

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Christina Elizabeth Nolan

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

United States Attorney, District of Vermont

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.

United States Attorney's Office, District of Vermont
11 Elmwood Avenue, Third Floor
Burlington, Vermont 05401

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

1979; Burlington, Vermont

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.

Boston College Law School, 2001 – 2004
J.D., magna cum laude, 2004

University of Vermont, 1997 – 2001
B.A. in Political Science and History, summa cum laude, 2001

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.

United States Attorney's Office, District of Vermont
11 Elmwood Avenue, Third Floor
Burlington, Vermont 05401

Assistant United States Attorney
April 2010 – present

Middlesex County District Attorney's Office
151 Warren Street
Lowell, Massachusetts 01852
Special Assistant District Attorney
September 2009 – February 2010
(Uncompensated)

Goodwin Procter LLP
100 Northern Avenue
Boston, Massachusetts 02210
Litigation Associate, September 2005 – September 2009
Assistant District Attorney, Middlesex County, Massachusetts (firm's D.A. rotation),
September 2008 – February 2009

United States District Court, District of Massachusetts
595 Main Street
Worcester, Massachusetts 01608
Law Clerk for The Honorable F. Dennis Saylor IV
September 2004 – September 2005

Boston College Law School
885 Centre Street
Newton Centre, Massachusetts 02459
Research Assistant for Professor Daniel R. Coquillette
Spring 2002 – Spring 2004

Wholefoods Market
15 Washington Street
Brighton, Massachusetts 02135
Prepared Foods Employee
Fall 2001 – Fall 2002

The Bed Store
4050 Williston Road
South Burlington, Vermont 05403
Sales Associate
Summer 2001

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

I have not served in the U.S. Military. I was not required to register for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Professional

New England Narcotic Enforcement Officers' Association Award for Outstanding Contribution, 2016

New England Narcotic Enforcement Officers' Association Award for Outstanding Contribution, 2014

Boston College Law School

Order of the Coif, Boston College Law School, 2004

Graduated *Magna Cum Laude*, 2004

Boston College Law Review, 2001 – 2004

University of Vermont

Graduated *Summa Cum Laude*, 2001

Outstanding Political Science Major, University of Vermont, 2001

Outstanding History Major, University of Vermont, 2001

Political Science Departmental Honors, 2001

History Departmental Honors, 2001

National Political Science Honor Society, 2001 (estimated)

National History Honor Society, 2001 (estimated)

Dean's List, University of Vermont, 1997 – 2001

Outstanding Scholar-Athlete Award, 2000 (estimated)

Academic Excellence Scholarship, 2000 (estimated)

Golden Key National Honor Society, 2000 (estimated)

Athletic Scholarship, 1997 – 2000

Political Theory Essay Prize, 1999 (estimated)

Other

Athletic Hall Of Fame, Rice Memorial High School, 2007

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.

Vermont Bar Association

Member, January 2017 – present (no lapses in membership)

United States Attorney's Office, District of Vermont

Hiring Committee, 2012 – present (serve intermittently as needed)

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.

Vermont Bar, Admitted June 2017, Active (no lapses in membership)

Massachusetts Bar, Admitted December 2004, Active (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.

Federal Courts

United States Court of Appeals, Second Circuit, Admitted September 2010, Active (no lapses in membership)

United States District Court, District of Vermont, Admitted March 2010, Active (no lapses in membership)

State Courts

Vermont Bar, Admitted June 2017, Active (no lapses in membership)

Massachusetts Bar, Admitted December 2004, Active (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.

To the best of my knowledge, none other than those listed in Questions 9 and 10.

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organizations to which I gave funds and did not otherwise participate in programmatic activities.

- 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.

To my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

I have done my best to identify all books, articles, reports, letters to the editor, editorial pieces and other published material, including a thorough review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Strassberg, Cristovici, & Nolan, "Navigating Parallel Proceedings," Vol. 236-No. 15, NEW YORK LAW JOURNAL (July 2006). 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.

I have done my best to identify any reports, memoranda, or policy statements I prepared or contributed to, including a thorough review of my personal files and searches of publicly available electronic databases. I have not located any responsive items. Despite my searches, there may be other materials that I have been unable to identify, find, or remember.

- 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.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including a thorough review of my personal files and searches of publicly available electronic databases. I have not located any responsive materials. Despite my searches, there may be other materials that I have been unable to identify, find, or remember.

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

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of personal files and searches of publicly available electronic databases. I have not located any responsive items. Despite my searches, there may other materials that I have been unable to identify, find, or remember.

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

I have done my best to identify all interviews and public comments, including through a review of personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following articles:

June 21, 2017

“Leahy, Scott make recommendation for next U.S. attorney,” Burlington Free Press.

Copy supplied.

June 13, 2017

“Suspect in Greene Street killing heading back to Vermont,” Burlington Free Press.

Copy supplied.

June 12, 2017

“Man arrested, charged in 2015 killing of Burlington man,” Burlington Free Press.

Copy supplied.

December 4, 2015

“Former Brattleboro resident being held on heroin charges,” The Berkshire Eagle.

Copy supplied.

May 5, 2015
"Procter child pornographer sentenced," Rutland Herald.
Copy supplied.

December 8, 2012
"Motion to suppress filed in child porn case," Brattleboro Reformer.
Copy supplied.

July 16, 2010
"Runnion to be released," Brattleboro Reformer.
Copy supplied.

June 18, 2010
"Man indicted for child porn," Brattleboro Reformer.
Copy supplied.

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.

None.

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

None.

14. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

Yes. The Honorable F. Dennis IV, United States District Court, District of Massachusetts, September 2004 – September 2005.

- 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.

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Assistant United States Attorney
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Special Assistant District Attorney
September 2009 – February 2010

Goodwin Procter LLP
100 Northern Avenue
Boston, Massachusetts 02210
Litigation Associate, September 2005 – September 2009
Assistant District Attorney, Middlesex County, Massachusetts (firm's D.A. rotation), September 2008 – February 2009

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

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

Since April 2010, I have served as an Assistant United States Attorney in Vermont, with a practice devoted exclusively to federal criminal prosecution. As an AUSA, I have investigated and litigated a variety of criminal matters, ranging from violent crime, to child exploitation offenses, to drug trafficking crime. Since January 2017, I have served as the Violent Crime Coordinator for the United States Attorney's Office for the District of Vermont. From about January 2015 through the spring of 2017, I served as one of the USAO's four heroin trafficking prosecutors, handling opiate-related matters arising in eastern Vermont and conducting

case intake for such matters. During my tenure as an AUSA, I have served on the USAO's hiring committee, acted as mentor to a newly hired AUSA, and served as Acting Criminal Chief. I appear in court an average of several times per week. I have handled all aspects of appeals in my cases and have appeared for oral argument before the Second Circuit Court of Appeals on several occasions.

From September 2009 to February 2010, I served as a Special Assistant District Attorney in Middlesex County, Massachusetts. During this time, I worked without compensation. I investigated and prosecuted state criminal offenses, such as firearms, narcotics, and domestic violence matters. I regularly interacted with law enforcement, victims, and defense attorneys. I appeared in court nearly every day.

From 2005 to 2009, I worked at Goodwin Procter LLP as a Litigation Associate. I concentrated my practice in white collar criminal defense and civil litigation. I spent approximately fifty percent of my time on a federal securities fraud defense case in federal court in New Jersey. I devoted about twenty percent of my practice to assisting in internal investigations on behalf of corporate clients. I spent the balance of my time at the firm on pro bono matters and civil litigation pending in state court or before arbitrators. My civil practice covered contract disputes and defense of libel and fraud claims, among other matters. I did not appear in court, except occasionally in a supporting role.

From September of 2008 through February 2009, while employed at Goodwin Procter LLP, I served on a six-month rotation as a Special Assistant District Attorney in Middlesex County, Massachusetts. During the rotation, I appeared in court nearly every day.

From 2004 to 2005, I served as a federal judicial law clerk, conducting legal research and drafting opinions for the Court.

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

As a prosecutor, my only clients have been the United States and the State of Massachusetts. While employed at Goodwin Procter LLP, I represented an individual in a white collar criminal matter. I also represented corporate clients in internal investigations and civil litigation. I represented at least one individual in a civil libel case. I also worked in a pro bono capacity for prisoners in post-conviction proceedings.

- 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 appear frequently in court as a federal prosecutor. On average, I am in court several times per week. As a state prosecutor, I appeared in court nearly every day. As a Litigation Associate at Goodwin Procter LLP, I generally did not appear in court, other than occasional attendance in a supporting role.

- i. Indicate the percentage of your practice in:
 1. federal courts: 75%
 2. state courts of record: 25%
 3. other courts;
 4. administrative agencies
- ii. Indicate the percentage of your practice in:
 1. civil proceedings: 20%
 2. criminal proceedings 80%
- 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 approximately 15 criminal cases to verdict in federal district court and Massachusetts state court. I have argued before the Second Circuit Court of Appeals on at least three occasions.

- i. What percentage of these trials were:
 1. Jury 70%
 2. non-jury 30%
- 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.

In 2008, while employed at Goodwin Procter LLP, I helped author an amicus brief for the National Rifle Association in *District of Columbia v. Heller*. I have provided a copy of the brief. Copy supplied.

I have never appeared in person before the United States Supreme Court.

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. *United States v. Miguel Zayas, et. al.*
5:15-cr-133-gwc (D. Vt. 2015-2016)
United States District Court, District of Vermont
The Honorable Geoffrey W. Crawford

I led an investigation into a New Jersey organization that trafficked substantial amounts of heroin and crack cocaine across eastern Vermont, from Brattleboro to St. Johnsbury. The case resulted in four separate indictments charging eleven defendants with drug trafficking offenses occurring over a two-year period. All defendants pled guilty. The judge took account of the lead defendants' violence and gun trafficking in imposing their sentences. The investigation involved coordinating the efforts of federal, state, and local law enforcement officers throughout eastern Vermont.

Co-counsel:
None

Opposing Counsel:
Ian Carleton, Esq., of Burlington, Vermont
Sheehey Furlong & Behm P.C.
30 Main Street, 6th Floor
Burlington, Vermont 05402
(802) 864-9891
(For lead defendants)

Paul Volk, Esq., of Burlington, Vermont
Blodgett Watts & Volk
72 Hungerford Terrace
Burlington, Vermont 05401
(802) 862-8919
(For lead defendants)

2. *United States v. Michael J. Foreste, et. al.*
2:14-cr-77-wks (2014-2016)
United States District Court, District of Vermont
The Honorable William K. Sessions III

I headed the two-year, multi-agency investigation, culminating in a twenty-three-count indictment charging three defendants with various oxycodone trafficking and money laundering offenses occurring over a six-year period. Two defendants entered guilty pleas. One defendant, who had a prior federal oxycodone trafficking conviction in Vermont, proceeded to trial. I served as lead counsel in a trial that involved voluminous, complex, and technical evidence, including the results of a lengthy financial investigation. After nearly two weeks of evidence, the jury returned guilty verdicts on ten of eleven counts, including the lead count.

Co-counsel:

Kevin J. Doyle

Assistant United States Attorney

United States Attorney's Office, District of Vermont

11 Elmwood Avenue, 3d Floor

Burlington, Vermont 05401

(802) 951-6725

Opposing counsel:

Mark Kaplan, Esq.

Kaplan & Kaplan

95 St. Paul St. #405

Burlington, Vermont 05401

(802) 651-0013

Natasha Sen, Esq.

P.O. Box 193

Brandon, Vermont 05733

(802) 735-2008

3. *United States v. James Nastri, et. al.*

2:13-cr-14-wks (2012-2014)

United States District Court, District of Vermont

The Honorable William K. Sessions III

15-489-cr (summary order) (May 26, 2016)

United States Court of Appeals for the Second Circuit

As lead counsel, I headed the lengthy, multi-agency investigation, culminating in an eight-count indictment charging eight defendants with various heroin trafficking and firearms offenses. Seven defendants pled guilty or resolved their cases short of trial. One defendant proceeded to trial. I served as lead trial counsel. After a week of evidence, the jury convicted the defendant of the charged heroin trafficking crime. The case involved voluminous, technical evidence. The defendant appealed his conviction and sentence to the United States Court of Appeals for the Second Circuit. I argued the appeal before a Second Circuit panel. The government prevailed on appeal.

Co-counsel:
Timothy C. Doherty Jr.
Downs Rachlin Martin PLLC
199 Main Street
Burlington, Vermont 05402
(802) 862-2375

Opposing counsel:
Edgar Fankbonner, Esq.
Goldberger & Dubin, P.C.
401 Broadway, Suite 306
New York, New York 10013
(646) 681-5997

Robert Sussman, Esq.
Behrens, Venman & Sussman
One Lawson Lane
Burlington, Vermont 05401
(802) 658-5900

Jesse M. Seigel, Esq.
Law Office of Jesse M. Seigel
233 Broadway, Suite 707
New York, New York 10279
(212) 207-9009
(For appellate proceedings)

4. *United States v. Michael Vasquez, et. al.*
2:12-cr-131-wks (2012-2014)
United States District Court, District of Vermont
The Honorable William K. Sessions III

I headed the lengthy, multi-agency investigation, culminating in a six-count indictment charging nine defendants with various heroin and crack cocaine trafficking offenses. I handled all post-charge phases of the case. All defendants eventually pled guilty. The lead defendant filed pretrial litigation seeking to exclude government evidence. After evidentiary hearings, the Court denied his motions. This defendant had a contested sentencing. The government called at least five witnesses to establish that, in the course of his offense conduct, the defendant had, among other things, threatened the life of a government witness; engaged in violence against women; carried firearms; and used young, heroin-addicted female customers as prostitutes. The judge credited the testimony of government witnesses and sentenced the defendant— who had a lengthy criminal history, including prior narcotics trafficking convictions – to 180 months’ imprisonment.

Co-counsel:
None.

Opposing counsel:
Michael Desautels, Esq.
Federal Public Defender
Federal Public Defender's Office
126 College Street, #410
Burlington, Vermont 05401
(802) 862-6990

5. *United States v. James Collins*
2:12-cr-110-jgm (2013)
United States District Court, District of Vermont
The Honorable J. Garvan Murtha

I served as sole trial counsel on this matter. After several days of evidence, the jury convicted the defendant of all six counts of the indictment, which charged him with drug trafficking crimes and with carrying a loaded handgun during, and in relation to, a drug trafficking offense.

Co-counsel:
None.

Opposing counsel:
David Kidney, Esq.
Rubin, Kidney, Myer & Vincent
237 North Main Street, Ste 3
Barre, Vermont 05641
(802) 479-2514

6. *United States v. Richard Barker*
5:11-cr-73 (2011-2013)
United States District Court, District of Vermont
The Honorable Christina Reiss

12-2553, 723 F.3d 315 (2d Cir. 2013)
United States Court of Appeals for the Second Circuit
The Honorable Jose A. Cabranes, The Honorable Richard C. Wesley, The Honorable J. Clifford Wallace

I handled all aspects of this case. The investigation resulted in an indictment charging the defendant with possession of child pornography. The case involved thousands of child exploitation files. The case involved extensive pretrial litigation, including a motion to suppress evidence, which the Court denied. The defendant entered a conditional guilty plea and the judge sentenced him to 120 months'

imprisonment. The defendant appealed the sentence to the United States Court of Appeals for the Second Circuit. I handled the appeal. In a published opinion, the Circuit ruled in the government's favor.

Co-counsel:

None.

Opposing counsel:

Lisa B. Shelkrot, Esq.
Langrock Sperry & Wool LLP
210 College Street, #400
Burlington, Vermont 05401
(802) 864-0217

7. *United States v. Frank Annette, et. al.*, 2:10-cr-131-wks (2012)
2:10-cr-131-wks (2012)
United States District Court, District of Vermont
The Honorable William K. Sessions III

I served as trial co-counsel on this matter, handling the opening statement and about half of the witnesses. After a weeklong trial, the jury convicted the defendant of all three counts of the indictment, which charged him with heroin and crack cocaine trafficking offenses and with using a firearm in furtherance of a drug trafficking crime.

Co-counsel:

Craig S. Nolan, Esq.
Sheehey Furlong & Behm P.C.
30 Main Street, 6th Floor
Burlington, Vermont 05402
(802) 864-9891

Opposing counsel:

David Sleigh, Esq.
Sleighlaw
364 Railroad Street
St. Johnsbury, Vermont 05819
(802) 748-5176

8. *United States v. Ryan Grace*
5:11-cr-107 (2011-2012)
United States District Court, District of Vermont
The Honorable Christina Reiss

I handled all aspects of this case. An extensive investigation resulted in an indictment charging the defendant with two counts of traveling across state lines to engage in

illicit sexual acts with a child. Internet records obtained pursuant to multiple federal search warrants induced Grace's guilty plea in federal court and allowed the government to secure a conviction without requiring testimony from the child victim.

Co-counsel:

None.

Opposing counsel:

The Honorable Elizabeth Mann
Vermont Superior Court
Caledonia/Essex County – Criminal Division
1126 Main Street, Suite 1
St. Johnsbury, Vermont 05819
(802) 748-6600

9. *United States v. Shondell Corbitt et. al.*
2:11-cr-22-wks (2010-2012)
United States District Court, District of Vermont
The Honorable William K. Sessions III

I headed this lengthy, multi-agency investigation, culminating in a four-count indictment charging fourteen defendants from New York City and Vermont with various heroin and crack cocaine trafficking and firearms offenses. I handled all post-charge phases of the case. All defendants pled guilty. The government prevailed in pretrial litigation with certain lead defendants. Lead defendants had contested sentencings in which the government called numerous witnesses to establish that the defendants carried firearms and used violence during the offense conduct. The Court generally credited these witnesses.

Co-counsel:

None.

Opposing counsel:

The Honorable John Pact
(For lead defendants)
Vermont Superior Court
Washington County – Criminal Division
255 North Main Street
Barre, Vermont 05641
(802) 479-4205

Thomas Sherrer, Esq.
Thomas Sherrer PLLC
180 Battery Street
Burlington, Vermont 05401

(802) 881-0757

Ernest Allen
Stetler Allen & Kampmann
95 St. Paul Street #304
Burlington, Vermont 05401
(802) 660-8646

10. *United States v. Edward Campbell*
1:09-cr-43-jgm (2010-2012)
United States District Court, District of Vermont
The Honorable J. Garvan Murtha

I served as lead trial counsel on this matter. After a multiday trial, the jury convicted the defendant of all four counts of the indictment, charging him with oxycodone trafficking offenses.

Co-counsel:
William Darrow
Assistant United States Attorney
United States Attorney's Office
11 Elmwood Avenue, Third Floor
Burlington, Vermont 05401
(802) 951-6725

Opposing counsel:
Lisa B. Shelkrot, Esq.
Langrock Sperry & Wool LLP
210 College Street, #400
Burlington, Vermont 05401
(802) 864-0217

16. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

The vast majority of my legal career has involved litigation. As a federal prosecutor, I have conducted numerous grand jury investigations and prosecutions as lead counsel or second chair. The grand jury work involves close collaboration with, and direction of, federal, state, and local law enforcement officers involved in the investigation. The majority of the cases I indict settle short of trial by way of a plea agreement. In connection with guilty pleas, I am routinely involved in negotiations with defense

counsel. I work closely with probation officers in connection with their supervision of my defendants and their preparation of presentence reports. I have prosecuted a wide variety of cases, ranging from fraud, to narcotics, to firearms, to child exploitation. I have had intensive experience prosecuting narcotics traffickers, violent crime, and child exploitation. I have had five jury trials in federal court, each resulting in guilty verdicts. I routinely handle court hearings of all kinds, including evidentiary hearings, such as motions to suppress, detention hearings, and sentencings.

Since January 2017, I have served as the USAO's Violent Crime Coordinator. In that capacity, I am responsible for intake of violent crime matters. I recently indicted a drug-related homicide case. I am lead counsel on that case. For two years, 2015 and 2016, I served as one of the USAO's heroin prosecutors, dedicating my practice exclusively to prosecuting heroin traffickers in eastern Vermont. As a heroin prosecutor, I had responsibility for intake of all heroin matters arising in my area of responsibility. I have served on the USAO's hiring committee. In that capacity, I have been involved in interviews and hiring decisions with respect to approximately five AUSAs. On several occasions, when the Criminal Chief was out of the District, I served as Acting Criminal Chief. I handle all aspects of appeals in my cases. I have written numerous appellate briefs and given oral argument before the United States Court of Appeals for the Second Circuit on at least three occasions. I am a mentor to the USAO's newest AUSA. I recently completed an assignment to help update the USAO's data management systems and have gone to various law enforcement agencies to give training on discovery practice. I have worked closely with state prosecutors. I have also worked closely with victims of all kinds.

As a state prosecutor, I investigated and prosecuted state criminal offenses, such as firearms, narcotics, and domestic violence matters. I regularly interacted with law enforcement, victims, and defense attorneys. I appeared in court nearly every day. I tried at least ten cases in state court. At least half of those trials were before a jury; the rest were bench trials. For six months, from September 2009 through February 2010, I worked at the Middlesex County District Attorney's Office without compensation.

From 2005 to 2009, while employed as a Litigation Associate at Goodwin Procter LLP, I concentrated my practice in white collar criminal defense and civil litigation, representing individual and corporate clients. I spent approximately fifty percent of my time on representation of a white collar defendant charged with various securities fraud offenses based on alleged public misrepresentations and omissions relating to the company's wholesaler inventory levels. I had responsibility for researching and writing a variety of pretrial motions, such as motions to dismiss and pleadings related to the parallel Securities and Exchange Commission action and grand juror misconduct. I prepared cross-examination of numerous government witnesses. The case ended in 2010 in a deferred prosecution agreement and eventual dismissal of charges. I devoted about twenty percent of my practice to assisting in internal investigations on behalf of corporate clients. I spent the balance of my time at the firm on other criminal defense matters, pro bono cases, and civil litigation pending in state court or before arbitrators. My civil practice covered contract disputes and defense of libel and fraud claims, among other

matters. While at Goodwin Procter LLP, I generally did not appear in court, except occasionally in a supporting role. From the fall of 2008 to the spring of 2009, while employed at Goodwin, I served as a Special Assistant District Attorney in Middlesex County, Massachusetts, holding that assignment through the firm's D.A. rotation. In that capacity, I appeared in court nearly every day.

From 2004-2005, as a judicial law clerk for The Honorable F. Dennis Saylor IV, United District Court for the District of Massachusetts, I reviewed briefs, attended court hearings and trials, conducted legal research, drafted judicial opinions, and wrote memoranda.

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

I have not taught courses.

18. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have an IRA with Fidelity in connection with my former employment at Goodwin Procter LLP. As a federal employee, I have a Thrift Savings Plan.

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

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).

See my SF-278 as provided by the Office of Government Ethics.

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

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official.

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official.

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

My nearly eight and a half years as a prosecutor at the state and federal level have been devoted to public service, and much of my work directly benefits the disadvantaged.

As an Assistant United States Attorney, I participated in a community outreach initiative sponsored by our local police department. Specifically, I spent an evening going door-to-door in disadvantaged, crime-plagued areas of Burlington, Vermont passing out leaflets and conversing with the residents. The initiative aimed to improve communication and trust between citizens and law enforcement.

As a federal prosecutor, I have also given an informal presentation to high school freshman regarding dangers to children associated with the internet. For two years, for a couple of days each school year, I volunteered to help teach a high school history class devoted to courtroom argument and legal advocacy. The class involved lecture and mootings of the students, who ultimately made their arguments before a Judge at the federal courthouse. I have twice allowed a local high school student to "intern" with me

for 40 hours as part of a class for juniors focused on helping the students determine their future profession and on teaching them real-world skills.

From September 2009 through February 2010, I served as a Special Assistant District Attorney at the Middlesex County District Attorney's Office. I worked on a pro bono basis, receiving no compensation of any kind. I worked in this volunteer capacity for about 60 hours per week over a period of six months.

At Goodwin Procter LLP, I had two pro bono cases involving representation of individual criminal defendants in post-conviction litigation. I spent about 10-15 percent of my time at the law firm on pro bono matters, in one instance serving as the main point of contact for the client.