

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Michael Peter Shea

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

United States District Judge for the District of Connecticut

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.

Day Pitney LLP
242 Trumbull Street
Hartford, Connecticut 06103

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

1967; Hartford, Connecticut

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.

1990 – 1993, Yale Law School; J.D., 1993
1985 – 1989, Amherst College; B.A. (*summa cum laude*), 1989
1988, Harvard College (visiting student); no degree awarded

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.

1998 – Present
Day Pitney LLP (formerly Day, Berry & Howard LLP)
242 Trumbull Street
Hartford, Connecticut 06103

Partner (2003 – Present)
Associate (1998 – 2002)

1994 – 1995; Summer 1998
Cleary, Gottlieb Steen & Hamilton LLP
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Associate

1995 – 1998
Cleary, Gottlieb Steen & Hamilton LLP
Rue de la Loi, 57
Brussels, Belgium 1040
Associate

1993 – 1994
U.S. Court of Appeals for the District of Columbia Circuit
333 Constitution Avenue, N.W.
Washington, D.C. 20001
Law Clerk to the Hon. James Buckley

1992 – 1993
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, Connecticut 06103
Law Clerk

Summer 1992
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, Connecticut 06103
Summer Associate

Summer 1992
O'Melveny & Myers LLP
1625 Eye Street, N.W.
Washington, D.C. 20006
Summer Associate

Summer 1991
Wiggin & Dana LLP
One Century Tower
265 Church Street
P.O. Box 1832
New Haven, Connecticut 06508
Summer Associate

1989 – 1990
Congressional Quarterly (now known as CQ Roll Call)
77 K Street, N.E.
Washington, D.C. 20002
Editorial Assistant

1989 – 1990
Princeton Review
1776 Massachusetts Avenue, NW #125
Washington, D.C. 20003
Part-time Instructor (SAT and LSAT)

Summer 1989
Office of Congresswoman Barbara B. Kennelly
Longworth House Office Building
Washington, D.C. 20515
Lyndon Baines Johnson Fellow

Other Affiliations (Uncompensated):

2009 – Present
Connecticut Supreme Court Historical Society
The Society does not have an address
Treasurer

Approx. 2005 – Present
Yale Law School Alumni Association of Central Connecticut
The Association does not have an address
Vice-President

2004 – 2005
Connecticut Law Tribune
201 Ann Uccello Street, 4th Floor
Hartford, Connecticut 06103
Columnist

2003 – 2005
Nutmeg Big Brothers Big Sisters
30 Laurel Street, Suite 3
Hartford, Connecticut 06106
Board Member

1999 – 2002
Oliver Ellsworth Inn of Court

The Inn does not have an address
Secretary

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

I have not served in the military. I registered for selective service upon turning 18.

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.

Professional Honors/Awards:

Recipient of 2008 Connecticut Bar Association Pro Bono Award
Recipient of 2006 Hartford County Bar Association Pro Bono Award
Listed in Best Lawyers in America (Antitrust and Appellate Practice)
Listed in Best Lawyers in New York Region (Appellate Practice)
Listed in New England and Connecticut Super Lawyers and Super Lawyers Corporate Counsel Edition (Appellate Practice)
James W. Cooper Fellow, Connecticut Bar Foundation

Academic Awards/Distinctions:

Yale Law School:

Recipient of Raphael Lemkin Prize for Best Paper in International Human Rights
Senior Editor, Yale Law Journal

Amherst College:

Phi Beta Kappa
Jeffrey J. Carre Award (for academic excellence in the French Department)

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
Antitrust Section (Approx. 2002 – Present)
Council of Appellate Lawyers (Approx. 2004 – Present)

Connecticut Bar Association
Antitrust Section, Chair (2008 – 2011)
Appellate Practice Committee

Connecticut Bar Foundation, James W. Cooper Fellows Program, Fellow

Connecticut Supreme Court Historical Society
Treasurer (2009 – Present)
Programs Committee Co-Chair (2005 – 2009)

Hartford County Bar Association

New England Legal Foundation, Connecticut Advisory Council (2009 – Present)

Oliver Ellsworth Inn of Court
Secretary (1999 – 2002)

Standing Committee on Recommendations for Admission to the Bar, Hartford County
(2001 – 2009)

U.S. Court of Appeals, Second Circuit, Criminal Justice Act Panel (2004 – 2007)

U.S. District Court for the District of Connecticut, Criminal Justice Act Panel (2000 –
2005)

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.

Connecticut, 1993
District of Columbia, 1995

There have been no lapses in membership.

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

Supreme Court of the United States, 2005
United States Court of Appeals for the First Circuit, 2003
United States Court of Appeals for the Second Circuit, 2001
United States Court of Appeals for the Third Circuit, 2006
United States Court of Appeals for the Fourth Circuit, 2009
United States Court of Appeals for the District of Columbia Circuit, 2002

United States District Court for the District of Connecticut, 1998

There have been no lapses in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Civil Liberties Union (Approx. 2009 – 2010)

Nutmeg Big Brothers Big Sisters
Board Member (2003 – 2005)

Swift's Inn (Lunch group of lawyers and judges) (2011 – Present)

Winding Trails (Recreational Association) (Approx. 2005 – 2008)

Yale Law School Alumni Association of Central Connecticut
Vice-President (2005 – Present)

Yale Law School Association
Executive Committee (2010 – 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.

To my knowledge, none of the organizations listed in response to 11a above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin.

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.

The following list is complete, to the best of my knowledge, based on my recollection and thorough searches of my files and electronic databases.

With Elizabeth Leaderman, "Antitrust and Insurers: A World Without McCarran," *Insurance And Financial Services Committee Newsletter* (American Bar Association, Antitrust Section), Spring 2010. Copy supplied.

With Erick Sandler, "Is it Time to Change Certiorari Process at the Supreme Court?" *For The Defense*, Nov. 2009. Copy supplied.

With Erik Beard, "Resident Privilege: When Municipalities Favor Their Own in Granting Access to Public Spaces," *Municipal Lawyer*, Mar./Apr. 2009. Copy supplied.

"Allow Prompt Appeals," *National Law Journal*, Apr. 13, 2009. Copy supplied.

With Daniel Foster, "Putting the Horse Back in Front of the Cart: Reexamining the Joint Appendix Rule for Appeals in Federal Court," *For the Defense*, Apr. 2009. Copy supplied.

The Appellate Advocate, Day Pitney Newsletter (Editor), Feb. 6, 2009. Copy supplied.

With Daniel Foster, "Supreme Court Grants Certiorari to Clarify Appealability of Remand Orders," *Day Pitney Appellate Alert*, Oct. 16, 2008. Copy supplied.

The Appellate Advocate, Day Pitney Newsletter (Editor), Oct. 12, 2007. Copy supplied.

With Howard Fetner, "The Connecticut Supreme Court Confronts the Dilemma of 'General Economy' Damages and Duplicative Recoveries," *The Insurance Policy* (American Bar Association, Antitrust Section), Fall 2007. Copy supplied.

"Philip Morris: No U.S. Agent," *National Law Journal*, Apr. 23, 2007. Copy supplied.

The Appellate Advocate, Day Pitney Newsletter (Editor), Apr. 13, 2007. Copy supplied.

With Alfred Marks, "Life Without Interlocutory Relief," *New York Law Journal*, Oct. 11, 2005. Copy supplied.

“Interlocutory Review of Privilege Issues,” *Connecticut Law Tribune*, Mar. 30, 2005. Copy supplied.

“Appealing Class Certification Rulings,” *Connecticut Law Tribune*, Nov. 15, 2004. Copy supplied.

“Supreme Court Faces Tough Sentence Choice,” *Connecticut Law Tribune*, Oct. 4, 2004. Copy supplied.

“When Less Is More: Picking Winning Issues,” *Connecticut Law Tribune*, Aug. 30, 2004. Copy supplied.

“Lifting the No-Cite Rule,” *Connecticut Law Tribune*, Aug. 9, 2004. Copy supplied.

“Justice Delayed is Justice Denied,” *Connecticut Law Tribune*, July 28, 2004. Copy supplied.

“Martha Moves the Law,” *Connecticut Law Tribune*, May 24, 2004. Copy supplied.

“What’s Right with Our Legal System,” *Hartford Courant*, May 14, 2004. Copy supplied.

“Certification of State Law Questions,” *Appellate Advocacy Committee Newsletter*, Winter 2004. Copy supplied.

With Michael Parets, “Defending Against Pro Se Appeals in the Second Circuit,” *New York Law Journal*, Oct. 14, 2003. Copy supplied.

“Back to the Wellspring: Does Extending Noerr-Pennington Immunity to Settlements Foster the First Amendment Right to Petition the Government?” , *Exemptions & Immunities Committee Newsletter* (American Bar Association, Antitrust Section), Feb. 2003. Copy supplied.

Letter to the Editor, “Charter Editorial Raises Eyebrows,” *Hartford Courant*, Nov. 28, 2000. Copy supplied.

With Stanley Twardy Jr., “Anti-Kickback Anxiety,” *Business Law Today* May/June 2000. Copy supplied.

With Stanley Twardy Jr., “Kicking Back at Anti-Kickback,” *Legal Times*, Sept. 20, 1999. Copy supplied.

“The Bench Jockey Rules,” *Legal Times*, May 18, 1998. Copy supplied.

With Maurits Dolmans, "EC Competition Rules and Telecommunications," *International Computer Law*, Nov. 1997. I have been unable to obtain a copy.

"Turning Villains into Victims," *Legal Times*, May 5, 1997. Copy supplied.

"Attorney-Operated Jury Picking," *Legal Times*, July 15, 1996. Copy supplied.

With Mark Leddy, "Reaching Consent Under a Judicial Shadow," *Legal Times*, Apr. 10, 1995. Copy supplied.

"Expanding Judicial Scrutiny of Human Rights in Extradition Cases after Soering," *Yale J. of Int'l Law*, Winter 1992. Copy supplied.

"Capitol Hill Reaffirms Support for Mandela and Sanctions," *Congressional Quarterly Weekly Report*, June 30, 1990. Copy supplied.

"Targeting of Navy 'Homeports' Puts Politicians on Spot," *Congressional Quarterly Weekly Report*, May 26, 1990. Copy supplied.

"A Look at the 1990 Census," *Congressional Monitor*, Apr. 30, 1990. Copy supplied.

"Immigration Law Sanctions Hurt Minority Job Seekers," *Congressional Monitor*, Apr. 2, 1990. Copy supplied.

"House Panel Seeks Criminal Penalties," *Congressional Quarterly Weekly Report*, Mar. 31, 1990. Copy supplied.

"As Compact Comes Up Short, Islands in Holding Pattern," *Congressional Quarterly Weekly Report*, Mar. 10, 1990. Copy supplied.

"Pretoria's Reforms Take Sting Out of New Sanctions Drive," *Congressional Quarterly Weekly Report*, Feb. 10, 1990. Copy supplied.

"Indians Skeptical of Report Urging Program Overhaul," *Congressional Quarterly Weekly Report*, Jan. 13, 1990. Copy supplied.

"Former HUD Secretary Pierce May Face Special Prosecutor," *Congressional Quarterly Weekly Report*, Dec. 9, 1989. Copy supplied.

"Congress Finally Clears Way for Limited Independence," *Congressional Quarterly Weekly Report*, Dec. 2, 1989. Copy supplied.

With Phil Kuntz, "Pierce Again Cites Fifth Amendment," *Congressional Quarterly Weekly Report*, Oct. 28, 1989. Copy supplied.

“The D.C. Central Kitchen,” *The Hill Rag*, Oct. 20, 1989. Copy supplied.

Letter to the Editor, “Commentary on Surrogacy Overlooked Several Points,” *Connecticut Law Tribune*, July 31, 1989. 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.

Annual Report of the Antitrust & Trade Regulation Section of the Connecticut Bar Association (2008). Copy supplied.

Approx. 1997 or 1998: To the best of my recollection, I contributed to an analysis of the draft criminal code for the Republic of Lithuania by the Central and East European Law Initiative of the American Bar Association (now known as the ABA Rule of Law Initiative). I have been unable to obtain a copy of this report.

November 1997: I contributed to an analysis of the draft criminal procedure code for the Kyrgyz Republic by the Central and East European Law Initiative of the American Bar Association (now known as the ABA Rule of Law Initiative). Copy of the report supplied.

- 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.

March 11, 2009: On behalf of the Bridgeport Roman Catholic Diocese, I testified before the Judiciary Committee of the Connecticut General Assembly with regard to Raised Bill 1098, which would have amended Connecticut’s religious corporation statutes to alter the governance structure of Roman Catholic parishes in Connecticut. A copy of my statement to the Committee is supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have spoken at various bar events on antitrust, appellate practice, and other topics, and I have introduced speakers at bar events. I have listed below all those I can remember after searching my calendars and personal files. It has not been my practice to write my remarks out verbatim in advance or to maintain the notes that I have prepared in advance of such talks. Where I have maintained copies of notes or outlines, I have so indicated below and supplied copies.

October 4, 2011: I spoke as a visiting lecturer in a class on appellate advocacy at Yale Law School. My remarks focused on preparing the record for appeal and appellate motions. Notes supplied.

October 27, 2010: I spoke as a visiting lecturer in a class on appellate advocacy at Yale Law School. My remarks focused on oral argument. Notes supplied.

May 13, 2010: I introduced candidates for Connecticut Attorney General at a forum sponsored by the Antitrust Section of the Connecticut Bar Association. My remarks provided a brief biographical sketch of each candidate before the candidate addressed the audience. I have no notes, transcript or recording. The Connecticut Bar Association is located at 30 Bank Street, P.O. Box 350, New Britain, Connecticut 06050.

May 12, 2010: CLE Client presentation on electronic discovery and document preservation. New York, New York. The materials are confidential.

April 13, 2010: Training session for Day Pitney associates on motion practice. My remarks focused on the basics of dispositive motion practice in the trial courts. I have no notes, transcript or recording. Day Pitney is located at 242 Trumbull Street, Hartford, Connecticut, 06103.

November 5, 2009: I introduced Leonard Gordon, Director, Northeast Regional Office, Federal Trade Commission, at a dinner meeting of the Antitrust Section of the Connecticut Bar Association. I provided a brief biographical sketch of Mr. Gordon before he addressed the audience. I have no notes, transcript or recording. The Connecticut Bar Association is located at 30 Bank Street, P.O. Box 350, New Britain, Connecticut 06050.

May 1, 2009: Training session for Day Pitney associates on appeals. My remarks for junior attorneys at the firm focused on the basics of appellate practice. I have no notes, transcript or recording. Day Pitney is located at 242 Trumbull Street, Hartford, Connecticut, 06103.

April 23, 2009: I introduced J. Thomas Rosch, Commissioner of the Federal Trade Commission, at a dinner meeting of the Antitrust Section of the Connecticut Bar Association. I provided a brief biographical sketch of Mr. Rosch before he addressed the audience. I have no notes, transcript or recording. The

Connecticut Bar Association is located at 30 Bank Street, P.O. Box 350, New Britain, Connecticut 06050.

October 23, 2008: I introduced the Hon. Peter Zarella, Associate Justice of the Connecticut Supreme Court, and Attorney Wesley Horton of Horton, Shields & Knox, at a meeting of the Connecticut Supreme Court Historical Society. I provided brief biographical sketches of Justice Zarella and Attorney Horton before they addressed the audience. I have no notes, transcript or recording. The Connecticut Supreme Court Historical Society does not have an address.

Approx. September 25, 2008: I spoke as a visiting lecturer to a University of Connecticut Law School class on insurance law. The focus of my remarks was antitrust issues raised by investigations of the insurance brokerage industry. Notes supplied.

Approx. May 2008: I introduced Jerry Farrell Jr., Commissioner of the Connecticut State Department of Consumer Protection, at a dinner meeting of the Antitrust Section of the Connecticut Bar Association. I provided a brief biographical sketch of Mr. Farrell before he addressed the audience. I have no notes, transcript or recording. The Connecticut Bar Association is located at 30 Bank Street, P.O. Box 350, New Britain, Connecticut 06050.

January 28, 2008: I introduced Kenneth Glazer, then-Deputy Director of the Federal Trade Commission's Bureau of Competition, at a dinner meeting of the Antitrust Section of the Connecticut Bar Association. I provided a brief biographical sketch of Mr. Glazer before he addressed the audience. I have no notes, transcript or recording. The Connecticut Bar Association is located at 30 Bank Street, P.O. Box 350, New Britain, Connecticut 06050.

October 11, 2007: I introduced the Hon. Henry Cohn, Judge of the Connecticut Superior Court, at a meeting of the Connecticut Supreme Court Historical Society. I provided a brief biographical sketch of Judge Cohn before he addressed the audience. I have no notes, transcript or recording. The Connecticut Supreme Court Historical Society does not have an address.

June 22, 2007: I was part of a panel presentation sponsored by the Fairfield County Bar Association entitled, "Appellate Tips for Family Lawyers." The substance of my remarks concerned appellate issues that commonly arise in family law cases. PowerPoint slides that include my notes supplied.

May 31 and June 18, 2007: I gave presentations for Day Pitney attorneys entitled, "Federal Appellate Practice for Trial Lawyers." PowerPoint slides that include my notes supplied.

May 10, 2007: I introduced Seth Waxman, former Solicitor General of the United States and a partner at Wilmer Hale LLP, as keynote speaker at the annual

meeting of the Connecticut Supreme Court Historical Society. A video recording of the event is available at:

http://www.jud.ct.gov/HistoricalSociety/event_archive.htm.

October 25, 2006: I was part of a panel presentation sponsored by the Connecticut Defense Lawyers Association and entitled, "Appellate Practice for Trial Lawyers." Cromwell, Connecticut. PowerPoint slides that include my notes supplied.

August 28, 2006: Presentation for Safeco Insurance attorneys on preserving appellate rights in civil jury trials. Farmington, Connecticut. Outline supplied.

May 16, 2006: I introduced Akhil Amar, Sterling Professor of Law, Yale Law School, as keynote speaker at the annual meeting of the Connecticut Supreme Court Historical Society. I provided a brief biographical sketch of Mr. Amar before he addressed the audience. I have no notes, transcript or recording. The Connecticut Supreme Court Historical Society does not have an address.

May 3, 2006: Training session for Day Pitney attorneys on preserving error in the trial court. My remarks focused on preserving the record. Notes supplied.

April 20, 2006: I gave a presentation at a seminar in Hartford, Connecticut sponsored by the National Business Institute and entitled, "Preserving Your Right to Appeal: Essential Trial and Post-Trial Motions in Connecticut Civil Practice." My remarks focused on post-verdict motions. Presentation materials supplied.

November 16, 2005 and November 14, 2006: Training session for Day Pitney associates on going to court. My remarks for junior attorneys at the firm focused on preparation techniques and what to expect in the courtroom. I have no notes, transcript or recording. Day Pitney is located at 242 Trumbull Street, Hartford, Connecticut, 06103.

November 2, 2005: I gave a presentation at a seminar sponsored by the Connecticut Defense Lawyers Association concerning interlocutory appeals. Hartford, Connecticut. Notes and PowerPoint slides supplied.

Approx. September or October 2005: I gave a presentation at a seminar sponsored by the Connecticut Defense Lawyers Association concerning appeals of discovery orders. Hartford, Connecticut. PowerPoint slides supplied.

February 24, 2005: I spoke at a dinner meeting of a Connecticut Bar Association section regarding *Kelo v. City of New London*. I have no notes, transcript or recording, and I do not remember the substance of the remarks or the identity of the Connecticut Bar Association section involved. The Connecticut Bar Association is located at 30 Bank Street, P.O. Box 350, New Britain, Connecticut 06050.

May 28, 2004: I spoke in remembrance of my father, the late Hon. David M. Shea, formerly Associate Justice of the Connecticut Supreme Court, at a memorial service held by the Hartford County Bar Association. I have no notes, transcript or recording. The Hartford County Bar Association is located at 100 Pearl Street, 4th Floor, Hartford, Connecticut 06103.

May 11, 2004: Training session for Day Pitney associates on appeals. My remarks focused on the basics of appellate practice. Copy of notes supplied.

Approx. Spring 2004: Presentation for St. Paul/Travelers attorneys on appellate issues in subrogation cases. Hartford, Connecticut. Materials supplied.

November 16, 2003: Training session for Day Pitney associates on motion practice. My remarks for junior attorneys at the firm focused on preparation techniques and what to expect in the courtroom during motion practice. I have no notes, transcript or recording. Day Pitney is located at 242 Trumbull Street, Hartford, Connecticut 06103.

October 30, 2003: Presentation on "Noerr-Pennington and Settlements" during a brown bag lunch event, American Bar Association Antitrust Section. I have no notes, transcript or recording. The address of the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

Approx. October 2001: I gave a presentation to the Oliver Ellsworth Inn of Court on lawyers helping other lawyers who are impaired. Hartford, Connecticut. Notes supplied.

Approx. Winter 1998-1999: Training session for Connecticut paralegals group concerning responding to Government investigations. Cromwell, Connecticut. 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.

These articles and other materials reflecting interviews are those I have been able to find after a search of my personal records and electronic databases. I have not included articles that quoted statements I made in court or in publicly filed papers such as legal briefs.

Approx. May 9, 2011: I gave a brief television interview concerning a settlement of thirty-three cases against Saint Francis Hospital and Medical Center arising from allegations of sexual abuse by the late Dr. George Reardon. I do not recall

the name of the reporter to whom I spoke and I have been unable to obtain a copy of the video of the interview.

Thomas B. Scheffey, "Anatomy of A Firestorm," *Connecticut Law Tribune*, Mar. 16, 2009. Copy supplied.

Lisa van der Pool, *Survey: More Companies Will Move Legal Work In-House*, *Boston Business Journal*, July 14, 2008. Copy supplied.

Mark Zaretsky, "E. Haven Cops Cleared in Brutality Suit," *New Haven Register*, June 2, 2008. Copy supplied.

Ben Heath, "Kempner Wants Judge to Reconsider Greenwich Beach Ruling," *Stamford Advocate*, May 27, 2008 (reprinted in multiple outlets). Copy supplied.

Approx. April 16, 2008: I gave a brief television interview to Cable News Channel 12 concerning *Kempner v. Town of Greenwich*, a lawsuit challenging beach access fees in which I was representing the Town. I do not know the name of the reporter to whom I spoke, I do not know if the interview or any quote was ever aired, and I have been unable to obtain a copy of the video of the interview.

Michael Dinan, "Library to Allow Speaker's Visit," *Greenwich Time*, Feb. 14, 2008. Copy supplied.

October 6, 2007: I gave a radio interview on the program, "Law Talk," a program sponsored by the Hartford County Bar Association that aired on WTIC 1080 AM. My remarks concerned appeals and appellate practice. I have been unable to obtain any recording of the interview.

Alison Leigh Cowan, "Parish Falls Out of Step, and Favor, with Diocese," *New York Times*, July 7, 2007. Copy supplied.

Thomas B. Scheffey, "Mother's Helpers," *Connecticut Law Tribune*, July 31, 2006. Copy supplied.

Approx. July 2005: I gave a radio interview to a reporter for Connecticut Public Radio concerning the U.S. Supreme Court's decision in *Kelo v. City of New London*. I do not recall the name of the reporter and have been unable to obtain any recording of the interview.

Anthony Cronin, "Justice O'Connor Attacks Ruling in Stinging Dissent," *New London Day*, June 24, 2005. Copy supplied.

Kate Moran, "Handicapping the Kelo Case Is A Difficult Call," *New London Day*, June 12, 2005. Copy supplied.

Tony Mauro, "Supremes Take Bite Out of Sentencing Guidelines," *Connecticut Law Tribune*, Jan. 17, 2005. Copy supplied.

"Computer-Related Theft Provides Opportunity for Cyber Crooks," *Hartford Business Journal*, July 5, 2001. I have been unable to obtain a copy.

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 served as a judge.

- 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 served as a judge.

- 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.

2001 – 2009

Standing Committee on Recommendations for Admission to the Bar, Hartford County, Member

First appointed by the Honorable Robert Beach, Judge, Connecticut Appellate Court; re-appointed by the Judges of the Superior Court

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

I have never held a paid position with any political campaign, organization or political entity. Over the years, I have volunteered for various activities and fundraising events on behalf of candidates for elective office. Specifically, I served on informal, ad hoc committees that sponsored fundraising events for United States Senate candidate Michael Bennet in 2009 and 2010. In the summer of 1988, I was a part-time volunteer for the United States Senate campaign of Joseph Lieberman, assisting with office tasks and administrative work at campaign appearances.

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;

1993 – 1994; I served as a law clerk to the Honorable James L. Buckley, Judge of the United States Court of Appeals for the District of Columbia Circuit.

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

I have never 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.

1994 – 1995; Summer 1998
Cleary Gottlieb, Steen & Hamilton LLP
2000 Pennsylvania Avenue, N.W.
Washington, D.C.
Associate

1995 – 1998
Cleary, Gottlieb Steen & Hamilton LLP
Rue de la Loi, 57

Brussels, Belgium 1040
Associate

1998 – Present
Day Pitney LLP (formerly known as Day, Berry & Howard LLP)
242 Trumbull Street
Hartford, Connecticut 06103
Associate (1998 – 2002)
Partner (2003 – 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 never 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.

In October 1994, I joined Cleary, Gottlieb Steen & Hamilton in Washington, D.C., where I worked primarily on civil and criminal antitrust matters. My responsibilities included drafting pleadings and coordinating responses to civil discovery and to a grand jury subpoena in a large criminal investigation of price fixing.

In October 1995, I was appointed to Cleary Gottlieb's Brussels, Belgium office, where I continued to work on antitrust matters, including European Union antitrust matters, as well as, to a lesser extent, international business transactions in Eastern Europe and Africa. My primary responsibilities included drafting briefs in antitrust matters with the European Commission and in an appeal to the European Court of First Instance. In the summer of 1998, I returned to Cleary's Washington, D.C. office, where I assisted in defending a corporate client in a large money-laundering prosecution.

In September 1998, I returned to Connecticut, accepting a position as an associate at Day, Berry & Howard, now known as Day Pitney. My career at Day Pitney has spanned a broad range of civil and criminal litigation. My practice has included trials and appeals in commercial, civil rights, personal injury, criminal, family, and other cases.

During my first six years at Day Pitney, I devoted at least half of my practice to criminal defense work, including representing corporations and individuals in the defense of white-collar criminal investigations and

prosecutions, and representing indigent criminal defendants on a pro bono basis and under the Criminal Justice Act. Since 2004, my practice has shifted away from criminal defense work, and is currently devoted almost exclusively to civil litigation.

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

As an Associate at Cleary Gottlieb, I represented large, corporate clients involved in antitrust litigation or investigations. I also represented an individual in a pro bono housing case in the D.C. Superior Court.

At Day Pitney, I have represented a wide range of clients, including large corporations, non-profit entities, municipalities, and individuals, including indigent individuals whom I have represented in pro bono matters.

My litigation practice at Day Pitney has been wide-ranging and has evolved over the years, but taken as a whole, it has focused on matters that can be grouped into five categories: (1) antitrust and health care litigation with governmental entities and private parties, and investigations by governmental entities (such as State Attorneys General and the Federal Trade Commission); (2) other commercial litigation, including contractual disputes and securities cases; (3) mass tort cases; (4) First Amendment cases; and (5) criminal matters, including grand jury investigations of corporations and individuals and representation of indigent criminal defendants in federal and state courts. I also currently serve as Chair of the firm's Appellate Practice Group. Since becoming a partner in January 2003, I have devoted a substantial portion of my practice to appeals, coupling this with trial work. In the past decade, I have argued twenty appeals, including six at the U.S. Court of Appeals for the Second Circuit.

- 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.

About half of my practice at Cleary Gottlieb was devoted to litigation, with the other half consisting of antitrust counseling and business transactions.

At Day Pitney (and Day Berry & Howard), virtually all of my practice has been devoted to litigation, although I have occasionally done some antitrust and insurance regulatory counseling.

My practice at Day Pitney has been approximately half in the federal courts and half in the state courts. I appear regularly in court. In 2011, for example, I estimate that I appeared in court for substantive arguments (i.e., excluding status conferences and mediations) approximately eight times. For some years

(especially when I first arrived at the firm), the figure is lower; in years in which I have had long trials (e.g., 2001 and 2004), the figure is higher. I have also appeared at evidentiary hearings at the Connecticut Freedom of Information Commission and the Connecticut Insurance Department.

The percentages below reflect estimates of my practice over the past decade.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: approx. 50%
 - 2. state courts of record: approx. 50%
 - 3. other courts: <1%
 - 4. administrative agencies: <1%

- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 75%
 - 2. criminal proceedings: 25%

- 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 to verdict, judgment or final decision nine cases. I was sole counsel in one of these, chief counsel in four, and associate counsel in four.

Not included in these figures are another three cases (two jury cases and one non-jury case) that I tried but that settled after evidence began. In one of these cases, I was chief counsel; in the other two, I was associate counsel.

In all of these, I had a substantial courtroom role, including examining witnesses, giving the opening statement or closing argument, or arguing significant trial motions and jury instruction issues. I have not listed here any trials in which I was a member of the trial team but did not participate significantly in oral advocacy in the courtroom during the actual trial.

- i. What percentage of these trials were:
 - 1. jury: 10%
 - 2. non-jury: 90%

- 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 was the principal author of the amicus brief for the Connecticut Conference of Municipalities and the municipal leagues of thirty-one other states in *Kelo v. City of New London*, 545 U.S. 469 (2005). Copy of brief supplied.

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. *Connecticut State Medical Society v. Connecticut Department of Insurance et al.*, No. HHB-CV10 6003160S; Connecticut Superior Court, Judicial District of Waterbury; Hon. Carl J. Schuman; 2009 – 2010.

I was lead counsel for United Healthcare in an appeal of the Connecticut Insurance Department's decision to approve United Healthcare's acquisition of subsidiaries of Health Net of the Northeast, Inc. The appeal was brought by the Connecticut State Medical Society, which argued that the Department had failed to take account of certain factors and that the acquisition would have anti-competitive effects. The Connecticut Superior Court dismissed the appeal, accepting our argument that the Connecticut State Medical Society lacked standing. I argued the successful motion to dismiss the appeal for United Healthcare. Together with attorneys at Skadden, Arps, Slate, Meagher & Flom, I also represented United Healthcare in the underlying Department of Insurance proceeding at which the acquisition was approved. I gave the opening statement at the Insurance Department's hearing on the acquisition.

Co-counsel:

Assistant Attorney General Matthew Budzik, Esq. (Counsel for Department of Insurance)
55 Elm Street
P.O. Box 120
Hartford, CT 06141
(860) 808-5049

Robert Sullivan, Esq.
Skadden, Arps, Slate, Meagher & Flom
Four Times Square

New York, NY 10036
(212) 735-2930

Opposing counsel:

Gregory Pepe, Esq.
Neubert, Pepe & Monteith
195 Church Street, 13th Floor
New Haven, CT 06510
(203) 764-2825

2. *Parish of St. Paul's Episcopal Church v. Episcopal Diocese of Connecticut Donations & Bequest for Church Purposes, Inc.*, 3:05-cv-0105; District of Connecticut; Hon. Janet Bond Arterton; 2005 – 2007.

I was the lead attorney for the Episcopal Diocese of Connecticut and its then-Bishop, in a lawsuit brought by six Episcopal parishes challenging disciplinary and governance actions of the Diocese. The dispute arose from the Bishop's support of the 2005 decision of the national Episcopal Church to ordain an openly gay man as an Episcopal Bishop. The six parishes disagreed with that decision, and ultimately sought to secede from the Diocese and to take ownership of church buildings and property. The District Court granted our motion to dismiss the action, which was based on Supreme Court precedents holding that the First Amendment commits ecclesiastical disciplinary and doctrinal determinations of the type the plaintiffs were challenging to the sole discretion of the bishop and other church authorities. The plaintiffs appealed to the U.S. Court of Appeals for the Second Circuit, but after full briefing, withdrew their appeal. I was the architect of the litigation strategy and the primary author of all briefs, and I spoke on behalf of the clients at status and pre-filing conferences before Judge Arterton. There were no formal hearings in the matter.

Co-counsel:

Heather Anderson, Esq. (Counsel for Presiding Bishop of Episcopal Church of United States)
Goodwin Proctor
901 New York Avenue, N.W.
Washington, D.C. 20001
(202) 346-4188

Associate Attorney General Perry Zinn-Rowthorn, Esq. (Counsel for State of Connecticut)
55 Elm Street
P.O. Box 120
Hartford, CT 06141
(860) 808-5092

Opposing Counsel:

Ralph Dupont, Esq.
The Dupont Law Firm
1177 Summer Street, 6th Floor
P.O. Box 3325
Stamford, CT 06905
(203) 965-8355

3. *State of Connecticut v. Ross*, KNLCR84-20300; Connecticut Superior Court, Judicial District of New London; Hon. Patrick J. Clifford; 2005.

In 2005, the Connecticut Superior Court appointed my partner, Thomas Groark, as Special Counsel to assist it in a death penalty case, with the task of advocating that Ross, a serial killer who had been sentenced to death and had sought to forgo further challenges to his sentence, was not acting competently or voluntarily in his decision to waive his rights. The Court appointed a Special Counsel to play this role because Ross's chosen counsel was assisting him in his waiver of further challenges and the appointment allowed for an adverse presentation of the evidence bearing on the competency and voluntariness of Ross's decision.

Mr. Groark asked me to work with him, and we spent approximately three months litigating the case on a pro bono basis. The case involved a six-day evidentiary hearing. At the hearing, I conducted the direct examination of two fact witnesses and cross-examined Mr. Ross's psychiatric expert. The trial court ultimately decided that Mr. Ross was acting competently and voluntarily. I continued as Special Counsel in arguing the appeal of that determination in the Connecticut Supreme Court. The Supreme Court's decision affirming the trial court's ruling is reported at *State of Connecticut v. Ross*, 273 Conn. 684 (2005). Attorney Groark and I and our team received the Hartford County Bar Association's 2006 Pro Bono Award for our work on this case.

Opposing Counsel:

Kevin Kane, Esq. (Counsel for the State)
Chief State's Attorney
300 Corporate Place
Rocky Hill, CT 06067
(860) 258-5800

T.R. Paulding, Esq. (Counsel for Ross)
627 Main Street #2
Manchester, CT 06040
(860) 432-9813

4. *Kempner v. Town of Greenwich*, 3-06-CV-1393; District of Connecticut; Hon. Janet C. Hall; 2006 – 2008.

I was lead counsel for the Town of Greenwich, Connecticut, in a class action brought by a bicyclist challenging beach access fees charged to nonresidents that were greater than those that the Town charged its own residents. After working with our client to reduce the fees charged to nonresidents to an amount reflecting the per-visit cost of maintaining the beaches, we successfully defended the action. We defeated the plaintiff's motion to certify a class, *Kempner v. Town of Greenwich*, 249 F.R.D. 15 (D. Conn. 2008), and won summary judgment for the Town on the injunctive relief claims and all other claims except a nominal damages claim, based on the failure of the two named plaintiffs to demonstrate standing, *Schwarz v. Town of Greenwich*, 562 F. Supp. 2d 242 (D. Conn. 2008). I supervised all briefing and discovery in the case, and argued all motions before the Court in a series of hearings.

Opposing counsel:

J. Joseph Bainton, Esq.
Smith, Gambrell & Russell
250 Park Avenue, Suite 1900
New York, NY 10177
(212) 907-9700

5. *Data Support Associates, Inc. v. MGE UPS Systems, Inc. v. Enersys, Inc.*, 3:02CV1418; District of Connecticut; Hon. Ellen Bree Burns; 2002 – 2004.

I was lead counsel for MGE UPS Systems, Inc., in a commercial dispute over the sale of industrial batteries for so-called uninterruptible power systems. The plaintiff claimed that MGE UPS Systems had breached its obligations under the Uniform Commercial Code to sell batteries in good, working condition. Our client also brought a third-party claim against Enersys, Inc., the manufacturer of the batteries. The case settled after seven days of evidence in a bench trial before the Hon. Ellen Bree Burns. I supervised all briefing and discovery in the case, and I first-chaired the trial, giving the opening statement and examining most of the witnesses.

Opposing Counsel:

Gary Klein, Esq. (Counsel for Data Support Associates)
Sandak Hennessey & Greco LLP
707 Summer Street, Suite 300
Stamford, CT 06901
(203) 425-4200

Daniel Huyett, Esq. (Counsel for Enersys)
Stevens & Lee
111 North Sixth Street

P.O. Box 679
Reading, PA 19603
(610) 478-2000

6. *State of Connecticut v. Marsh & McLennan Companies, Inc.*, FST-CV-05-4004360-S (X05); Connecticut Superior Court, Judicial District of Stamford-Norwalk; Hon. John F. Blawie; 2005 – 2009.

I represented Marsh & McLennan in the Connecticut Attorney General's antitrust and unfair trade practices suit alleging bid rigging and illegal commissions in the insurance brokerage industry. I became lead counsel in the case in 2007. I supervised all briefing and discovery efforts, coordinated strategy with Marsh's counsel in a large federal Multidistrict Litigation raising similar issues, drafted briefs for Marsh for a similar lawsuit brought by state enforcement authorities in Florida, and argued various pre-trial motions in the Connecticut Superior Court. I also argued an interlocutory appeal in the Connecticut Supreme Court on an issue of first impression involving the availability of damages to the "general economy" of Connecticut. *State of Connecticut v. Marsh & McLennan Companies, Inc.*, 286 Conn. 454 (2008) (reversing trial court's interlocutory ruling dismissing claim for "general economy" damages under Connecticut Antitrust Act). The case settled in 2009 after four years of litigation.

Opposing Counsel:

Assistant Attorney General Matthew Budzik, Esq.
55 Elm Street
P.O. Box 120
Hartford, CT 06141
(860) 808-5049

7. *Daunis v. Daunis*, 3:06-CV-00710; District of Connecticut; Hon. Robert N. Chatigny; 2006 – 2007.

In 2006, Connecticut Legal Aid asked me and a colleague to represent a young mother whose estranged husband was seeking to require her and her minor children to return to Naples, Italy, where they had resided until she left him following marital discord, including domestic violence. I was lead counsel in the bench trial in the United States District Court, where we successfully defended against the husband's petition under the Hague Convention on the Civil Aspects of International Child Abduction. I first-chaired the trial, examining most of the witnesses and presenting the opening statement. The Second Circuit's decision affirming the District Court's decision to dismiss the petition brought against our client is reported at *Daunis v. Daunis*, 222 Fed. Appx. 32 (2d Cir. 2007). My colleague and I received the Connecticut Bar Association's 2008 Pro Bono Award for our work on this case.

Opposing Counsel:

Andrew D. Glasgow, Esq.
A.A.I. Law Firm
Penn Center West
Building Two, Suite 120
Pittsburgh, PA 15276
(412) 642-2023

8. *Cruz v. Kelly*, 3:06cv473; District of Connecticut; Hon. Mark R. Kravitz; 2007 – 2008.

In 2007, the United States District Court appointed me and a colleague to represent an incarcerated individual who was suing three East Haven, Connecticut police officers in a civil rights action alleging excessive force arising from an arrest. I supervised all discovery and briefing and first-chaired the ensuing jury trial, examining most of the witnesses and giving the closing argument. The jury returned a verdict for the defendants.

Opposing counsel:

Hugh Keefe, Esq.
Lynch, Traub, Keefe & Errante
52 Trumbull Street
P.O. Box 1612
New Haven, CT 06510
(888) 692-7403

9. *State of Connecticut v. Gregory C.*, SC 17611; Supreme Court of Connecticut; 2005 – 2006.

I represented, on a pro bono basis, Gregory C., a criminal defendant who was convicted of violating a protective order with respect to his wife. The case involved novel issues relating to Connecticut's adverse spousal privilege statute, Connecticut's use immunity statute, and prosecutorial misconduct. I argued the appeal in the Connecticut Supreme Court. After argument but before decision, the State approached me to resolve the matter. I negotiated a resolution in which the State immediately released Gregory C. from prison in exchange for his withdrawal of the appeal.

Opposing counsel:

Senior Assistant State's Attorney Robert Scheinblum, Esq.
300 Corporate Place
Rocky Hill, CT 06067
(860) 258-5807

10. *United States v. Hopson*, 3:99CR243; District of Connecticut; Hon. Janet C. Hall; 1999 – 2000.

In 1999 and 2000, along with my partner, Michael Considine, I represented Hopson, an indigent criminal defendant accused, along with three co-defendants, of conspiracy in connection with telemarketing activities. Although Mr. Considine was lead counsel appointed by the Court under the Criminal Justice Act, I argued most of the pre-trial motions and represented the client at multiple arraignments on successive indictments before all defendants opted to plead guilty. I also represented the client at his plea and sentencing hearings. At the sentencing, I advocated for a sentence of no jail time due to Mr. Hopson's family circumstances, including a disabled spouse and small children. The court sentenced Mr. Hopson to a period of home confinement followed by supervised release.

Co-counsel within Day Pitney:

Michael Considine, Esq.
Day Pitney
One Canterbury Green
201 Broad Street
Stamford, CT 06901
(203) 977-7300

Co-defendants' Counsel:

Ira Grudberg, Esq.
Jacobs & Dow LLC
350 Orange Street
New Haven, CT 06511
(203) 772-3100

H. James Pickerstein, Esq.
McElroy, Deutsch, Mulvaney & Carpenter
30 Jelliff Lane
Southport, CT 06890
(203) 319-4003

Jonathan J. Einhorn, Esq.
412 Orange Street #1
New Haven, CT 06511
(203) 777-3777

Opposing counsel:

Assistant United States Attorney Karen Peck, Esq.
Connecticut Financial Center

157 Church Street, Floor 23
New Haven, CT 06510
(203) 821-3700

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.)

Other Significant Litigation

1. *Attorney General of the State of Connecticut v. Health Net of the Northeast, Inc. and United Health Group, Inc.*, 3:10-CV-57 (District of Connecticut).

In 2010, I was lead counsel for United Health Group in a lawsuit arising from a large data breach at Health Net of the Northeast, which United Health had recently acquired. I supervised the preparation of pleadings and conducted negotiations with co-counsel and opposing counsel. The case, which involved the first use by a State Attorney General of the enforcement authority conferred by the 2009 federal HITECH Act, settled after extensive negotiations between the parties.

2. *Bridgeport Roman Catholic Diocesan Corp. v. Jones*, 3:09-cv-00851 (District of Connecticut).

In 2009, I was lead counsel for the Bridgeport Roman Catholic Diocese in a First Amendment challenge to a lobbying investigation by the Connecticut Office of State Ethics. The Office had begun an inquiry of the Diocese's activities in organizing a protest at the State Capitol against a bill that would have changed the governance structure of Roman Catholic parishes in Connecticut. I supervised the preparation of all pleadings and briefs, led discussions with counsel for amicus curiae, and conducted settlement negotiations with the Connecticut Attorney General's Office. With the assistance of the Connecticut Attorney General, we reached a successful resolution of the case in which the Office of State Ethics ceased its investigation.

3. *Roe, J. v. St. Francis Hospital*, UWY-CV-08-5008330-S (Connecticut Superior Court, Judicial District of Waterbury).

I am part of a team of attorneys at Day Pitney representing St. Francis Hospital and Medical Center in a series of lawsuits alleging sexual abuse by a physician employed by the hospital from the 1960s until the early 1990s. I have argued summary judgment motions, significant motions in limine, and trial motions concerning evidentiary and jury instruction issues. I have also represented the client at mediation sessions. These cases are ongoing.

Other Significant Legal Activities

Standing Committee on Recommendations for Admission. From 2001 until 2009, I was a Court-appointed member of the Standing Committee on Recommendations for Admission for Hartford County. The Committee holds hearings each month on candidates who are referred to it for further examination by the Statewide Bar Examination Committee, typically because of questions about their character or fitness to serve as attorneys or to determine whether they should be reinstated as attorneys following a suspension. The Committee makes recommendations to the Statewide Bar Examining Committee as to whether candidates should be admitted (or reinstated) to the bar.

Chair, Antitrust Section, Connecticut Bar Association. From 2008 to August 2011, I served as Chair of the Antitrust Section of the Connecticut Bar Association. As Chair, I presided over section meetings, arranged to bring in outside speakers, and organized a candidates forum for candidates for the Office of Connecticut Attorney General.

I have not performed any lobbying activities on behalf of a client or other organization.

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.

I have not taught courses.

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.

If confirmed, I will leave the partnership of Day Pitney LLP and will be paid an amount representing the capital I have invested in the firm. In accordance with the partnership agreement, that amount will be paid back in equal installments to be made over five years. I have made no arrangements to be compensated in the future for any financial or business interest.

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 have no plans, commitments or agreements to pursue outside employment, with or without compensation, during my service with the Court.

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.

Cases in which my current law firm, Day Pitney, represented a party or appeared would present a potential conflict of interest. To avoid such a conflict or the appearance of one, I would recuse myself for a period of at least several years from all cases in which Day Pitney represented a party or appeared. In addition, cases in which prior clients of mine were parties would present a potential conflict of interest. I would follow the guidance of the recusal statutes and the Code of Conduct for United States Judges and recuse myself where appropriate to avoid even an appearance of conflict.

I do not believe that my family members are likely, either in the capacity of a party or counsel, to have cases in the federal courts.

At the present time, I cannot think of a category of litigation which, by its nature, would present a conflict-of-interest problem for me. I would, of course, recuse myself from any case in which a credible claim of a financial interest on my part or my family's part could be made.

- 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 address each potential conflict situation on the facts presented. If the situation involved one where my impartiality might reasonably be questioned, I would disclose the association or other reason for possible conflict on the record, and then permit the parties to confer with their counsel outside my presence. Only if all parties and counsel agreed in writing or on the record that

disqualification was not in order would I proceed to preside over the case. If I was uncertain about whether to recuse myself after conducting my own research or if I otherwise had conflicts-related questions, I would seek advice from the Committee on Codes of Conduct of the Judicial Conference of the United States.

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.

I have maintained an active pro bono practice from the time I began practicing law. A summary of my pro bono work follows.

1994 – 1998: While an Associate at Cleary Gottlieb, I represented an elderly woman in an eviction case, winning summary judgment for her in D.C. Superior Court under Section 8 regulations and then negotiating a settlement that allowed her to stay in her home. In addition, while I was working in Cleary Gottlieb's Brussels, Belgium office, I provided commentary on the then-new proposed criminal procedure and criminal codes of Kyrgyzstan and Lithuania, respectively, as part of the American Bar Association's Central and East European Law Initiative. The Initiative (now known as the ABA Rule of Law Initiative) was a project in which the ABA arranged for American lawyers to provide legislative drafting advice to nations that were overhauling their legal codes after the collapse of the former Soviet Union.

1998 – Present:

I have served on the Criminal Justice Act (CJA) Panels of both the United States District Court for the District of Connecticut and the United States Court of Appeals for the Second Circuit, accepting court appointments to represent indigent criminal defendants in federal court. I have similarly represented indigent criminal defendants as a Special Public Defender in the state courts. (Although compensation is available for attorneys accepting assignments under the CJA and as Special Public Defenders, I have sought such compensation for my firm on only one occasion involving an especially time-consuming defense of a federal prosecution.) I have represented indigent criminal defendants in three federal criminal prosecutions in the United States District Court, in five appeals in the Connecticut Appellate and Supreme Courts, and in two appeals at the United States Court of Appeals for the Second Circuit. I have also supervised associates in the firm who have assisted me with these matters.

In addition, and as discussed more fully in response to question 17, during this time I handled, on a pro bono basis, *Daunis v. Daunis*, *Cruz v. Kelly*, and *State of Connecticut v. Ross*.

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 September 2011, I submitted a completed questionnaire to an advisory panel created by Senators Joseph Lieberman and Richard Blumenthal. I was interviewed by the advisory panel on October 1, 2011. I was interviewed by Senators Lieberman and Blumenthal on October 11, 2011. On October 31, 2011, I was informed by Senator Lieberman's office that I was one of two names being recommended to the White House for consideration.

Since November 3, 2011, I have been in contact with officials from the Office of Legal Policy at the U.S. Department of Justice. I interviewed with attorneys from the White House Counsel's Office and the Department of Justice on December 6, 2011. On February 2, 2012, the President submitted my nomination to the Senate.

- 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.

AFFIDAVIT

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

2/6/2012
(DATE)

Michael P. Shea
(NAME)

D. Brett Dimberg
(NOTARY)

D. BRETT DIMBERG
NOTARY PUBLIC
MY COMMISSION EXPIRES JAN. 31, 2017