is a complex civil litigation in which a Vietnamese state-owned telephone company alleges fraud in the inducement of a telecommunications contract.

- I also advise companies cooperating in law enforcement's regulatory or criminal investigations.

- I have not performed lobbying activities.

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

    - In approximately 1996-1997, I served as an Adjunct Professor of trial advocacy at Loyola Law School in Los Angeles, California.

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.

- Pursuant to the O'Melveny & Myers LLP Partnership Agreement, if I were to withdraw from the partnership for government service I would receive the following: (1) The return of my capital contribution, less deductions for monies and taxes owed, three months after the end of the month I withdraw from the firm. This payment would be fixed before I leave the firm and, while its precise amount is not yet certain, the approximate amount is $147,781; (2) A lump sum payment of approximately 60% of the average amount I earned in the three years preceding my withdrawal from the firm, reduced to present value and less deductions for the O'Melveny retirement plans. This payment would be received on my last day with the firm and, while its precise amount is not yet certain, the approximate amount is $738,351; (3) A pro-rata payment of partnership income covering the period from 2/1/09 through to my last day of employment with the firm, less deductions for O'Melveny retirement plans. This amount is not yet certain. In addition, as a participant in the O'Melveny Client Equity Investment Program, I would receive the value of my participation in the plan on the last day of my employment with the firm, the approximate value of which is $1,117.07.

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.

    - I have none.

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).

    - Copy of Form SF278 attached as Exhibit E.

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

    - See Attached Statement.

22. **Potential Conflicts of Interest**:

    a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

    - In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security'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 and that 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 Department of Homeland Security'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 and that 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.

- My extensive pro bono work on behalf of the disadvantaged is reflected in my service on the Boards of Directors of numerous community organizations (See response to question 7). Most notably, I serve as Chairman of the Board of Directors of Bet Tzedek Legal Services, an organization in Los Angeles, California dedicated to providing access to justice to the poor, and as a member of the Board of Directors of United Friends of the Children, an organization in Los Angeles, California dedicated to assisting foster youth in their transition to independent living. I have performed a considerable amount of pro bono legal work for United Friends of the Children, including my successful defense at trial of a foster youth who was mistakenly charged with a criminal offense.

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	$558,911.31			Notes payable to banks-secured			
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities-add schedule	$68,259.00			Notes payable to relatives			
Unlisted securities--add schedule				Notes payable to others			
Accounts and notes receivable				Accounts and bills due – Chase Credit Card bill AAA Auto Insurance bill	$6,493.87 $2,095.63		
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule	$1,847,375.00		
Real estate owned-add schedule	$2,700,000			Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property	$89,755.00			Liability in connection to sale of O'Melveny & Myers LLP building – This loss involves the sale of a building owned in partnership by the firm. My share of the loss will be deducted from monies I receive on my departure from the firm.	$299,828.00		
Cash value-life insurance							
Other assets itemize:							
Law Partnership capital account	$467,659.00						
Government TSP	$165,342			Total liabilities	$2,155,792.50		
401K Account	$295,390.77			Net Worth	$2,524,144.58		
Defined Benefit – O'Melveny & Myers	$334,620						
Total Assets	$4,679,937.08			Total liabilities and net worth	$4,679,937.08		

CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts	$1,962			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

SCHEDULES

ASSETS - LISTED SECURITIES

SECURITY	VALUE
CISCO SYSTEMS	$13,461
CITIGROUP	$1,404
GENERAL ELECTRIC	$13,670
GUARANTY BANCORP	$1,050
INTEL	$6,416
MAGUIRE PROPERTIES	$1,008
MICROSOFT	$7,956
OPTIMAL GROUP	$17,750
PFIZER	$5,544

REAL ESTATE OWNED

PERSONAL RESIDENCE, LOS ANGELES, CA	$2,700,000.00

REAL ESTATE MORTGAGES

CITI MORTGAGE (for personal residence)	$1,847,375.00

<u>AFFIDAVIT</u>

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

MAY 27, 2009
(DATE)

Alejandro N Mayorkas
(NAME)

Karen R Williamson
(NOTARY)

LA2:885003.2

Karen R. Williamson
Notary Public, District of Columbia
My Commission Expires 2/28/2011