

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Winfield Denton Ong

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

United States District Court Judge for the Southern District of Indiana

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 for the Southern District of Indiana
Ten West Market Street, Suite 2100
Indianapolis, Indiana 46204

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

1958; Ann Arbor, Michigan

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.

1981 – 1985, Lewis and Clark Law School; J.D., 1985

1976 – 1980, DePauw University; B.A. (*cum laude*), 1980

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.

1996 – Present; 1989 – 1995

United States Attorney's Office for the Southern District of Indiana
Ten West Market Street, Suite 2100
Indianapolis, Indiana 46204

Assistant United States Attorney (1989 – 1995; 1996 – Present)

Civil Division (1989 – 1995)
Criminal Division (1996 – Present)
Criminal Chief (2014 – Present)

1995 – 1996
Anthem, Inc. (formerly the Associated Group)
120 Monument Circle
Indianapolis, Indiana 46204
Director, Program Integrity

1987 – 1989
United States District Court for the Southern District of Indiana
304 United States Courthouse
101 Northwest Martin Luther King Boulevard
Evansville, Indiana 47708
Law Clerk to Chief Judge Gene E. Brooks

Fall 1987
Pigeon Township Trustee's Office
City-County Building
907 Eighth Street
Evansville, Indiana 47713
Clerk

1985 – 1987
Law Office of Donald C. Reid
Now defunct
Portland, Oregon
Associate Attorney

Approximately 1983 – 1985
United States Attorney's Office for the District of Oregon
1000 Southwest Third Street
Portland, Oregon 97204
Law Clerk

Approximately 1982 – 1983
Oregon Attorney General
1162 Court Street
Salem, Oregon 97301
Law Clerk

1981
PC & S Tavern
Now defunct
Portland, Oregon

Bartender (part-time)

1980 – 1981

Miller Nash Graham & Dunn
111 Southwest Fifth Avenue, Number 3400
Portland, Oregon 97204
Law Clerk/Paralegal

1980

Cork 'N Cleaver
650 South Hebron Avenue
Evansville, Indiana 47714
Bartender (part-time)

1980

Evansville Street Maintenance Department
1304 Waterworks Road
Evansville, Indiana 47713
Tree Trimmer (part-time)

Other Affiliations (uncompensated):

2010 – 2012

Meridian Woods Homeowners Association Board
No physical address
Indianapolis, Indiana
President (2011 – 2012)
Vice-President (2010 – 2011)

1998 – 2001

Washington Township Swim Club Board of Directors
No physical address
Indianapolis, Indiana
President (2000 – 2001)
Vice-President (1999 – 2000)

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 never served in the military. Based on my birthdate I was not required to register for the 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.

Department of Justice Director's Award (2014)

Department of Health and Human Services' Integrity Award (2002, 2008, 2011)

Mortar Board, DePauw University (1979 – 1980)

Gold Key, DePauw University (1979 – 1980)

Carson Scholar of History Scholarship, DePauw University (1978 – 1980)

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.

Indiana Bar Association (2001 – 2003)

Indiana Protection for Abused and Trafficked Humans (IPATH) Task Force (2015)

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.

Indiana, 1987

Oregon, 1985

There have been no lapses in membership. I resigned from the Oregon bar in 1987 upon moving to Indiana.

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

United States Court of Appeals for the Seventh Circuit, 1987

United States District Court for the Southern District of Indiana, 1987

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.

Meridian Woods Homeowners Association Board (2010 – 2012)
Vice-President (2010 – 2011)
President (2011 – 2012)

Washington Township Swim Club Board of Directors (1998 – 2001)
Vice-President (1999 – 2000)
President (2000 – 2001)

- 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 the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

“Turn Over Orders in Indiana,” Department of Justice Asset Forfeiture News, May/June 1999. Copy supplied.

“Miles of References,” DownBeat, June 1996. Copy supplied.

“Organic Ong,” The DePauw, April 1980. Copy supplied. I may have written other guest columns for The DePauw while in college, but this is the only column I could locate, and I cannot recall details of any others.

In approximately September 1979, I wrote an op-ed article in the Evansville Courier explaining why I supported John Anderson for President of the United States. I cannot locate a copy of that article.

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

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

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

October 16, 2015: Speaker, Executive MBA Program, Kelley School of Business at Indiana University, Indianapolis, Indiana. Along with the United States Attorney, I spoke and answered questions for physicians who were enrolled in an executive MBA program on the general topic of health care fraud. I have no notes, transcript or recording. The address of the Kelley School of Business at Indiana University is 801 West Michigan Street, Indianapolis, Indiana 46202.

October 8, 2015: Speaker, Annual Meeting, Anthem, Inc., Indianapolis, Indiana. I spoke at a gathering of internal auditors for Anthem, Inc., on the general topic of corporate fraud, including how it can be spotted and how a company should address problematic business practices. I have no notes, transcript or recording. The address for Anthem Corporate Headquarters is 120 Monument Circle, Indianapolis, Indiana 46204.

September 25, 2015: Speaker, Training on Public Corruption Issues in the United States, United States Attorney's Office, Indianapolis, Indiana. I spoke and answered questions for a group of foreign law enforcement personnel from Indonesia on the general topic of investigation and prosecution of public corruption in the United States. I have no notes, transcript or recording. The

address of the United States Attorney's Office is Ten West Market Street, Indianapolis, Indiana 46204.

September 10, 2015: Panelist, Public Corruption, Robert H. McKinney School of Law at Indiana University, Indianapolis, Indiana. I participated in a panel discussion on public corruption for a group of law students and professors from Brazil. I have no notes, transcript or recording. The address of Robert H. McKinney School of Law at Indiana University is 530 West New York Street, Indianapolis, Indiana 46202.

May 27, 2015: Speaker, Criminal Justice, United States Attorney's Office, Indiana Elementary Schools, Indiana. I have spoken on the general topic of criminal justice at several elementary schools, including at the U.S. Attorney's Office's "adopted" school, Indianapolis Public School Daniel Webster. I have also spoken at Greenbriar Elementary School, among others, at the informal invitation of friends and family. I have no notes, transcripts, or recordings. The address of the United States Attorney's Office is Ten West Market Street, Indianapolis, Indiana 46204.

April 24, 2015: Speaker, Seminar on Public Corruption Issues in the United States, United States Attorney's Office, Indianapolis, Indiana. I spoke and answered questions for a group of foreign law enforcement personnel from Western Europe on the general topic of investigation and prosecution of public corruption in the United States. I have no notes, transcript or recording. The address of the United States Attorney's Office is Ten West Market Street, Indianapolis, Indiana 46204.

2005 – 2015 (approximate): Guest Lecturer, Grand Jury Practice, Robert H. McKinney School of Law at Indiana University, Indianapolis, Indiana. Presentation supplied.

October 13, 2014: Speaker, Appellate Advocacy, University of Colorado – Boulder Law School, Boulder, Colorado. I spoke on the general topic of effective appellate advocacy to a first year law school class. I have no notes, transcript or recording. The address of the University of Colorado – Boulder Law School is 2450 Kittredge Loop, Boulder, Colorado 80309.

April 8, 2014: Guest Lecturer, Fraud/Forensic Accounting, Anderson University Falls School of Business, Anderson, Indiana. I spoke on the general topic of white collar and corporate fraud to students in a business school class. I have no notes, transcript or recording. The address for the Falls School of Business at Anderson University is 1100 East Fifth Street, Anderson, Indiana 46012.

April 12, 2013: Panelist, Accounting Association's Business Ethics Panel, Kelley School of Business at Indiana University, Indianapolis, Indiana. I participated in a three-member panel discussion on white collar crime and corporate malfeasance

to students in a business school class. I have no notes, transcript or recording. The address for Kelley School of Business at Indiana University is 801 West Michigan Street, Indianapolis, Indiana 46202.

January 15, 2013: Panelist, Off-Label Promotion: Is the Light Still Red, Indiana Health Industry Forum, Barnes & Thornburg LLP, Indianapolis, Indiana. I participated in a panel discussion at a symposium on pharmaceutical regulations addressing the import of *United States v. Caronia*, 703 F.3d 149 (2d Cir. 2012) on prosecution for violations of pharmaceutical laws. I have no notes, transcript or recording. The address of Barnes & Thornburg LLP is 11 South Meridian Street, Indianapolis, Indiana 46204.

2007 – 2012 (approximate): Guest Lecturer, Negotiations in Criminal Cases, Maurer School of Law at Indiana University, Bloomington, Indiana. I was a guest lecturer each semester for approximately five years on negotiations in criminal cases to a class on negotiations. I have no notes, transcripts or recordings. The address for Maurer School of Law at Indiana University is 211 South Indiana Avenue, Bloomington, Indiana 47405.

2009 – 2011 (approximate): Guest Lecturer, White Collar Fraud, Robert H. McKinney School of Law at Indiana University, Indianapolis, Indiana. I spoke as a guest lecturer on white collar fraud in a seminar taught each semester from 2009 to 2011. I have no notes, transcripts or recordings. The address of the Robert H. McKinney School of Law at Indiana University is 530 West New York Street, Indianapolis, Indiana 46202.

April 17 – 20, 2007: Speaker, International Forfeiture Cooperation, Department of Justice Office of International Affairs, Davos, Switzerland. I made two presentations at this annual conference on money laundering and forfeiture regarding a case of mine involving international seizure and forfeiture with a bank in Liechtenstein. I have no notes, transcript or recording. The address of the Department of Justice Office of International Affairs is 950 Pennsylvania Avenue NW, Washington, DC 20530.

October 2006 (approximate): Speaker, Advanced Evidence Techniques, Department of Justice National Advocacy Center, Columbia, South Carolina. I spoke on demonstrative evidence. I have no notes, transcript or recording. The address for the Department of Justice National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

September 17, 2002 – 2004: Speaker, Constitution Day, Indiana Schools, Indiana. I have spoken at local schools about the importance of our Constitution, at Constitution Day events sponsored by the Indiana Bar Association. I have no notes, transcripts, or recordings. The address for the Indiana Bar Association is One North Illinois Street #530, Indianapolis, Indiana 46204.

June 2004 (approximate): Speaker, Health Care Law CLE, Indiana Bar Association, Indianapolis, Indiana. I was a co-speaker with another Assistant United States Attorney in a presentation providing an overview of health care fraud. I have no notes, transcript or recording. The address for the Indiana Bar Association is One North Illinois Street #530, Indianapolis, Indiana 46204.

May 2004: Presenter, International Money Laundering and Forfeiture, Drug Enforcement Administration, Brussels, Belgium. During a week-long training program for Belgian law enforcement officials, I presented three classes on the rules governing money laundering and seizure and forfeiture in the United States. I also participated in panel discussions on the same topic. I have no notes, transcripts or recordings. The address of the Drug Enforcement Administration is 700 Army Navy Drive, Arlington, Virginia 22202.

April 2004 (approximate): Speaker, Identity Theft, Kiwanis Club, Greenwood, Indiana. I spoke on the general topic of identity theft. I have no notes, transcript or recording. The Kiwanis Club of Greenwood, Indiana has no mailing address.

March 2002 (approximate): Speaker, Affirmative Civil Enforcement, Department of Justice National Advocacy Center, Columbia, South Carolina. I spoke on grand jury practice for civil lawyers. I have no notes, transcript or recording. The address for the Department of Justice National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

March 1997 – 2002 (approximate dates): Judge, Appellate Advocacy Competition, Robert H. McKinney School of Law at Indiana University, Indianapolis, Indiana. I have participated as a judge at the appellate advocacy competition held by the Robert H. McKinney School of Law. I have no notes, transcripts, or recordings. The address of the Robert H. McKinney School of Law at Indiana University is 530 West New York Street, Indianapolis, Indianapolis 46202.

February 1997 – 2001 (approximate dates): Judge, Indiana High School Mock Trial Competition, Indiana Bar Foundation, Indianapolis, Indiana. I have participated as a judge in numerous mock trials for this annual competition. I have no notes, transcripts, or recordings. The address of the Indiana Bar Foundation is 615 Alabama Street, Indianapolis, Indiana 46204.

July 1998: Speaker, Annual Meeting, Wishard-Eskenazi Hospital, Indianapolis, Indiana. I spoke to hospital employees on the general topic of health care fraud. I have no notes, transcript, or recording. The address for the Wishard-Eskenazi Hospital is 720 Eskenazi Avenue, Indianapolis, Indiana 46202.

November 1995 (approximate): Speaker, Annual Meeting, National Health Care Anti-Fraud Association, Marco Island, Florida. I discussed how to build a health care fraud case for prosecution. I have no notes, transcript or recording. The

address of the National Health Care Anti-Fraud Association is 1220 L Street NW #600, Washington, DC 20005.

May 1995 (approximate): Speaker, Annual Meeting, International Association of Special Investigative Units, Dallas, Texas. I discussed how to build a health care fraud case for prosecution. I have no notes, transcript or recording. The address of the International Association of Special Investigative Units is N83 W13410 Leon Road, Menomonee Falls, Wisconsin 53051.

September 1992 (approximate): Speaker, Employment Law Symposium, United States Attorney's Office for the Western District of Michigan, Grand Rapids, Michigan. I participated in a panel discussion about issues in employment law. I have no notes, transcript or recording. The address for the United States Attorney's Office for the Western District of Michigan is 330 Ionia Avenue NW, Suite 501, Grand Rapids, Michigan 49503.

May 1992 (approximate): Speaker, Annual Meeting, Federal Executive Association of Indianapolis, Indianapolis, Indiana. I provided an overview of federal employment law. I have no notes, transcript or recording. The address of the Federal Executive Association of Indianapolis is Post Office Box 44566, Indianapolis, Indiana 46244.

- 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.

Press Release, Fishers Investment Broker Sentenced in Fraud Case, U.S. Attorney's Office (Sept. 23, 2015). Copy supplied (reprinted in multiple outlets).

Press Release, United States Attorney's Office Announces Sentencing of Local Businessman on Identity Theft Charges, U.S. Attorney's Office (Dec. 19, 2014). Copy supplied.

Press Release, United States Attorney's Office Announces Sentencing of Local Businessman on Fraud Charges, U.S. Attorney's Office (Dec. 12, 2014). Copy supplied.

Press Release, Investment Broker Charged with Defrauding Investors of Their Retirement Savings, U.S. Attorney's Office (Dec. 5, 2014). Copy supplied (reprinted in multiple outlets).

Press Conference following the indictment of Marcum, Dec. 2014. I have no recording, but representative press coverage is supplied.

Mike Corbin, *Fishers Man Indicted on Fraud Charges*, 93.1 WIBC, Dec.

5, 2014.

Press Release, Founder of DECA Financial Service in Fishers Charged in \$5 Million Fraud, U.S. Attorney's Office (Nov. 19, 2014). Copy supplied (reprinted in multiple outlets).

Press Release, Attorney Hogsett Announces Conviction by Jury of Local Businessman on Fraud Charges, U.S. Attorney's Office (June 5, 2014). Copy supplied (reprinted in multiple outlets).

Zach Osowski, *Dental Center Owner Sentenced to 24 Months*, Herald Bulletin, Apr. 7, 2014. Copy supplied.

Press Release, Hogsett Announces Breakup of Sophisticated Indianapolis-Area Counterfeiting Operation, U.S. Attorney's Office (Dec. 16, 2013). Copy supplied.

Salem Man Charged with Health Care Fraud, WBIW.com, May 5, 2013. Copy supplied.

Press Release, Attorney Hogsett Announces Indictment of Indianapolis-Area Businessman for Wire Fraud, U.S. Attorney's Office (Mar. 22, 2013). Copy supplied.

Press Conference following the verdict in *United States v. Durham*, June 20, 2012. Video is available at <https://www.youtube.com/watch?v=TUfNeHijvjk>. Representative press coverage is supplied.

Jim MacKinnon, *Guilty Verdicts in Fair Fraud; Jury Convicts Durham on All Counts*, Akron Business Journal, June 21, 2012. Copy supplied.

Durham, Partners Found Guilty in Fraud Trial, WKKG – 101.5 FM, June 21, 2012. Copy supplied.

Dan Goldblatt, *Jury Finds Durham, Partners Guilty*, Indiana Public Media, June 20, 2012. Copy supplied. Video available at <http://indianapublicmedia.org/news/jury-sequestered-durham-fraud-case-31796/>.

Carrie Ritchie, *Durham, Partners Face New Charges*, The Indianapolis Star, Feb. 22, 2012. Copy supplied.

Greg Andrews, *Plea Deal Provides Restitution to Clabber Girl; Woman Accused of Defrauding Big-Name Firms*, The Indianapolis Business Journal, Aug. 29, 2011. Copy supplied.

Press Release, Attorney Hogsett Announces Martinsville Man Charged in Stolen Property Scheme, U.S. Attorney's Office (Aug. 9, 2011). Copy supplied.

Press Release, Hogsett Announces Indianapolis Man Charged in Health Care Fraud Scheme, U.S. Attorney's Office (Aug. 5, 2011). Copy supplied.

Press Release, Joseph H. Hogsett Announces Indianapolis Man Charged in String of Bank Robberies, U.S. Attorney's Office (June 22, 2011). Copy supplied.

Jeff Swiatek, *Durham Ordered to Halfway House*, The Indianapolis Star, Apr. 7, 2011. Copy supplied.

Ed Meyer and Jim Mackinnon, *200 Computers Among Items Seized in Fair Finance Raid*, Akron Beacon Journal, Mar. 30, 2011. Copy supplied.

Press Conference following the indictments of Durham, Cochran, and Snow, Mar. 16, 2011. I do not recall this press conference and have no recollection of any public remarks that I may have made, but representative press coverage is supplied.

Businessman Indicted, Faces SEC Fraud Charges; Former CEO Accused of Running Ponzi Scheme, Milking \$200 Million, Evening News and Tribune, Mar. 16, 2011. Copy supplied (reprinted in multiple outlets).

Matt Thacker, *New Albany Doctor Indicted on Fraud, Illegal Drug Distribution – Father of Clark County Man Blames Doctor for Sons's Death*, Evening News and Tribune (Jeffersonville-New Albany, Indiana), June 22, 2010. Copy supplied.

Press Release, Bloomington Physician Charged with Health Care Fraud and Unlawful Drug Distribution, U.S. Attorney's Office (June 17, 2010). Copy supplied (reprinted in multiple outlets).

Press Release, Brian Scott Hockett Sentenced to 18 Months for Bank Fraud, U.S. Attorney's Office (Aug. 31, 2009). Copy supplied (reprinted in multiple outlets).

Press Release, Salem Man Charged in Health Care Fraud Scheme, U.S. Attorney's Office (June 3, 2009). Copy supplied (reprinted in multiple outlets).

Press Release, Indianapolis Businessman Charged in Bank Fraud, U.S. Attorney's Office (May 6, 2009). Copy supplied.

Press Release, Miami Man Sentenced to 41 Months in Prison for Health Care Fraud Scheme, U.S. Attorney's Office (Nov. 10, 2008). Copy supplied.

Press Release, Indianapolis Man Sentenced in Embezzlement Scheme, U.S. Attorney's Office (Nov. 10, 2008). Copy supplied.

Press Release, Indianapolis Woman Sentenced in Arson Scheme to More Than Ten Years in Federal Prison, U.S. Attorney's Office (Sept. 17, 2008). Copy supplied.

Press Release, Muncie Man Sentenced in Arson-for-Profit Scheme, U.S. Attorney's Office (Sept. 11, 2008). Copy supplied.

Operator of Educational Services Indicted for Defrauding Indiana Medicaid Program, Bloomberg Health Care Fraud Report, Sept. 10, 2008. Copy supplied.

Press Release, Man Sentenced to Ten Years in Prison for Health Care Fraud Scam, U.S. Attorney's Office (Sept. 9, 2008). Copy supplied.

Press Release, Salem, Indiana Woman Sentenced to 30 Months' Imprisonment in \$780,000 Health Care Fraud Scheme, U.S. Attorney's Office (Aug. 26, 2008). Copy supplied (reprinted in multiple outlets).

Press Release, Indianapolis Woman Charged in \$1.8 Million Health Care Fraud Scheme, U.S. Attorney's Office (Aug. 18, 2008). Copy supplied.

Press Release, Salem Woman Charged in Health Care Fraud Scheme, U.S. Attorney's Office (May 20, 2008). Copy supplied.

Press Release, Indianapolis Man Charged in Mail Fraud Scheme, U.S. Attorney's Office (Dec. 28, 2007). Copy supplied.

Press Release, Dale, Indiana, Man Sentenced for Health Care Fraud, U.S. Attorney's Office (Nov. 28, 2007). Copy supplied (reprinted in multiple outlets).

Press Release, Four Muncie, Indiana Residents Indicted for Conspiracy to Use Arson to Commit Mail Fraud, U.S. Attorney's Office (Nov. 15, 2007). Copy supplied.

Press Release, Man Sentenced in Health Care Fraud Scam (Nov. 1, 2007). Copy supplied.

Press Release, Chiropractors Charged in Health Care Fraud Scheme, U.S. Attorney's Office (Dec. 20, 2006). Copy supplied.

Cab Company President Indicted, Courier & Press, Dec. 15, 2006. Copy supplied (reprinted in multiple outlets).

Press Release, Bloomington Man Sentenced for Bankruptcy Fraud, U.S. Attorney's Office (Dec. 4, 2006). Copy supplied.

Press Release, Bloomington Man Charged in Bankruptcy Fraud, U.S. Attorney's Office (Sept. 8, 2006). Copy supplied.

Press Release, Miami Man Indicted in Scheme to Defraud Indiana Medicaid of More Than \$1 Million in Children's Dental Care Services, U.S. Attorney's Office (Aug. 17, 2006). Copy supplied.

Press Release, Indianapolis Man Sentenced in Corporate Fraud Case, U.S. Attorney's Office (July 21, 2006). Copy supplied.

Greg Andrews, *Hacharick Is One of Two Former Brightpoint Employees Charged Last Fall in What Investigators Say Was a 1998 Scheme to Hide More Than \$11.9 Million in Cost Overruns*, Indianapolis Business Journal, May 1, 2006. Copy supplied.

Press Release, Indianapolis Man Sentenced for Firearms Violation, U.S. Attorney's Office (Feb. 9, 2006). Copy supplied.

Press Release, Indianapolis Man Sentenced in Bankruptcy Fraud, U.S. Attorney's Office (Dec. 22, 2005). Copy supplied.

Press Release, Bloomington Man Indicted in Bankruptcy Fraud, U.S. Attorney's Office (Nov. 22, 2005). Copy supplied.

Tom Murphy, *Medicaid Presents Crime of Opportunity*, Indianapolis Business Journal, Oct. 31, 2005. Copy supplied.

Jeff Swiatek, *Executives Get Prison for Scheme*, The Indianapolis Star, Oct. 22, 2005. Copy supplied.

Press Release, Indianapolis Men Sentenced for \$400,000 Embezzlement from Health Care Benefit Program, U.S. Attorney's Office (Oct. 21, 2005). Copy supplied.

Two Ex-Brightpoint Workers Charged, The Indianapolis Star, Oct. 14, 2005. Copy supplied.

Press Release, Obstruction Case Charged in AIG Insurance Scheme, U.S. Attorney's Office (Oct. 13, 2005). Copy supplied.

Press Release, Former Corporate Office Charged with Securities Fraud, U.S. Attorney's Office (Oct. 13, 2005). Copy supplied.

Jeff Swiatek, *Accountant of Defunct Health Plan Sentenced*, The Indianapolis Star, Sept. 23, 2005. Copy supplied.

Press Release, Milan Man Sentenced for Fraud, Firearms Crimes, U.S. Attorney's Office (Jan. 21, 2005). Copy supplied.

Press Release, Trio Charged in Embezzlement Conspiracy from Insolvent Insurance Carrier, U.S. Attorney's Office (Sept. 22, 2004). Copy supplied.

Ron Browning, *Couple Face Rare Jury Tampering Charges*, Indiana Lawyer, May 19, 2004. Copy supplied.

Press Release, Illegal Alien in Maryland Sentenced for \$355,000 in Fraudulent Indiana Tax Returns, U.S. Attorney's Office (Mar. 4, 2004). Copy supplied.

Press Release, Indianapolis Woman Sentenced for False Statements to IRS, U.S. Attorney's Office (May 9, 2003). Copy supplied.

Press Release, Doctor Indicted for Student Loan Fraud, U.S. Attorney's Office (Mar. 5, 2003). Copy supplied.

Noblesville Man Facing Charge of Identity Theft, The Indianapolis Star, May 3, 2002. Copy supplied.

Press Release, Evansville Woman Sentenced in Fraud, U.S. Attorney's Office (Mar. 12, 2002). Copy supplied.

Press Release, Physician and Patient Indicted for Unlawful Distribution of Oxycontin and Health Care Fraud, U.S. Attorney's Office (Jan. 15, 2002). Copy supplied.

Press Release, Indianapolis Man Sentenced as Armed Career Criminal Upon Conviction of Firearms Possession, U.S. Attorney's Office (Jan. 11, 2002). Copy supplied.

Press Release, Evansville Woman Charged with Fraud, U.S. Attorney's Office (Oct. 5, 2001). Copy supplied.

Press Release, Dubois Postmaster Charged with Embezzlement, U.S. Attorney's Office (May 29, 2001). Copy supplied.

Scott Olson, *Indicted Lender Facing Fraud Charges – Thomas Slack Fails to Appear in Court, Warrant Issued*, Indianapolis Business Journal, Jan. 3, 2000. Copy supplied.

Dave Hosick, *Carrier Accused of Stealing, Using Credit Cards from Posey Mail Route*, Courier & Press, July 21, 1999. Copy supplied.

Jim Beck, *Heidi Fless' Lawyer Defends Drug Suspect Here*, Courier & Press,

Sept. 11, 1997. Copy supplied.

Drug Sale Charge Could Bring Life Term, Courier & Press, Apr. 17, 1997. Copy supplied.

Doug Sword, *Denton Family Threatens Lawsuit Over Papers*, Courier & Press, Oct. 29, 1995. Copy supplied.

Catherine Edman, *Novice Lawyer Returns to Roots*, Courier & Press, Jan. 13, 1988. Copy supplied.

Mark Utterback, *Student Government Leaders Discuss Future of DePauw*, The DePauw, Oct. 20, 1978. Copy supplied.

Kim Feil, *OIT Offers Economical Alternative*, The DePauw, Oct. 13, 1978. Copy supplied.

Scott Hamilton, *Mail Mix-Up to End*, The DePauw, Sept. 30, 1978. Copy supplied.

Lindy Cornelius, *Matchett Outlines Student Government Proposal*, The DePauw, Apr. 18, 1978. Copy supplied.

Senate Elects Execs, The DePauw, Mar. 10, 1978. Copy supplied.

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

I have not 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.

I have not held any public office and I have never been a candidate for any office.

- 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 volunteered in the Phil Hayes for Congress campaign in 1974 in Indiana, handing out flyers door-to-door and at community festivals. I volunteered in the Obama for President Campaign in 2008 by making phone calls on one occasion.

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;

I served as a clerk to Chief Judge Gene E. Brooks in the United States District Court for the Southern District of Indiana from 1987 to 1989.

- 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.

1985 – 1987
Law Office of Donald C. Reid
838 Southwest First Street

Portland, Oregon 97204
Associate Attorney

1989 – 1995; 1996 – Present
United States Attorney's Office for the Southern District of Indiana
Ten West Market Street, Suite 2100
Indianapolis, Indiana 46204
Assistant United States Attorney (1989 – 1995; 1996 – Present)
Civil Division (1989 – 1995)
Criminal Division (1996 – Present)
Criminal Chief (2014 – Present)

1995 – 1996
Anthem, Inc. (formerly the Associated Group)
120 Monument Circle
Indianapolis, Indiana 46204
Director, Program Integrity

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

I have not served as a mediator or arbitrator in any matter.

b. Describe:

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

When I first began practicing at the Law Office of Donald C. Reid in 1985, the practice was almost all civil litigation, primarily insurance defense and business litigation, but also including a few criminal defense matters, and an occasional case representing plaintiffs in tort cases. I tried four tort cases by myself, and served as second chair to Donald C. Reid in one tort case. All were to a jury and went to verdict.

After my clerkship, I practiced in the United States Attorney's Office for the Southern District of Indiana from 1989 to 1995 as an Assistant United States Attorney in the Civil Division. I tried six cases to judgment, two by myself, three as lead counsel, and one as co-counsel. All were in federal court. Four of those cases were employment discrimination cases in which I defended the government, and two cases were defending the government in tort claims. I also co-chaired the office's health care fraud task force as the civil representative, and served as the first dedicated Affirmative Civil Enforcement lawyer in the office, spearheading the use of the False Claims Act to remedy fraud against the government.

When I practiced at Anthem, Inc., from 1995 to 1996, I was the Director of Program Integrity in the counsel's office, responsible for leading Anthem's internal and external compliance programs, consulting with corporate officers on a wide variety of matters, and developing cases for either civil or criminal litigation when appropriate.

When I returned to the United States Attorney in 1996, I practiced as an Assistant United States Attorney in the Criminal Division. I initially led the office's Asset Forfeiture program, and prosecuted violations of the Controlled Substances Act, including conspiracies and drug gangs. I subsequently moved to the office's Financial Crimes section where I continued to lead the Asset Forfeiture program, served as the Grand Jury Coordinator, chaired the office's health care fraud task force, served on two occasions as Appellate Counsel, and prosecuted white collar cases, in particular health care fraud, and corporate and securities fraud cases. In 2014, I was appointed supervisor of the Criminal Division.

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

As an Assistant United States Attorney, I represent the United States. While at Anthem from 1995 to 1996, I represented the company's interests in corporate compliance and overseeing litigation. While in private practice from 1985 to 1987, my typical clients were insurance companies, but I also did a significant amount of work for a large construction contractor with various legal issues, including a large lawsuit over the construction of a building involving numerous contractors.

- 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.

When I was in private practice, with the exception of two criminal matters, I practiced civil litigation exclusively and appeared in state court regularly. After joining the Civil Division of the United States Attorney's Office, I practiced civil litigation exclusively and appeared regularly in federal court. While I was corporate counsel for Anthem, I did not appear in court. Since joining the Criminal Division of the United States Attorney's Office, I appear in federal court frequently and exclusively.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 80%
 - 2. state courts of record: 20%
 - 3. other courts: 0%
 - 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 30%
 - 2. criminal proceedings: 70%

- 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 estimate that I have tried 28 cases to verdict or judgment. Approximately five of those were in state courts, all in Multnomah County, Oregon. The rest were in United States District Court for the Southern District of Indiana. I tried six cases while in the Civil Division and 17 cases while in the Criminal Division. I was sole counsel in approximately 13 of those cases, lead counsel in 11 of those cases, and associate counsel in four of those cases.

- i. What percentage of these trials were:
 - 1. jury: 75%
 - 2. non-jury: 25%

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

I have never practiced before the Supreme Court of the United States.

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) *United States v. Durham, Cochran and Snow*, No. 1:11-cr-42-JMS-DML (S.D. Ind. 2011); *aff'd in part, remanded in part*, 766 F.3d 672 (7th Cir. 2014).

Mr. Durham, an Indianapolis-area entrepreneur and financier, was charged with wire fraud and securities fraud in connection with the ownership of one of his businesses, a finance company called Fair Finance. The charges were based on allegations that Mr. Durham, along with his business partner Mr. Cochran and his corporate CFO, Mr. Snow, had pillaged the assets of Fair Finance over several years in order to bolster several of Mr. Durham's other fledgling business ventures, and also the lavish lifestyles of Mr. Durham and Mr. Cochran. I led the case through the investigation and trial. With the FBI, I conducted a preliminary investigation, and in October 2009 we obtained permission to conduct a wiretap of Mr. Durham's phone. The wiretap confirmed that the defendants were involved in an elaborate fraud scheme.

After extensive further investigation, an indictment was handed down in March 2011. A trial – originally estimated to take five weeks – was conducted under intense media scrutiny in nine trial days, and resulted in guilty verdicts for all three defendants on all major charges. I handled the opening, closing, and many of the witnesses and introduced dozens of wiretap calls, hundreds of emails, and substantial amounts of summary financial testimony. In the end, 5,000 victims lost over \$200 million. Mr. Durham, Mr. Cochran, and Mr. Snow were sentenced to 50, 25, and 10 years, respectively. The Criminal Appellate Section of the Department of Justice handled the appeal. The court of appeals affirmed the convictions and sentences of all three defendants, except for two of Mr. Durham's 12 counts of conviction, which were vacated. The appellate court remanded for resentencing while otherwise affirming the method of calculating Mr. Durham's sentence. On June 26, 2015, Judge Stinson found that the two counts that were vacated were insignificant to the method of calculating the sentence, and resentenced Mr. Durham to 50 years again. That resentencing is on appeal.

Dates of representation: 2009 – Present

Presiding judge: United States District Court Judge Jane Magnus Stinson

Co-counsel:

Henry Van Dyck
Kathleen McGovern
Nicholas E. Surmacz (formerly at U.S. Attorney's Office)
Department of Justice Criminal Division Fraud Section
1400 New York Avenue NW
Washington, DC 20530
(202) 514-2000

Counsel for defendants:

John L. Tompkins (for defendant Mr. Durham)
The Law Office of John L. Tompkins
608 East Market Street
Indianapolis, IN 46202

(317) 507-4838

William H. Dazey, Jr. (for defendant Mr. Cochran)
Indiana Federal Community Defenders
111 Monument Circle
Suite 2150
Indianapolis, IN 46204
(317) 383-3520

Jeffrey A. Baldwin (for defendant Mr. Snow)
Voyles, Zahn & Paul
141 East Washington Street
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Indianapolis, IN 46204
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2) *United States v. Reis, Raport, Golden and Cooper*, No. 1:08-cr-165-JMS-TAB (S.D. Ind. 2008); related case, No. 1:11-cr-91-JMS-TAB.

Ms. Reis ran a business venture from her home and office in New York in which she solicited consumer products at steep discounts from large consumer product companies through a unique distribution network. When she was successful at obtaining these products, she would then sell the vast majority of the products through the “grey (diversion) market” at a huge profit for herself. After Ms. Reis defrauded an Indianapolis-area company, an FBI agent and I concluded that aspects of Ms. Reis’s business model crossed the line from dubious to fraudulent. We obtained permission to conduct a wiretap on Ms. Reis’s phone in New York, and in a matter of weeks gathered conversations that showed Ms. Reis’s business model was knowingly predicated on carefully crafted misrepresentations. After indictments, Ms. Reis and three of her employees pled guilty to felony wire fraud, and Ms. Reis went to jail for 18 months. Ms. Reis paid approximately \$7 million in financial obligations as part of the plea, including forfeiture, a \$1 million fine, and restitution to defrauded businesses.

Dates of representation: 2007 – 2011

Presiding judge: United States District Court Judge Jane Magnus Stinson

Co-counsel:

Matthew A. Klecka
Department of Justice Criminal Division Fraud Section
1400 New York Avenue NW
Washington, DC 20005
(202) 514-2000

Counsel for principal defendants:

J. Richard Kiefer (for defendant Ms. Reis)
Bingham Greenbaum Doll
2700 Market Tower
Ten West Market Street
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(317) 635-8900

Robert W. Hammerle (for defendant Ms. Golden)
Pence Hensel
135 North Pennsylvania Street
Suite 1600
Indianapolis, IN 46204
(317) 643-6960

James H. Voyles (for defendant Ms. Raport)
Voyles Zahn & Paul
141 East Washington Street
Suite 300
Indianapolis, IN 46204
(317) 632-4463

Richard Kammen (for defendant Ms. Cooper)
Kammen and Moudy
One Indiana Square, Suite 150
Indianapolis, IN 46204
(317) 236-0400

3) *United States v. Delaney*, No. IP 05-157 (S.D. Ind. 2005).

Brightpoint was a medium-sized public company headquartered in the Indianapolis-area. In 1998, executives at Brightpoint learned that it was going to incur an unexpected \$10 million loss. Mr. Delaney, the Chief Accounting Officer, was tasked with seeing if he could mitigate the loss. Mr. Delaney eventually entered into an agreement with AIG, a large financial services company, to purportedly “insure” Brightpoint for its loss. Brightpoint paid AIG \$10 million for this insurance policy, plus a small fee, and AIG then paid Brightpoint back \$10 million, purportedly as proceeds of the insurance. The accounting benefit was that insurance proceeds could be counted as income and cover up the loss. The SEC, FBI and I worked together to unravel this corporate fraud scheme. The FBI agent and I analyzed hundreds of accounting records and conducted numerous interviews with business executives and accountants at both AIG and Brightpoint. I engaged in numerous negotiations with lawyers for corporations and individuals to get the information we needed in the case. Mr. Delaney eventually pled guilty to securities fraud for lying in Brightpoint’s SEC 10-K about Brightpoint’s financial circumstances. Mr. Delaney received a sentence of three years’ probation because it appeared that the fraud did not cause any actual loss to stockholders. AIG culpability for the scheme was

addressed in a non-prosecution agreement that was filed in conjunction with another matter by the Department of Justice in the Western District of Pennsylvania.

Dates of representation: 2003 – 2005

Presiding judge: United States District Court Judge Larry J. McKinney

Counsel for defendant:

Larry A. Mackey
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, IN 46204
(317) 231-7236

4) *United States v. Tiwari*, No. 1:10cr103-SEB-DKL (S.D. Ind. 2010).

Mr. Tiwari was a highly-credentialed anesthesiologist in Bloomington. Mr. Tiwari had been the focus of concern for years because of the large number of patients he purported to see, the huge number of procedures he purported to perform, and the fact that prescriptions for narcotics he wrote turned up regularly in the black market in the Bloomington area. A lengthy investigation ensued, and search warrants at Tiwari's places of business were eventually executed, which led to the seizure of hundreds of boxes of business and patient records. I supervised the case, and the case agent and I interviewed approximately 30 witnesses together. I obtained and prepared four experts for the government. Mr. Tiwari was indicted for health care fraud and drug distribution. The allegations were that Mr. Tiwari prescribed narcotics to his patients if they would submit to intrusive surgical medical procedures such as epidurals and nerve blocks. Mr. Tiwari had a huge patient base, and performed more nerve block procedures than anyone else in Indiana. Mr. Tiwari did actually perform the procedures, and the amounts of narcotics he prescribed were not in and of themselves illegal. But it was the way he interwove the two in an insidious scheme that amounted to the crime. He pled guilty to both health care fraud and dealing in controlled substances and was sentenced to 36 months in prison.

Dates of representation: 2007 – 2011

Presiding judge: United States District Court Judge Sarah Evans Barker

Co-counsel:

Bradley P. Shepard
Shelese M. Woods
United States Attorney's Office for the Southern District of Indiana
Ten West Market Street
Suite 2100

Indianapolis, IN 46204
(317) 226-6333

Counsel for defendant:

Michael J. Donahoe
Indiana Federal Community Defenders
111 Monument Circle
Suite 2150
Indianapolis, IN 46204
(317) 383-3520

5) *United States v. Lipscomb*, No. 1:12cr132-SEB-TAB (S.D. Ind. 2012).

Ms. Lipscomb ran a business that purported to provide mental health services for troubled youths. She was paid approximately \$500,000 over three years by Indiana Medicaid for unusual types of mental health treatment for dozens of children. It took an extensive investigation to reveal that what Ms. Lipscomb was actually doing was running an alternative school for children who had been expelled from school, and billing Indiana Medicaid as if the education-related services she was providing were mental health services. She did this because there was no way for her to legitimately fund her passion to run an alternative school. The challenge was that she did in fact employ several people who were qualified to provide mental health counseling, they did interact with children on a regular basis, and many of these people were dedicated to Ms. Lipscomb's mission. I was lead counsel at trial, handling the opening argument and rebuttal closing argument, most of the witnesses on the government's direct case, and cross-examination of the defendant and a psychiatrist she called in her case. After a week-long jury trial, Ms. Lipscomb was convicted of health care fraud and sentenced to probation.

Dates of representation: 2009 – 2012

Presiding judge: United States District Court Judge Sarah Evans Barker

Co-counsel:

MaryAnn Mindrum
United States Attorney's Office for the Southern District of Indiana
Ten West Market Street, Suite 2100
Indianapolis, IN 46204
(317) 226-6333

Counsel for defendant:

William H. Dazey, Jr.
Indiana Federal Community Defenders
111 Monument Circle

Suite 2150
Indianapolis, IN 46204
(317) 383-3520

6) *United States v. Hatcher*, No. 1:08cr31-SEB-MJB, *aff'd*, 329 F. App'x 26 (7th Cir. 2009).

Ms. Hatcher was the last of five defendants prosecuted in an arson-for-profit scheme. All five defendants pled guilty and were sentenced to imprisonment. The participants would fill a residence with cheap goods they would buy at yard sales, then set fire to the residence and submit insurance claims as if the fire was accidental and the goods expensive items. Ms. Hatcher was the expert arsonist and the last defendant to be charged. The ATF agent and I built the case against her very methodically because there was virtually no physical evidence that tied her to the arsons. I interviewed dozens of witnesses and reviewed hundreds of pages of insurance records to build the case against Ms. Hatcher. She eventually admitted to setting over 40 fires for others to collect insurance proceeds and received the statutory maximum of ten years' imprisonment. The Seventh Circuit affirmed the sentence.

Dates of representation: 2006 – 2010

Presiding judges: United States District Court Judge Sarah Evans Barker; United States Circuit Court Judges William J. Bauer, Terence T. Evans and Ann Claire Williams.

Counsel for defendant:

Kenneth L. Riggins
Solo Practitioner
1512 North Delaware Street
Indianapolis, IN 46202
(317) 207-6132

7) *United States v. V. Robbins, R. Robbins and Herriman*, No. 97-59 (S.D. Ind.), *aff'd*, 197 F.3d 829 (7th Cir. 1999).

Defendants, V. Robbins, R. Robbins (his brother), and Mr. Herriman operated a large marijuana distribution network in central Indiana responsible for thousands of pounds of marijuana in the mid-1990s. My primary task was developing and presenting the documentary evidence that corroborated the testimony of cooperating witnesses in the case against the defendants. Over the course of this approximately ten-day trial, we introduced hundreds of pages of phone records and financial records and presented a painstakingly prepared summary chart that proved to be overwhelming circumstantial evidence of the defendants' guilt. All three defendants were convicted and sentenced to lengthy prison terms. I wrote the appellate brief and argued the case at the Seventh Circuit. The conviction and sentences were affirmed in their entirety.

Dates of representation: 1998 – 1999

Presiding judges: United States District Court Judge David F. Hamilton; United States Circuit Court Judges Kenneth Francis Ripple, Daniel Anthony Manion and Terence T. Evans.

Co-counsel:

John Dowd (retired)
United States Attorney's Office
Ten West Market Street, Suite 2100
Indianapolis, IN 40604
(317) 226-6333

Counsel for defendants:

Linda Wagoner (for defendant V. Robbins)
Solo Practitioner
402 North Wayne Street
Angola, IN 46703
(260) 624-3343

Robert W. Hammerle (for defendant R. Robbins)
Pence Hensel
135 North Pennsylvania Street
Suite 1600
Indianapolis, IN 46204
(317) 643-6960

David R. Hennessey (for defendant Mr. Herriman)
Solo Practitioner
424 East Wabash Street
Indianapolis, IN 46204
(317) 636-6160

8) *United States v. Collins, et al.*, No. 87-105; IP 1:05cv1529 (S.D. Ind.), *aff'd*, 503 F.3d 616 (7th Cir. 2007); 277 F. App'x 607 (7th Cir. 2008).

Mr. Collins was the source of supply for 3,000 tons of marijuana distributed in the Midwest by the "Heilbrun Gang" over 15 years in the 1970s and 1980s. He was indicted with dozens of others in 1987. Mr. Collins was a fugitive until he was apprehended in Wilmington, North Carolina in 1997, long after all the other defendants had been prosecuted. Mr. Collins eventually pled guilty and was sentenced to 23 years' imprisonment. As part of his plea agreement, he agreed to forfeit approximately \$6 million in drug proceeds he held in Liechtenstein. However, as soon as Mr. Collins was sentenced, he reneged on his agreement, recanted his admission that the money in

Liechtenstein was drug proceeds, and retained lawyers in Liechtenstein to fight the repatriation and forfeiture of the \$6 million. I spent ten years working with the Department of Justice Office of International Affairs and authorities in Liechtenstein to repatriate and forfeit the money. We obtained an order from the district court judge in Indianapolis pursuant to 18 U.S.C. § 981(k) of the Patriot Act, seizing money in the interbank accounts in the United States of the Liechtenstein banks that held Mr. Collins' money. At the time this provision of the Patriot Act had only been used a few times, and never in a West European country. Shortly thereafter, we negotiated a repatriation and forfeiture of all of Mr. Collins' money held in Liechtenstein. Mr. Collins appealed two rulings by the district court judge. I wrote both briefs for the government. The case was affirmed on appeal.

Dates of representation: 1997 – 2007

Presiding judges: United States District Court Judge Larry J. McKinney; United States Circuit Court Judges John L. Coffey, Terence T. Evans, and Diane S. Sykes.

Co-counsel:

Melanie Conour (retired)
United States Attorney's Office for the Southern District of Indiana
Ten West Market Street, Suite 2100
Indianapolis, IN 46204
(317) 226-6333

Counsel for defendant:

James H. Voyles
Voyles Zahn & Paul
141 East Washington Street
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Indianapolis, IN 46204
(317) 632-4463

9) *Rennie v. Dalton*, No. 88-c-652 (S.D. Ind.), *aff'd*, 3 F.3d 1100 (7th Cir. 1993).

Ms. Rennie claimed her discharge from federal employment was the result of sex discrimination and sex harassment creating a hostile work environment. I litigated this highly-charged and contentious matter up until trial, including extensive litigation over discovery of records and depositions and pretrial motions. Shortly before trial a colleague joined me, and I led the week-long trial, handling virtually all of the witnesses. I filed substantial post-trial pleadings at the direction of the court, and subsequently obtained a judgment for the defendant. I wrote the brief for the government on appeal and argued the case before the Seventh Circuit. The judgment was affirmed.

Dates of representation: 1989 – 1993

Presiding judges: United States District Court Judge William Steckler (deceased); United States Circuit Court Judges John L. Coffey, Frank H. Easterbrook, and Diane Pamela Wood.

Co-counsel:

Gerald Coraz (retired)
United States Attorney's Office for the Southern District of Indiana
Ten West Market Street, Suite 2100
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(317) 226-6333

Counsel for plaintiff:

Richard Darst
Cohen, Garelick & Glazier
8702 Keystone Crossing
Indianapolis, IN 46240
(317) 397-0792

10) *Morton v. Brady*, No. 91-cv-1233 (S.D. Ind.)

Ms. Morton alleged that she had been fired from federal employment due to racial discrimination. I litigated all pretrial matters. My co-counsel entered her appearance two weeks before trial, and I handled most of the evidence during the three-day trial. The district court entered a judgment for the defendant at the conclusion of the trial.

Dates of representation: 1989 – 1991

Presiding judge: United States District Court Judge Larry J. McKinney

Co-counsel:

Jill Julian
United States Attorney's Office
Ten West Market Street, Suite 2100
Indianapolis, IN 46204
(317) 226-6333

Counsel for plaintiff:

Aaron Haith
Solo Practitioner
151 North Delaware Street # 740
Indianapolis, IN 46204

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.)

Complex Investigations: Over the years I have been involved in many complex investigations that did not necessarily end in criminal charges being brought. Two of these investigations stand out in particular and involved intense public scrutiny. In one instance, I was one of two prosecutors involved in a massive investigation into a huge write-down of assets in a public company, and the company's subsequent bankruptcy. There were four law enforcement agencies involved. My colleague and I spent most of the next 18 months leading this investigation, including personally interviewing dozens of business people, reviewing thousands of pages of complex financial records and other business documents, consulting with experts, and making significant use of the grand jury. The case concluded after a meeting at the Department of Justice Fraud Section where the decision was made by consensus not to present an indictment to the grand jury. Another complex investigation I co-led with a colleague centered on allegations of prescription fraud and abuse between a well-known doctor and a high-profile patient. During the investigation, my colleague and I interviewed a dozen or more witnesses, consulted in detail with an expert, and undertook a lengthy side-investigation relating to the nature of the federal agent and his investigation itself. The case concluded after a meeting with the United States Attorney where a consensus decision was made not to present an indictment to the grand jury.

Criminal Chief, United States Attorney's Office: In August 2014, I was given the opportunity to serve as Criminal Chief. As Criminal Chief, I directly supervise eight line Assistant United States Attorneys in the General Crimes Division of the office, and also supervise the three other supervisors in the Criminal Division, the Drug and Violent Crime Division supervisor, the supervisor of our Evansville Division, and the National Security Chief. I assign cases, review prosecution memoranda and plea agreements, troubleshoot a wide variety of issues on a daily basis, and deal with all the federal law enforcement agencies in the district.

Health Care Fraud Coordinator: From approximately 2002 to 2010, I was the criminal coordinator of the office's health care fraud task force. The task force is a group of approximately 20 law enforcement agents from various agencies involved in investigating health care fraud. As the coordinator I worked hard to instill a sense of cohesion, balance, and dedication to the task force's mission of fairly policing the health care system. I was told by the Health and Human Services Inspector General Agent-In-Charge that the task force was subsequently held out as a model for cooperation and effectiveness.

Grand Jury Coordinator: In approximately 1998, I was appointed the office's first dedicated Grand Jury Coordinator. I held that position until approximately 2010. In that position I served as legal counsel for my colleagues on the rules on practicing before a grand jury. I also helped the court select three grand juries a year, and then was the primary point of contact for dealing with issues with the grand jury itself.

Forfeiture Counsel: From 1996 to 2009, I served as the office's Forfeiture Counsel. In that position I was responsible for mastering the complex and often arcane rules of forfeiture, and advising my colleagues on forfeiture issues. Justice is not complete unless a criminal is stripped of the fruits of his criminal activity, but the rules that govern that process are largely separate from the rules related to conviction, and anytime the government is involved in taking a person's property the utmost discretion needs to be utilized. I have taken pride in not only mastering the complex rules of forfeiture, but also running a forfeiture program that, I believe, was noted in the bench and bar for transparency and fairness.

Appellate Counsel: I served as Appellate Counsel for the United States Attorney's Office periodically, including during the absence of a permanent Appellate Counsel, editing appellate briefs for my colleagues, and serving as the expert on developments in Seventh Circuit case law and appellate practice and procedure.

Affirmative Civil Enforcement Program Leader: Beginning around 1992, I volunteered to become the United States Attorney's Office's first dedicated Affirmative Civil Enforcement program leader. At that time the Department of Justice was beginning to emphasize the use of the False Claims Act to remedy and deter fraud against government programs. Within months, we had recovered several hundred thousand dollars in damages in the office's first False Claims Act case in a defense procurement matter.

I have never served as a lobbyist.

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 never taught a full course at any institution.

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.

The only future benefits I expect to receive are from the government Thrift Savings Plan

in which I am currently enrolled.

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.

I have no plans or other arrangements to pursue outside employment during 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.

I would recuse from any case I participated in as an Assistant United States Attorney in the Southern District of Indiana, and from any case I supervised as Chief of the Criminal Division. If any matter were to arise that involved an actual or potential conflict of interest, I would handle it by careful and diligent application of the Code of Conduct for United States Judges as well as other relevant canons and statutory provisions.

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

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

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in

serving the disadvantaged.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

As an Assistant United States Attorney, I am restricted in the practice of law outside government service. However, I have regularly participated in community outreach efforts by the U.S. Attorney’s Office, and have served on two non-profit boards. I have also participated as a judge in numerous mock trials for the Indiana High School Mock Trial competition, and the McKinney School of Law Appellate Advocacy competition. I have spoken at local schools on Constitution Day on the importance of our Constitution. I have spoken at several elementary schools, including at the USAO’s “adopted” school, on the general topic of criminal justice. I have spoken to numerous civic groups on a variety of topics, but most importantly to raise community awareness of health care fraud. While practicing with Donald C. Reid I handled a pro bono criminal matter.

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.

I am unaware of a selection commission in my jurisdiction for this judicial vacancy. On April 16, 2015, I was contacted by a staff member for Senator Joe Donnelly, who requested that I complete a questionnaire for review by the Senator’s staff. On April 29, 2015, I submitted the completed questionnaire. On May 1, 2015, I met with Senator Donnelly’s staff counsel in Indianapolis for an interview. On May 22, 2015, I met in Indianapolis with Senator Donnelly and staff members for another interview. On June 29, 2015, I met in Indianapolis with Senator Dan Coats’ staff counsel. On October 12, 2015, I was notified by Senator Donnelly’s staff that my name was being forwarded to the White House for consideration. Since October 14, 2015, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On December 1, 2015, I interviewed with attorneys from the White House Counsel’s Office and the Department of Justice in Washington, D.C. On January 12, 2016, 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.