

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Scott Lawrence Palk

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

United States District Judge for the Western District of Oklahoma

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.

University of Oklahoma College of Law
300 Timberdell Road
Norman, Oklahoma 73019

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

1967; Tulsa, Oklahoma

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.

1989 – 1992, University of Oklahoma College of Law; J.D., 1992
1985 – 1989, Oklahoma State University; B.S., 1989
Summer 1985 & Summer 1986, Tulsa Junior College; no degree

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.

2011 – present
University of Oklahoma College of Law
300 Timberdell Road
Norman, Oklahoma 73019
Assistant Dean for Students (2011 – present)

Assistant General Counsel (2011 – present)
Consultant – Threat Assessment Review Committee (2011 – present)

2002 – 2011

United States Attorney's Office for the Western District of Oklahoma
210 Park Avenue, Suite 400
Oklahoma City, Oklahoma 73102
Assistant United States Attorney (2002 – 2011)
Deputy Chief, Criminal Division (2004 – 2011)

1991 – 2002

District Attorney's Office for Cleveland, Garvin, and McClain Counties
201 South Jones
Norman, Oklahoma 73069
First Assistant District Attorney (1998 – 2002)
Assistant District Attorney (1992 – 2002)
Multi-Jurisdictional Drug Task Force Coordinator (1992 – 1995)
Legal Intern (1991 – 1992)

Summer 1991

Terrel B. DoRemus & Associates
10202 East 41st Street
Tulsa, Oklahoma 74146
Law student clerk

1989 – 1991 (summers only)

Sand Springs Public Schools Plant Services
11 West Broadway
Sand Springs, Oklahoma 74063
Various maintenance / landscaping crews

Other Affiliations (uncompensated):

2001 – 2003

Mary Abbott Children's House (Child Advocacy Center)
231 East Symmes
Norman, Oklahoma 73069
President, Board of Directors (2002 – 2003)
Vice-President, Board of Directors (2002)
Member, Board of Directors (2001 – 2003)

1998 (approximate)

Cleveland County Bar Association
(No physical address)
Post Office Box 1492
Norman, Oklahoma 73070

Secretary

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

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

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.

Federal Bureau of Investigation, Director's Certificate of Appreciation for Assistance to the Joint Terrorism Task Force (2011)

International Outlaw Motorcycle Gang Investigators Association, Robert Faulkner Memorial Outstanding Case Investigation (2006)

Drug Enforcement Administration, Certificate of Appreciation for Outstanding Contributions in the Field of Drug Law Enforcement (2005)

Executive Office of United States Attorneys, Director's Award for Superior Performance (2004)

Oklahoma Gang Investigators Association, Prosecutor of the Year (2004)

Association of Oklahoma Narcotics Enforcers, Prosecutor of the Year (1993)

Oklahoma State University, President's Leadership Council (1985)

National Honor Society (1985)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association

American Inns of Court, Luther Bohannon Chapter
Associate (1995 – 1997)
Master (2011 – Present)

Cleveland County Bar Association
Secretary (approximately 1998)
Bench and Bar Committee (approximately 1998)

Federal Bar Association

Oklahoma Bar Association

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.

Oklahoma, 1992

There has been no lapse 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.

United States Court of Appeals for the Tenth Circuit, 2003

United States District Court for the Western District of Oklahoma, 1995

Oklahoma state courts, 1992

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.

Cleveland County Advisory Board for Local Law Enforcement Block Grant
Program Member (approximately 1999)

Mary Abbott Children's House (Child Advocacy Center)

President, Board of Directors (2002 – 2003)

Vice-President, Board of Directors (2002)

Member, Board of Directors (2001 – 2003)

National Rifle Association (approximately 2011 – present; Life Membership)

TriCity Gun Club (2012 – 2016)

University of Oklahoma, President's Associates (approximately 2006)

University of Oklahoma College of Law, Second Century Annual Giving Society
(2012 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To 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.

None.

- 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.

From 2011 to the present, as the Assistant Dean of Students at the University of Oklahoma College of Law, I am required to sign off as a co-sponsor on any appropriations drafted by the University student government, even though I have never been involved in the process of preparing or editing student legislation. I have not kept records of these materials. A copy of an April 2013 amendment passed by the undergraduate student congress is supplied.

As the University's representative to the Oklahoma Access to Justice Commission, I attended two meetings on March 20 and May 22, 2015. I have been unable to obtain copies of minutes for these meetings.

From 2001 to 2003, I regularly attended monthly board meetings for the Mary Abbott Children's House. Copies of the minutes I was able to locate are supplied.

In 2002, during my term as Vice-President of the Board for the Mary Abbott Children's House, the board issued an annual report. Copy supplied.

Although I served as secretary and as a member of the Bench and Bar Committee for the Cleveland County Bar Association, I have been unable to locate any written records from my time of service.

- 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.

On April 20, 2016, I testified at my confirmation hearing before the Judiciary Committee of the United States Senate in consideration of my nomination to be a United States District Judge for the Western District of Oklahoma. I also provided written answers to Questions for the Record presented to me by Senators Cruz, Flake, Grassley, and Tillis. Video of the hearing is available at <https://www.judiciary.senate.gov/meetings/04/20/2016/nominations> for the 114th Congress and a copy of my responses to the written questions is supplied.

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

2011 – 2016: Guest Speaker, University of Oklahoma, Norman, Oklahoma. I have spoken informally on a periodic basis to undergraduate college classes at the University of Oklahoma, discussing my experience as a prosecutor and general concepts of the practice of criminal law and careers in the area of criminal law. I have also spoken on regular occasions to prospective and incoming students during recruiting and admissions events at the law school. Those comments have been in the form of welcome remarks, application logistics, and introductory remarks for various law school programs. I have no notes, transcripts, or recordings, but representative press coverage is supplied. The address of the University of Oklahoma is 660 Parrington Oval, Norman, Oklahoma 73019.

Jessica Jones, *The Newest Members of the Class of 2017 Join OU Law for*

Admitted Students Day, University of Oklahoma College of Law Blog, March 7, 2014. Copy supplied.

Evie Holzer, *OU Law Sponsors Much-Needed Breaks During Oklahoma Bar Exam*, University of Oklahoma College of Law Blog, August 3, 2012. Copy supplied.

November 5, 2012: Guest Speaker, National Security Law Class, University of Oklahoma College of Law, Oklahoma City, Oklahoma. Outline supplied.

August 4, 2012: Keynote Speaker, Legal Assistant Education Graduation, University of Oklahoma College of Law, Norman, Oklahoma. I spoke to a graduating legal assistant class about the importance of a team approach to legal representation and the significant role of legal assistants. I have no notes, transcript, or recording. The address of the University of Oklahoma College of Law, Legal Assistant Program is 300 Timberdell Road, Norman, Oklahoma 73019.

March 2, 2012: Speaker, Diversity Day Welcome Remarks, University of Oklahoma College of Law, Norman, Oklahoma. I delivered welcoming remarks to a group of high school and undergraduate students from diverse populations, outlining the program for the day. I have no notes, transcript, or recording. The address of the University of Oklahoma College of Law, Legal Assistant Program is 300 Timberdell Road, Norman, Oklahoma 73019.

1992 – 2002: Instructor, Search and Seizure, Norman Police Academy, Norman, Oklahoma. During this time period, I spoke to prospective City of Norman police officers being trained at the Norman Police Academy. Academies were conducted annually as needed. I lectured on the topics of basic search and seizure and the mechanics of felony prosecutions. I have no notes, transcripts, or recordings. The address of the Norman Police Department is 201 West Gray, Norman, Oklahoma 73069.

Approximately 2004 – 2010: Panelist/Instructor, National Advocacy Center, United States Department of Justice, Columbia South Carolina. I have occasionally spoken on panels for National Advocacy Center courses on crisis management, managing national security investigations, and Title III wiretap affidavit preparation. I have no notes, transcripts, or recordings. The address for the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

- 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 to the best of my ability identified all items referred to in the question, after conducting a thorough review of my files and searches of publicly available electronic databases.

Molly M. Fleming, *Admission of Growth: Most Local Law Schools Beat National Trends*, Journal Record, August 5, 2015. Copy supplied.

Alex Cameron, *Crime and Punishment: The Debate Surrounding Embezzlement in Oklahoma*, News 9, November 19, 2013. Copy supplied. Video is available at <http://www.news9.com/story/24015226/crime-and-punishment-the-debate-surrounding-embezzlement-in-oklahoma>.

Nikki Cuenca, *OU Law Hosts Section Release Party for Incoming 1Ls*, University of Oklahoma College of Law Blog, July 16, 2012. Copy supplied.

Darla Shelden, *OU College of Law Introduces Undergraduates to Law Student Life*, City Sentinel, February 28, 2012. Copy supplied.

Greg Kennedy, *Federal Post Lures Palk from County*, Daily Oklahoman, February 5, 2002. Copy supplied.

Sheriff's Office Arrests Deputy for Allegedly Bringing Contraband into Jail, Associated Press, December 15, 2001. Copy supplied.

Greg Kennedy, *Phone System Hangs Up County*, Daily Oklahoman, November 21, 2001. Copy supplied.

Greg Kennedy, *Walk-Ins Welcomed; Robbery Suspect Surrenders to Assistant District Attorney*, Daily Oklahoman, November 5, 2001. Copy supplied.

Former Girls' Basketball Coach Convicted of Lewd Molestation, Associated Press, August 31, 2001. Copy supplied (reprinted in multiple outlets).

Greg Kennedy, *Officer Cleared in Fatal Shooting*, Daily Oklahoman, July 1, 2001. Copy supplied.

Prosecutors Clear Police Officer Who Fatally Wounds Norman Man, Associated Press, June 29, 2001. Copy supplied.

Greg Kennedy, *Larceny Case Against Johnson Dropped*, Daily Oklahoman, April 19, 2001. Copy supplied (reprinted in multiple outlets).

Ben Scott, *Moore Teacher Agrees to Resign*, Daily Oklahoman, February 16, 2001. Copy supplied.

Greg Kennedy, *Norman Police Work to Hold Back Drug Surge*, Daily

Oklahoman, November 17, 2000. Copy supplied.

Greg Kennedy, *Cleveland County Judge Calls Mistrial in Drug, Weapons Case*, Daily Oklahoman, September 21, 2000. Copy supplied.

Jane Glenn Cannon, *Marijuana View Leads to Mistrial*, Norman Transcript, September 21, 2000. Copy supplied.

Greg Kennedy, *Woodruff May Plead Guilty*, Daily Oklahoman, September 15, 2000. Copy supplied.

Greg Kennedy, *Vaughn Charges Unlikely*, Daily Oklahoman, June 25, 2000. Copy supplied (reprinted in multiple outlets).

Oklahoma Charges Unknown Rape Suspect on Basis of DNA, Reuters, March 21, 2000. Copy supplied.

Tim Talley, *Bills Provide Options to Abandoning Newborns*, Associated Press, March 20, 2000. Copy supplied.

Alexander Trial Moved to January, Associated Press, November 19, 1999. Copy supplied.

Amy David, *Sex Crime Charges Filed Against Three Norman Men*, Daily Oklahoman, October 14, 1999. Copy supplied.

Amy David, *Sex Crimes Related, Authorities Suspect*, Daily Oklahoman, October 13, 1999. Copy supplied.

Police Investigating Possible Ring of Child Molesters, Associated Press, October 13, 1999. Copy supplied.

Chip Minty, *OU Sleuths Track Down Hackers*, Daily Oklahoman, August 16, 1999. Copy supplied.

Robert Lemos, *Disrupting Net Access a Cybercrime?*, ZDNet, August 6, 1999. Copy supplied.

Carrie Pagley, *Moore Pair Arrested on Drug Charges*, Daily Oklahoman, August 5, 1999. Copy supplied.

Deputy Getting Old Badge as Souvenir, Associated Press, May 18, 1999. Copy supplied.

Amy David, *Freeman Guilty; Beth Boyls' Family Relieved at Verdict*, Daily Oklahoman, April 12, 1999. Copy supplied.

Staff and Wire Report, *Man to Stand Trial in Killings*, Daily Oklahoman, March 16, 1999. Copy supplied.

Staff and Wire Report, *Double Murder Defendant Found Competent for Trial*, Daily Oklahoman, January 28, 1999. Copy supplied.

Jean Yaeger, *Penthouse Magazine Lands Store Clerk in Court*, Associated Press, January 7, 1999. Copy supplied (reprinted in multiple outlets).

Lisa Beckloff, *Assistant DA Taylor Retires*, Daily Oklahoman, December 23, 1998. Copy supplied.

Lisa Beckloff, *Hearing Set for Bartender in Death*, Daily Oklahoman, December 19, 1997. Copy supplied.

Lisa Beckloff, *City Man Given Life in Shooting*, Daily Oklahoman, September 11, 1997. Copy supplied.

Staff and Wire Report, *Jury Clears Man in Norman Killing; Confession Disregarded*, Daily Oklahoman, July 17, 1997. Copy supplied (reprinted in multiple outlets).

Lisa Beckloff, *Husband, Officers Testify; Rape, Killing Hearing Starts Ten Years After Crime*, Daily Oklahoman, July 12, 1997. Copy supplied.

Lisa Beckloff, *Norman Man Charged in Mother's, Sister's Deaths*, Daily Oklahoman, July 1, 1997. Copy supplied.

Robert Medley, *Liquor Confiscated*, Daily Oklahoman, February 28, 1994. Copy supplied.

Robert Medley, *Pot-Growing Charge Filed in Norman*, Daily Oklahoman, May 18, 1993. Copy supplied.

Robert Medley, *OU Professor's Pool Caretaker Eyed in Probe*, Daily Oklahoman, March 31, 1993. Copy supplied.

Staff and Wire Report, *15 Captured in Drug Sweep*, Daily Oklahoman, February 24, 1993. 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.

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.

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 have not served as a judicial clerk.

- 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.

1992 – 2002

District Attorney's Office for Cleveland, Garvin, and McClain Counties
201 South Jones
Norman, Oklahoma 73069
Assistant District Attorney (1992 – 2002)
Multi-Jurisdictional Drug Task Force Coordinator (1992 – 1995)
First Assistant District Attorney (1998 – 2002)

2002 – 2011

United States Attorney's Office for the Western District of Oklahoma
210 Park Avenue, Suite 400
Oklahoma City, Oklahoma 73102
Assistant United States Attorney (2002 – 2011)
Deputy Chief, Criminal Division (2004 – 2011)

- 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.

From 1991 until 2012, my practice focused on prosecuting state and federal crimes, and included the oversight and management of criminal investigations. During that time period, I also provided ongoing, specialized training and education to law enforcement and prosecutors in the areas of search and seizure, crisis management, electronic surveillance, management of national security investigations, and the Patriot Act.

During my time as a criminal prosecutor, I served in a number of prosecutorial and administrative roles. From 2003 to 2011, I was the designated Crisis Management Coordinator for the United States

Attorney's Office for the Western District, where I was responsible for overseeing the development, training, and reporting of the district's crisis management plans. From 2005 to 2011, I was the Anti-Terrorism Advisory Council Coordinator and Section Chief of the National Security Section, coordinating between the United States Attorney's Office and the FBI's Joint Terrorism Task Force. From 2004 until 2011, I served as the Deputy Chief of the Criminal Division.

As the First Assistant District Attorney, and later as the Deputy Chief of the Criminal Division for the United States Attorney's Office, I was also directly involved in the application and review process for hiring of attorneys and support staff, and the supervision and evaluation of those positions. I was also routinely involved in the mediation of employee issues and the application of relevant employment laws.

From 2011 and continuing at this time, in my capacity as Assistant Dean for Students at the Oklahoma University College of Law, I occasionally speak to groups of law and college students in the areas of criminal law, investigation management, and international terrorism. In my role as an Assistant General Counsel for the University, my work entails civil and administrative matters, and I serve as a consultant in matters involving the potential application of criminal law. I also serve as a consultant to the University's Threat Assessment Review Committee, providing advice to administrators in the area of criminal threat assessment.

As Assistant Dean of Students, I am also responsible for the supervision and evaluation of a number of directors and support staff, and I am sometimes called upon to mediate employee disputes and to provide advice on employment law matters.

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

For the majority of my career as a District Attorney and Assistant United States Attorney, my client was the public at large. I specialized in prosecuting and overseeing investigations involving drug crimes, violent crimes and homicide, sex crimes, crimes against children, gang prosecution, and national security. I developed particular experience in outlaw motorcycle clubs, electronic surveillance in both Title III and Foreign Intelligence Surveillance Act contexts, and complex investigations.

As an Assistant Dean of the law school, I handle a variety of civil and administrative legal matters, including constitutional and civil rights disputes, employment law issues, and legal/ethical disciplinary matters. I also oversee the recruitment and admission of law students to the College

of Law, and manage the student body in the areas of professionalism, conduct, and enrichment through student organizations.

Additionally, I consult and represent individuals in criminal and/or municipal matters, and provide ongoing educational opportunities in these areas.

- 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 estimate the percentage of litigation in my legal career to be 95%. I occasionally appear in court since being employed at the College of Law. While employed at the United States Attorney's Office and the District Attorney's Office, I appeared in court frequently. During the later years of my employment at the United States Attorney's Office, my practice focused on national security cases, which required court appearances only on rare occasions.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 50% |
| 2. state courts of record: | 50% |
| 3. other courts: | <1% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 5% |
| 2. criminal proceedings: | 95% |

- 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 the number to be in excess of 100. I was sole counsel in approximately one-third of those cases, chief counsel in one-third, and co-counsel in the remaining one-third (with trial responsibilities being shared on a generally equal basis).

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 90% |
| 2. non-jury: | 10% |

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

I have not practiced before the 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) *Oklahoma v. Alexander*, No. CF-1997-936-H (Okla. Cleveland Cty. Ct. May 17, 2000).

Alexander was charged with first-degree murder after killing his mother and teenage sister. Although Alexander confessed to the crime, his mental state was in question as to both sanity and competency to stand trial. His competency was tried to a jury, who found Alexander competent. He ultimately entered a plea of guilty and was sentenced to life without parole on each count. I was co-counsel for the state, and handled approximately one-half of the prosecution.

Dates of Representation: Approximately 1998 – 1999

Court and Judge: Honorable William C. Hetherington

Co-counsel:

Honorable Tracy Schumacher (formerly at District Attorney's Office)
Cleveland County Building
201 South Jones
Norman, Oklahoma 73069
(405) 447-3737

Opposing Counsel:

Mark Barrett
Solo Practitioner
101 East Gray Street
Norman, Oklahoma 73069
(405) 364-8367

(2) *United States v. Bennett*, No. CR-04-146-L (W.D. Okla. July 6, 2005).

Bennett was charged with multiple counts of bank robbery. Bennett solicited a number of juveniles to rob banks on his behalf, paying the juveniles a small percentage of the proceeds. Bennett entered a plea of guilty to bank robbery and was sentenced to 175 months in prison. I was lead counsel for the government.

Dates of Representation: 2004 – 2005

Judge: Honorable Tim Leonard

Opposing counsel:

Joseph L. Wells
Solo Practitioner
3855 Northwest 23rd Street
Oklahoma City, Oklahoma 73107
(405) 942-8800

(3) *United States v. Delana*, No. 5:03-MJ-45-P (W.D. Okla. February 28, 2003), *aff'd*, 167 F. App'x 17 (10th Cir. 2006), *cert. denied*, 547 U.S. 1171 (2006), *post-conviction relief denied*, 2010 WL 2690407 (W.D. Okla. July 2, 2010), *cert. of appealability denied*, 404 F. App'x 318 (10th Cir. Dec. 10, 2010).

Delana was charged for his role in methamphetamine manufacturing and illegal firearms trafficking being conducted by the Outlaws Motorcycle Club. The case was the result of a multi-year investigation. The trial lasted approximately one week. Delana, an armed career criminal, was convicted and sentenced to life in prison. I was co-counsel for the government, and handled approximately one-half of the trial presentation.

Dates of Representation: 2003 – 2005

Judge: Honorable Vicki Miles-LaGrange

Co-counsel:

Edward J. Kumiega
United States Attorney's Office
210 Park Avenue, Suite 400
Oklahoma City, Oklahoma 73102
(405) 553-8700

Opposing Counsel:

Tom McCormick (deceased)

(4) *United States v. Gillespie*, No. CR-04-94-C (W.D. Okla. Sept. 9, 2005), *aff'd*, 452 F.3d 1183 (10th Cir. 2006), *cert. denied*, 549 U.S. 1063 (2006).

Gillespie was charged and convicted by a jury for throwing a Molotov cocktail on a Jewish temple in Oklahoma City. Gillespie was a self-declared white supremacist, and attacked the temple in an effort to initiate what he described as a holy war. He was convicted and sentenced to 468 months in prison. The trial lasted approximately three days. I was co-counsel for the government, and handled approximately one-half of the trial presentation.

Dates of Representation: 2004 – 2005

Judge: Honorable Robin J. Cauthron

Co-counsel:

Honorable Jerome Holmes (formerly at United States Attorney's Office)
United States Court of Appeals for the Tenth Circuit
215 Dean A. McGee Avenue, Room 315
Oklahoma City, Oklahoma 73102
(405) 609-5480

Opposing Counsel:

Paul Antonio Lacey
Susan Otto
Office of the Federal Public Defender
215 Dean A. McGee, Suite 109
Oklahoma City, Oklahoma 73102
(405) 609-5930

(5) *Oklahoma v. Goble*, No. CF-1995-1495-L (Okla. Cleveland Cty. Ct. Sept. 18, 1996), *aff'd*, No. F-1996-1149 (Okla. Crim. App. Dec. 22, 1997), *post-conviction relief denied*, No. HC-1998-1318 (Okla. Crim. App. Dec. 29, 1998), *aff'd*, No. PC-2000-949 (Okla. Crim. App. Sept. 27, 2000).

Goble was charged with the murder of two individuals for the purpose of stealing a large amount of cash. Both bodies were discovered buried on Goble's property, but he denied involvement in the murders. After a jury trial, Goble was convicted of both murders. Although the case was a death penalty case, the jury declined to impose the death penalty and sentenced him to two terms of life without parole. I was co-counsel for the State and was responsible for approximately one-half of the trial presentation.

Dates of Representation: 1994 – 1996

Judge: Honorable Tom A. Lucas (retired)

Co-counsel:

Honorable Tracy Schumacher (formerly at District Attorney's Office)

Cleveland County Building
201 South Jones
Norman, Oklahoma 73069
(405) 447-3737

Opposing Counsel:
Robert Perrine (deceased)

Debbie Maddox (formerly at Oklahoma Indigent Defense System)
Oklahoma Bar Association
1901 North Lincoln Boulevard
P.O. Box 53036
Oklahoma City, Oklahoma 73152
(405) 416-7000

(6) *United States v. Nelson*, No. CR-03-006-M (W.D. Okla. Oct. 8, 2003).

In this criminal case involving multiple defendants, a cooperating witness was charged and entered a plea of guilty for his role in methamphetamine manufacturing and illegal firearms trafficking being conducted by the Outlaws Motorcycle Club. The case was the result of a multi-year investigation. The cooperating witness presented unique challenges due to his criminal activities. He ultimately received a 60-month sentence. I was co-counsel for the government, and handled approximately one-half of the case responsibilities.

Dates of Representation: 2003 – 2005

Judge: Honorable Robin J. Cauthron

Co-counsel:
Edward J. Kumiega
United States Attorney's Office
210 Park Avenue, Suite 400
Oklahoma City, Oklahoma 73102
(405) 553-8700

Opposing Counsel:
Albert J. Hoch, Jr.
Hoch Law Office
803 Robert S. Kerr Avenue
Oklahoma City, Oklahoma 73106
(405) 521-1155

(7) *United States v. Payne*, No. CR-05-169-C, 2006 WL 2128832 (W.D. Okla. July 27, 2006).

Payne pleaded guilty to second-degree murder after killing his three children in Indian Country. The deaths were the result of a tragic domestic incident between Payne and the mother of his children. Payne shot the three children, then attempted to take his own life. Payne ultimately pleaded guilty and received a life sentence on each count. I was lead counsel for the government.

Dates of Representation: 2005 – 2006

Judge: Honorable Robin J. Cauthron

Co-counsel:

Arvo Mikkanen
United States Attorney's Office
210 Park Avenue, Suite 400
Oklahoma City, Oklahoma 73102
(405) 553-8700

Opposing Counsel:

Susan Otto
Office of the Federal Public Defender
215 Dean A. McGee, Suite 109
Oklahoma City, Oklahoma 73102
(405) 609-5930

(8) *United States v. Smith*, No. CR-02-129-C (W.D. Okla. Mar. 20, 2003),
remanded for sentencing clarification, 80 F. App'x 651 (10th Cir. 2003).

Smith, a convicted felon, was arrested after a night club security guard observed him in possession of a firearm. Officers retrieved evidence that Smith was at the club to retaliate for a prior gang-related shooting. Smith was charged with being a felon in possession of a firearm. After approximately two days of trial, a jury found Smith guilty. He was sentenced to 188 months in prison. I was lead counsel for the government, and was responsible for approximately one-half of the trial presentation.

Dates of Representation: 2002 – 2003

Judge: Honorable Robin J. Cauthron

Co-counsel:

Edward J. Kumiega
United States Attorney's Office
210 Park Avenue, Suite 400
Oklahoma City, Oklahoma 73102
(405) 553-8700

Opposing Counsel:

John W. Coyle
Coyle Law Firm
125 Park Avenue, Suite 100
Oklahoma City, Oklahoma 73102
(405) 232-1988

Catherine M. Burton
Oklahoma County District Attorney's Office
320 Robert S. Kerr #505
Oklahoma City, Oklahoma 73102
(405) 713-1600

(9) *United States v. Taylor*, No. CR-03-198-HE (W.D. Okla. May 13, 2004), *remanded for new sentencing hearing*, 413 F.3d 1146 (10th Cir. 2005), *aff'd on appeal after reh'g*, 175 F. App'x 970 (10th Cir. 2006), *cert. denied*, 549 U.S. 904 (2006).

Taylor, a convicted felon, was charged (as an armed career criminal) with possession of a firearm by a convicted felon. Taylor entered a plea of guilty and was sentenced to 230 months of incarceration. Taylor subsequently moved to withdraw his plea, and filed a series of appeals challenging the sentencing enhancements applied by the court. Ultimately his sentence was upheld on appeal. I was chief counsel for the government.

Dates of Representation: 2003 – 2004

Judge: Honorable Joe Heaton

Opposing Counsel:

Teresa Brown
Paul Antonio Lacey (on appeal)
Office of the Federal Public Defender
215 Dean A. McGee, Suite 109
Oklahoma City, Oklahoma 73102
(405) 609-5930

(10) *Oklahoma v. Welch*, No. CF-1997-247-H (Okla. Cleveland Cty. Ct. March 30, 1998), *aff'd, Welch v. State*, 2 P.3d 356 (Okla. Crim. App. April 10, 2000), *cert. denied*, 531 U.S. 1056 (2000).

Welch, a defendant with multiple prior felony convictions, was charged with the first-degree murder of a young mother in Norman, Oklahoma. Welch was identified in the crime by DNA evidence, after which Welch claimed the killing was an accidental result of a consensual sexual encounter that resulted in him strangling the victim. The trial lasted approximately seven days, after which the

jury returned a conviction and recommended a sentence of death. I was co-counsel for the state, and handled approximately one-half of the trial presentation.

Dates of Representation: Approximately 1987 – 1989

Judge: Honorable Tom A. Lucas (retired)

Co-counsel:

Honorable Tracy Schumacher (formerly at District Attorney's Office)
Cleveland County Building
201 South Jones
Norman, Oklahoma 73069
(405) 447-3737

Opposing Counsel:

Albert J. Hoch, Jr.
Hoch Law Office
803 Robert S. Kerr Avenue
Oklahoma City, Oklahoma 73106
(405) 521-1155

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.)

National Security Investigations. As the Anti-Terrorism Advisory Council Coordinator, I served as the lead prosecutor from the United States Attorney's Office for the Western District in all national security matters. I worked daily with the FBI's Joint Terrorism Task Force, serving the directives of the Department of Justice in terrorism investigations. Those investigations were routinely conducted at a classified level, employing a variety of investigative methods requiring my consultation and approval, all in the context of the Foreign Intelligence Surveillance Act, the Patriot Act, various other federal criminal laws, and the Federal Rules of Criminal Procedure. My principal roles in working with the agents were to protect the integrity of evidence collected, provide legal advice to ensure the admissibility of evidence in court, and ensure the cases were conducted in accordance with Department of Justice guidelines. In addition, I served on the Suspicious Activity Reports (SAR) Review Committee, a group responsible for the review and analysis of sensitive financial institution reports created in accordance with the Bank Secrecy Act, to identify and investigate activity indicative of potential national security threats. I also trained bank employees regarding SARs and the Bank Secrecy Act.

Operation Bad Luck. This was a federal investigation into a complex and widespread Internet gambling organization based in Panama. I led the investigation for the prosecution with the FBI and other federal law enforcement agencies until I transitioned to my current position as Assistant Dean. Over the course of the case, we employed a variety of investigative techniques, including wiretap surveillance. At the time of my departure, the investigation was substantially complete, with the case proceeding to the indictment stage. The trials are now nearly complete and have all resulted in convictions.

Bombing Investigation. In 2005, a bomb was detonated by an Oklahoma University student, Mr. Hinrichs, during an evening sporting event at the University with approximately 80,000 people in attendance. The device detonated outside the stadium, killing the perpetrator. I was the lead Assistant United States Attorney assigned to work with the investigation. At the time of the bombing, it was unknown whether Hinrichs acted alone or with a terrorist group, intended harm to others, or whether secondary explosive devices were employed. Over the course of 36 hours, I coordinated an intensive and large-scale law enforcement investigation, including the preparation and review of search warrants and other legal processes, as well as interviews and forensic analysis. At the conclusion of the investigation, it was determined that Hinrichs acted alone with the ultimate objective of suicide. Prior to that conclusion, the investigation was a textbook exercise in rapid domestic and national security investigation, as well as crisis management.

I have not engaged in any lobbying activities.

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

None.

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.

None.

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.

No.

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 am aware of prior occasions wherein the University of Oklahoma has been a party to civil litigation in federal court in the Western District of Oklahoma. Given my relationship with the University, as well as my spouse's employment at the University, a likely potential conflict of interest exists. I would also have a conflict with criminal cases that arose during the time I served as an Assistant United States Attorney. Due to a financial interest in a bio-technology company called Tetherex (previously Selexys), I would have to address a potential conflict of interest should a case involving the company arise. I would address any potential conflicts in accordance with the Code of Conduct for United States Judges, the established policies of the United States District Court for the Western District of Oklahoma, and all applicable rules regarding ethics and conflicts of interest.

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

I would consult applicable rules, canons and decisions addressing conflicts of interest, including the Code of Conduct for United States Judges, and any other materials addressing conflicts of interest.

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 and Assistant District Attorney, pro bono opportunities were limited. During that time, my service to the community included community service projects sponsored by the county bar association (street cleanup, etc.), or serving as the community service representative discussing the government's role in law enforcement.

During my employment at the District Attorney's Office, I served in various positions on the board of the Mary Abbott Children's House, including a term as President. The organization took a multidisciplinary approach to providing services to abused children and their families.

As an Assistant Dean at the College of Law, my responsibilities include the education of, and emphasis of pro bono work to, a law student body of over 500 students. I meet regularly with students individually and collectively to counsel them on pro bono opportunities, ethical and legal perspectives for these roles, and their implementation. Pro bono opportunities require financial support, and I coordinate and identify these opportunities and secure funding for the projects.

I also currently serve as the College of Law's delegate to the Oklahoma Access to Justice Commission. The commission is charged with addressing the problems of access to legal representation on civil legal matters to low-income Oklahomans.

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 not aware of a selection commission in my jurisdiction. On May 18, 2015, a representative of Senator James Lankford's office contacted me by email and advised me that my name had been provided to the Senator as a potential candidate to fill a judicial vacancy in the Western District of Oklahoma. On May 27, 2015, I interviewed with Senator Lankford and a staff member in his Oklahoma City office. I was subsequently nominated and appeared before the Senate Judiciary Committee at a hearing on April 20, 2016. My nomination expired before I was confirmed. In approximately early December 2016, Senator Lankford contacted me by telephone and advised me that he intended to resubmit my name to the White House for consideration. On December 12, 2016, I received a phone call and email message from a member of Senator James Inhofe's staff, advising me Senator Inhofe was also planning to resubmit my

name to the White House for consideration. During the weeks after that call, I remained in contact with staff members of both Senator Lankford and Senator Inhofe.

Since the week of February 21, 2017, I have been in contact with officials from the White House Counsel's Office. On March 10, 2017, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, DC.

- 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.