

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Pamela Pepper

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

United States District Judge for the Eastern District of Wisconsin

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.

Office: United States Bankruptcy Court for the Eastern District of Wisconsin
 United States Courthouse
 517 East Wisconsin Avenue
 Room 140
 Milwaukee, Wisconsin 53202

Residence: Shorewood, Wisconsin

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

1964; New Orleans, Louisiana

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.

2001 – 2003, Marquette University; Graduate Certificate in Dispute Resolution, 2003
1986 – 1989, Cornell Law School; J.D., 1989
1982 – 1986, Northwestern University; B.S., 1986

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.

2005 – Present
United States Bankruptcy Court for the Eastern District of Wisconsin
United States Courthouse
517 East Wisconsin Avenue, Room 140
Milwaukee, Wisconsin 53202
Chief Judge (2010 – Present)
Bankruptcy Judge (2005 – Present)

2010 – 2013
American Bankruptcy Law Journal
954 La Mirada Street
Laguna Beach, California 92651
Associate Editor

2005 – 2009
United States Bankruptcy Court for the Southern District of Illinois
Melvin Price Federal Courthouse
750 Missouri Avenue
East St. Louis, Illinois 62201
Bankruptcy Judge

2001 – 2005
Marquette Law School
1215 West Michigan Street
Milwaukee, Wisconsin 53233
Adjunct Professor

2000 – 2005
Pamela Pepper, Attorney at Law, S.C.
731 North Jackson Street, Suite 800
Milwaukee, Wisconsin 53202
Owner/Sole Practitioner

1998 – 2000
Cubbe & Pepper, Ltd.
735 North Water Street
Milwaukee, Wisconsin 53202
Partner

1996 – 2000
YMCA of Metropolitan Milwaukee
161 West Wisconsin Avenue, Suite 4000
Milwaukee, Wisconsin 53203
Aerobics Instructor

1997 – 1998

Pamela Pepper, Attorney at Law, S.C.
3127 West Wisconsin Avenue
Milwaukee, Wisconsin 53208
Owner/Sole Practitioner

April – October 1997

Law Office of Robin Shellow
324 West Vine Street
Milwaukee, Wisconsin 53212
Associate

1994 – 1997

United States Attorney's Office for the Eastern District of Wisconsin
United States Courthouse
517 East Wisconsin Avenue, Room 530
Milwaukee, Wisconsin 53202
Assistant United States Attorney

1990 – 1994

United States Attorney's Office for the Northern District of Illinois
United States Courthouse
219 South Dearborn, Suite 500
Chicago, Illinois 60604
Assistant United States Attorney

Summer 1990

Capell, Howard, Knabe & Cobbs (now known as Capell Howard PC)
150 South Perry Street
Montgomery, Alabama 36104
Summer Associate

1989 – 1990

Eleventh Circuit Court of Appeals
Frank M. Johnson, Jr. Federal Courthouse
One Church Street
Montgomery, Alabama 36104
Law Clerk to Honorable Frank J. Johnson, Jr. (deceased)

Summer 1989

Jones, Day, Reavis & Pogue (now known as Jones Day)
77 West Wacker
Chicago, Illinois 60601
Summer Associate

August 1988 – May 1989
Cornell Law School
Myron Taylor Hall
Ithaca, New York 14853
Teaching Assistant to Professor Gary Simson

Summer 1988
Jones, Day, Reavis & Pogue (now known as Jones Day)
599 Lexington Avenue
New York, New York 10022
Summer Associate

December 1987
People's Rexall Drug Store
407 North Main
Leland, Mississippi 38756
Gift-wrapper/sales clerk

Summer 1987
Adams & Reese, LLP
One Shell Square
701 Poydras Street, Suite 4500
New Orleans, Louisiana 70139

Other affiliations (uncompensated):

2009 – Present
National Conference of Bankruptcy Judges
954 La Mirada Street
Laguna Beach, California 92651
Secretary (2009 – Present)
Seventh Circuit Governor (2009 – 2012)

2011 – Present
American Bankruptcy Institute
66 Canal Center Plaza
Suite 600
Alexandria, Virginia 22314
Board of Directors (2012 – Present)
C.A.R.E. Advisory Board (2011 – Present)

2007 – Present
Eastern District of Wisconsin Bar Association
424 East Wells Street
Milwaukee, Wisconsin 53202

Ex-Officio Board Member (2007 – Present)
Founding Board Member (2002)

2002 – 2006
Milwaukee Bar Association
424 East Wells Street
Milwaukee, Wisconsin 53202
President (2005 – 2006)
President-Elect (2004 – 2005)
Vice-President (2003 – 2004)
Board of Directors (2002 – 2003)

Fiscal Years 2002 – 2005
State Bar of Wisconsin
5302 Eastpark Boulevard
Madison, Wisconsin 53718
Secretary (Fiscal Year 2005)
Chair, Board of Governors (Fiscal Years 2002 – 2004)

2003 – 2005
Wisconsin State Public Defender
315 North Henry Street
Second Floor
Madison, Wisconsin 53703
Board of Directors

2003 – 2004
Association for Women Lawyers
3322 North 92nd Street
Milwaukee, Wisconsin 53222
Treasurer

2000 – 2005
Federal Defender Services of Wisconsin, Inc.
517 East Wisconsin Avenue
Suite 182
Milwaukee, Wisconsin 53202
Vice-chair, Board of Directors (2000 – 2005)
Founding Board Member (2000)

1997 – approximately 2000
Horizons, Inc.
(merged with the Wisconsin Women's Center in 2009, whose address follows)
728 North James Lovell Street

Milwaukee, Wisconsin 53233
Board of Directors

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 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

Eastern District of Wisconsin Bar Association John W. Reynolds Community Building Award, 2006

State Bar of Wisconsin President's Award for chairing the State Bar Board of Governors, 2005

State Bar of Wisconsin CLE Seminars mentorship award, 2005

Distinguished Service Award from the Milwaukee Bar Association for assisting in creating the Solo But Not Alone Breakfast Group, 2001

Cornell Law School – co-winner, Sutherland Moot Court, 1988 – 1989

Note Editor, Cornell Law Review, 1988 – 1989

Northwestern University – Dean's List, 1985 – 1986

Northwestern University – scholarship recipient, 1982

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.

Advanced Consumer Bankruptcy Practice Institute
Faculty Member (Approximately 2010 – Present)

American Bankruptcy Institute (Approximately 2008 – Present)
Education Director, Consumer Bankruptcy Committee (2008 – 2010)
Co-chair, Consumer Bankruptcy Committee (2010 – 2012)
Board of Directors (2012 – Present)

Membership Committee (2012 – Present)
C.A.R.E. Advisory Board (2011 – Present)

American Bar Association (2000 – Present)

Association for Women Lawyers (2000 – Present)
Program Director (2000 – 2001)
Professionalism Director (2001 – 2002)
Program Director (2002 – 2003)
Treasurer (2003 – 2004)

Eastern District of Wisconsin Bar Association (2002 – Present)
Founding Board Member (2002)
Co-Program Chair (2002 – 2005)
Ex-officio Board Member (2007 – Present)

Federal Defender Services of Wisconsin, Inc. (2000 – 2005)
Founding Board Member (2000)
Vice-Chair (2000 – 2005)

Human Resources Advisory Council of the Administrative Office of U.S. Courts
Bankruptcy Judge Representative (2009 – 2012)

Local Rules Committee for the Eastern District of Wisconsin (1999 – 2000)

Milwaukee Bar Association (2000 – Present)
Chair, Law Practice Management committee (2000 – 2002)
Chair, Judicial Selection Committee (2002)
Chair, Criminal Law Section (2003 – 2005)
Board of Directors (2002 – 2003)
Vice-President (2003 – 2004)
President-Elect (2004 – 2005)
President (2005 – 2006)
Co-chair, Bankruptcy Bench Bar Committee (Approximately 2009 – 2011)

NACTT (National Association of Chapter 13 Trustees) Academy for Consumer
Bankruptcy Education (Approximately 2009 – Present)

National Association of Criminal Defense Lawyers (2000 – 2005)

National Conference of Bankruptcy Judges (2005 – Present)
Secretary (2013 – 2014)
Chair, Education Committee for the Chicago Conference (2013 – 2014)
Education Committee for the Atlanta Conference (2012 – 2013)
Cost Containment Task Force (2011)

Education Committee for the San Diego conference (2011 – 2012)
Associate Editor, American Bankruptcy Law Journal (2010 – 2013)
Seventh Circuit Governor (2009-2012)
Schwartz Round Table Committee (2009 – 2011)
Education Committee for the Tampa conference (2010 – 2011)
Education Committee for the Las Vegas conference (2009 – 2010)
American Bankruptcy Law Journal Editorial Advisory Committee (2009 – 2013)

OSCAR Working Group (a judicial conference working group considering policy for law clerk hiring) (2012 – Present)

Seventh Circuit Bar Association (2000 – Present)
Circuit Rider Committee (2000 – 2002)
General Chair, Circuit Rider Committee (2003 – 2005)

State Bar of Wisconsin (1995 – Present)
Secretary (2002 – 2004)
Chair of the Board of Governors (2005)

State Bar Special Committee on Multi-Disciplinary Practice (now defunct) (2000)
Chair, Supreme Court Rules Committee

Thomas Fairchild Inns of Court (2000 – Present)
(On hiatus 2013 – 2014 year)

Wisconsin Association of Criminal Defense Lawyers (2005)

Wisconsin State Public Defender (2003 – 2005)
Board of Directors (2003 – 2005)
Chair, Rules Committee (2004)

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.

1990, Illinois
1995, Wisconsin

There have been no lapses in membership.

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

Illinois Supreme Court, 1990
United States District Court for the Northern District of Illinois, 1991
United States Court of Appeals for the Seventh Circuit, 1991
Wisconsin Supreme Court, 1995
United States District Court for the Eastern District of Wisconsin, 1997
United States District Court for the Western District of Wisconsin, 2002

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.

Horizons, Inc. (Approximately 1997 – 2000)
Board of Directors

In addition, I have made small financial contributions to the following organizations in the past, and, as a result, they may consider me to have been a member:

Amnesty International

Oxfam International

People for the Ethical Treatment of Animals

- 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.

Judge Dale E. Ihlenfeldt Bankruptcy Award, Janet L. Medlock, Clerk of Court, United States Bankruptcy Court for the Eastern District of Wisconsin (anonymously), Eastern District of Wisconsin Bar Association Newsletter ("The Docket"), March 2014. Copy supplied.

Hearsay and Federal Rule of Evidence 801, American Bar Association, Section of Litigation, Bankruptcy & Insolvency E-Newsletter, October 15, 2013. Copy supplied.

Letter to the Editor, *Primer for Civil Lawyers on the Criminal Process Still Timely, Relevant Today*, Wis. Lawyer, July 2013. Copy supplied.

Issues Surrounding the Use of Lay Witnesses, American Bar Association, Section of Litigation, Bankruptcy & Insolvency E-Newsletter, March 13, 2013. Copy supplied.

Particular Evidence Problems with Appraisals, Part III: Expert Witnesses, American Bar Association, Section of Litigation, Bankruptcy & Insolvency E-Newsletter, December 10, 2012. Copy supplied.

Particular Evidence Problems with Appraisals, Part II, American Bar Association, Section of Litigation, Bankruptcy & Insolvency E-Newsletter, August 21, 2012. Copy supplied.

For Both New and Experienced Lawyers – Particular Evidence Problems with Appraisals, American Bar Association, Section of Litigation, Bankruptcy & Insolvency E-Newsletter, May 30, 2012. Copy supplied.

Letter to the Editor, *Milwaukee Judges Tired of Preparer Misconduct, A New Policy Taking Effect Jan. 1 Will Limit the Amount that Preparers Can Charge for Their Services*, Milwaukee Journal Sentinel, December 3, 2011. Copy supplied.

2011 EDWBA Award Recipients: Hon. Susan V. Kelley, U.S. Bankruptcy Court, Eastern District of Wisconsin (anonymously), Eastern District of Wisconsin Bar Association Newsletter ("The Docket"), March 2011. Copy supplied.

Ihlenfeldt Award Recognizes Bruce G. Arnold and Peter C. Blain, Eastern District of Wisconsin Bar Association Newsletter ("The Docket"), April 2010. Copy supplied.

Elements: The Roadmap for Your Litigation Trip, The NACTT Academy for Consumer Bankruptcy Education, February 1, 2010. Copy supplied.

Zen and the Art of Bankruptcy Practice, The Circuit Rider (Seventh Circuit Bar Association newsletter), January 2008. Copy supplied.

Some Effects of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, The Circuit Rider (Seventh Circuit Bar Association newsletter), November 2006. Copy supplied.

Profile: United States District Court Judge Thomas J. Curran, The Circuit Rider (Seventh Circuit Bar Association newsletter), November 2006. Copy supplied.

Milwaukee AUSA Aiding Development of the Rule of Law in Iraq, The Circuit Rider (Seventh Circuit Bar Association newsletter), May 2006. Copy supplied.

President's Column: A Successful Year of Change at the MBA, The Messenger (Milwaukee Bar Association newsletter), May 2006. Copy supplied.

President's Column: Make Your Vote Count in the MBA, The Messenger (Milwaukee Bar Association newsletter), April 2006. Copy supplied.

President's Column: Wealth of Resources Within the MBA, The Messenger (Milwaukee Bar Association newsletter), February 2006. Copy supplied.

President's Column: From Jim to Jim, MBA Remains Strong, The Messenger (Milwaukee Bar Association newsletter), January 2006. Copy supplied.

President's Column: Reap the Benefits of Your MBA Membership, The Messenger (Milwaukee Bar Association newsletter), November 2005. Copy supplied.

President's Column: Access to Justice, The Messenger (Milwaukee Bar Association newsletter), October 2005. Copy supplied.

President's Column: Our Courts: Let's Support Them, The Messenger (Milwaukee Bar Association newsletter), September 2005. Copy supplied.

President's Column: Lawyers: We Can Help, The Messenger (Milwaukee Bar Association newsletter), August 2005. Copy supplied.

President's Column: Law: A Profession to be Proud Of, The Messenger (Milwaukee Bar Association newsletter), July 2005. Copy supplied.

A Practice of One's Own – Solo Practice Balances Freedom, Wis. Law Journal, April 20, 2005. Copy supplied.

A Practice of One's Own – As an Attorney, Flying Solo Does not Mean Loneliness Will Take Wing, Wis. Law Journal, March 16, 2005. Copy supplied.

A Practice of One's Own – Organization is an Attainable Goal that Requires Patience, Wis. Law Journal, January 19, 2005. Copy supplied.

A Practice of One's Own – There's No Place Like Home for the Holidays – Work Will Be There When You Get Back, Wis. Law Journal, December 15, 2004. Copy supplied.

Diane Sykes Makes Progress Toward Appointment to Seventh Circuit, The Circuit Rider (Seventh Circuit Bar Association newsletter), Winter 2004. Copy supplied.

A Practice of One's Own – A Sole Practitioner's 'Cover' Story, Wis. Law Journal, November 17, 2004. Copy supplied.

A Practice of One's Own – Screening Clients Is Important Part of Being Attorney, Wis. Law Journal, October 20, 2004. Copy supplied.

A Practice of One's Own – Discussing Your Fees Money With Clients, Wis. Law Journal, September 22, 2004. Copy supplied.

Recap: 52nd Annual Meeting of the Seventh Circuit Bar--Sobering Session on Patriot Act Packs the House, The Circuit Rider (Seventh Circuit Bar Association newsletter), Summer 2003. Copy supplied.

Recap: 52nd Annual Meeting of the Seventh Circuit Bar--Judicial Misconduct Panel, The Circuit Rider (Seventh Circuit Bar Association newsletter), Summer 2003. Copy supplied.

Electronic Filing Now Makes Filing a Breeze in Western District of Wisconsin, The Circuit Rider (Seventh Circuit Bar Association newsletter), Spring 2003. Copy supplied.

Outgoing Chief Judge Stadtmueller Leaves Impressive Legacy, The Circuit Rider (Seventh Circuit Bar Association newsletter), Fall 2002. Copy supplied.

Green Bay Seminar Prepares Practitioners for Federal Criminal Practice in New Court, The Circuit Rider (Seventh Circuit Bar Association newsletter), Summer 2002. Copy supplied.

General Order Will Govern Assignment of Cases to Green Bay Division, The Circuit Rider (Seventh Circuit Bar Association newsletter), Summer 2002. Copy supplied.

Judge Griesbach Joins the Eastern District of Wisconsin, The Circuit Rider (Seventh Circuit Bar Association newsletter), Summer 2002. Copy supplied.

Amy J. St. Eve Confirmed in Northern District of Illinois, The Circuit Rider (Seventh Circuit Bar Association newsletter), Summer 2002. Copy supplied.

Welcome to Incoming President William H. Levit, Jr., The Circuit Rider (Seventh Circuit Bar Association newsletter), Summer 2002. Copy supplied.

Farewell and Thanks to Past President Karen Layng, The Circuit Rider (Seventh Circuit Bar Association newsletter), Summer 2002. Copy supplied.

The following is a list of articles I have edited for the American Bankruptcy Law Journal:

Jay Lawrence Westbrook, *An Empirical Study of the Implementation in the United States of the Model Law on Cross Border Insolvency*, 87 Am. Bankr. L.J. 247 (2013). Copy supplied.

Laura B. Bartell, *Pension Plan Loans and Means Testing – The Pernicious Endurance of Villarie*, 87 Am. Bankr. L.J. 89 (2013). Copy supplied.

Jared A. Wilkerson, *Defending the Current State of Section 363 Sales*, Am. Bankr. L.J. 591 (2012). Copy supplied.

Jason Iuliano, *An Empirical Assessment of Student Loan Discharges and the Undue Hardship Standard*, 86 Am. Bankr. L.J. 495 (2012). Copy supplied.

Joseph Spooner, *Long Overdue: What the Belated Reform of Irish Personal Insolvency Law Tells Us About Comparative Consumer Bankruptcy*, 86 Am. Bankr. L.J. 243 (2012). Copy supplied.

Troy A. McKenzie, *Getting to the Core of Stern v. Marshall: History, Expertise, and the Separation of Powers*, 86 Am. Bankr. L.J. 23 (2012). Copy supplied.

Eric G. Behrens, *Stern v. Marshall: The Supreme Court's Continuing Erosion of Bankruptcy Court Jurisdiction and Article I Courts*, 85 Am. Bankr. L.J. 387 (2011). Copy supplied.

Laura B. Bartell, *Making Assumptions About the Individual Debtor's Right to Assume Under §365(p)(2)*, 85 Am. Bankr. L.J. 265 (2011). Copy supplied.

Jason S. Brookner, *Pacific Lumber and Philadelphia Newspapers: The Eradication of a Carefully Constructed Statutory Regime Through Misinterpretation of Section 1129(B)(2)(A) of the Bankruptcy Code*, 85 Am. Bankr. L.J. 127 (2011). Copy supplied.

Lynn M. LoPucki, Joseph W. Doherty, *Routine Illegality Redux*, 85 Am. Bankr. L.J. 35 (2011). Copy supplied.

Thomas M. Mackey, *Post-Footstar Balancing: Toward Better Constructions of § 365(C)(1) & Beyond*, 84 Am. Bankr. L.J. 405 (2010). Copy supplied.

David Gray Carlson, *The Federal Rules of Bankruptcy Procedure in Reorganization Cases: Do They Have a Constitutional Dimension?*, 84 Am. Bankr. L.J. 251 (2010). Copy supplied.

Stephen J. Lubben, *The Bankruptcy Code Without Safe Harbors*, 84 Am. Bankr. L.J. 123 (2010). Copy supplied.

Philip Tedesco, *In Forma Pauperis in Bankruptcy*, 84 Am. Bankr. L.J. 79 (2010). Copy supplied.

Leslie R. Masterson, *Rolling the Dice: The Risks Awaiting Compulsive Gamblers in Bankruptcy Court*, 83 Am. Bankr. L.J. 749 (2009). Copy supplied.

Rafael I. Pardo, Michele R. Lacey, *The Real Student-Loan Scandal: Undue Hardship Litigation*, 83 Am. Bankr. L.J. 179 (2009). Copy supplied.

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

On July 3, 2012, the members of the NCBJ Cost Containment Task Force prepared an amended and updated report on the efforts bankruptcy courts around the country were making to share and reduce costs. I was a member of that task force, and contributed to the amended and updated report. Copy supplied.

On December 30, 2011, the NCBJ Cost Containment Task Force (many of whom were among the group that prepared the above-referenced white paper dated June 21, 2011) prepared a report on cost sharing among the federal courts, entitled “Task Force Report on Cost Sharing Among the Federal Courts: Options and Opportunities.” As a member of that task force, I contributed to the report. Copy supplied.

A group of members of the National Conference of Bankruptcy Judges (“NCBJ”) prepared, at the request of the president of the organization, a white paper dated June 21, 2011, discussing the cost containment efforts of bankruptcy courts, relative to measures the Judicial Conference was considering regarding consolidating bankruptcy and district court clerk’s offices and eliminating Bankruptcy Appellate Panels (“BAPs”). As a member of that task force, I contributed to the work on the white paper. Copy supplied.

As part of the training for new bankruptcy judges, I participated in the creation of an educational video. *Evidence in the Bankruptcy Courts*, David H. Coar; Pamela Pepper, Federal Judicial Center, Washington, D.C. June 1, 2009. Video supplied.

I contributed to the April 2008 edition of The Docket, the Eastern District of Wisconsin Bar Association's newsletter. Copy supplied.

I contributed to the March 2002 edition of The Circuit Rider, the Seventh Circuit Bar Association newsletter. Copy supplied.

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

American Bankruptcy Institute’s Commission to Study the Reform of Chapter 11, American Bankruptcy Institute, 2013 Spring Meeting, National Harbor, Maryland. April 19, 2012. Although a recording was made, the portion of the event related to my statements was not recorded. Notes attached.

Updated Model Employment Dispute Resolution Plan and Program, the Administrative Office of the United States Courts, Washington, D.C. October 22, 2010. Video supplied.

January 2004: I testified before the Criminal Subcommittee of the Judiciary Committee of the State of Wisconsin Legislature, regarding Assembly Bill 616, which related to the compensation of State Public Defender panel attorneys and standards for indigent status. I have no notes, transcript or recording of this testimony.

- 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.

2006 – Present: I have presided over several Naturalization Ceremonies in which I delivered opening remarks prior to administering the oath of citizenship. The ceremonies take place at the federal courthouse in Milwaukee, Wisconsin. I have no notes, transcript or recording, but press coverage is supplied where available. The United States District Court for the Eastern District of Wisconsin assigns these proceedings; Clerk of Court Jon Sanfilippo, United States District Court for the Eastern District of Wisconsin, 517 East Wisconsin Avenue, Room 362, Milwaukee, WI 53202.

March 5, 2014: Presenter, *Winning from the Beginning: Building a Winning Case from Complaint to Closing Argument*, Eastern District of Wisconsin Bar Association, Milwaukee, Wisconsin. Outline, PowerPoint, and handout supplied.

February 28, 2014: Panelist, *National Case Law Update*, Bankruptcy, Insolvency and Creditor's Rights Section of the State Bar of Wisconsin, Annual Retreat, Kohler, Wisconsin. I have no notes, transcript or recording. The address of the State Bar of Wisconsin is 5302 Eastpark Boulevard, Madison, WI 53718.

February 27, 2014: Panelist, *Wisconsin Case Law Update – Cases Important to our Judiciary*, Bankruptcy Insolvency and Creditor's Rights Section of the State Bar of Wisconsin, Annual Retreat, Kohler, Wisconsin. Handout supplied.

February 13, 2014: Presenter, *But I Need to Get It In, Judge! Practical Application of the Rules of Evidence in the Context of a Bankruptcy Proceeding*, Fifth Circuit Bankruptcy Bench-Bar Conference, New Orleans, Louisiana. Outline, fact pattern and scripts supplied.

February 7, 2014: Moderator, *Ethics: The New World Order – A Comparison of Ethical Issues with Respect to Retention and Compensation of Restructuring Professionals in the U.S./Caribbean*, American Bankruptcy Institute, Caribbean Insolvency Symposium, San Juan, Puerto Rico. Handout supplied.

January 31, 2014: Panelist, *2014 Milwaukee Bar Association View from the Bankruptcy Bench*, Milwaukee Bar Association CLE, Milwaukee, Wisconsin. Handout supplied.

December 6, 2013: Panelist, *Has BAPCPA Increased Distributions to Creditors in Consumer Cases?*, American Bankruptcy Institute, Winter Leadership Conference, Rancho Palos Verdes, California. The panel discussed the results of an empirical study conducted by Professor Lois Lupica of the University of Maine Law School, looking at the recoveries of various classes of creditors after the 2005 Bankruptcy Abuse Prevention and Consumer Protection Act. I have no notes, transcript or recording. The address for the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, VA 22314.

November 18, 2013: Presenter, *Common Evidentiary Issues in Bankruptcy - Pocket Guide to Common Evidentiary Issues in Bankruptcy (If You Have a BIG Pocket)*, Federal Judicial Center, Phase II Orientation for Newly Appointed Bankruptcy Judges, Washington, D.C. Handout supplied.

November 5, 2013: Presenter, *It All Depends on Your Point of View... or Does it? Select Ethics Issues for Trustees*, Office of the United States Trustee, Region 11 Chapter 7 Panel Trustee Seminar, Chicago, IL. Outline supplied.

October 9, 2013: Presenter, *Evidence for Bankruptcy Lawyers (Yes, the Rules of Evidence Do Apply!)*, Minnesota Bankruptcy Institute, CLE Bankruptcy Conference, Minneapolis, Minnesota. Outline and handout supplied.

October 3, 2013: Presenter, *Clear as Mud? Recent Developments in the Seventh Circuit Regarding the Bankruptcy Court's Authority to Enter Final Orders*, Western District of Wisconsin Bankruptcy Bar Association, Madison, Wisconsin. Outline supplied.

September 20, 2013: Presenter, *It All Depends on Your Point of View... or Does it? Select Ethics Issues for Trustees*, Office of the United States Trustee, Region 11 Chapter 7 Panel Trustee Seminar, Milwaukee, Wisconsin. Outline supplied.

September 19, 2013: Speaker, *What the Eastern District of Wisconsin Bar Association Can Do For You: A Program Designed for Lawyers in Their First Three Years of Practice*, Eastern District of Wisconsin Bar Association, Milwaukee, Wisconsin. At this orientation program for young lawyers, I spoke in my role as chief bankruptcy judge and talked about the education programs the organization provides, the opportunity to interact with judges, and the opportunities to meet and learn from more experienced members of the federal practice family. I have no notes, transcript or recording. The address for the Eastern District of Wisconsin Bar Association is 424 East Wells Street, Milwaukee, WI 53202.

August 23, 2013: Panelist, *Chapters 7 & 13 – Consumer Evidence*, Midwest Regional Bankruptcy Seminar, Cincinnati, Ohio. The panel discussed the most common evidence issues arising in consumer bankruptcy cases, such as the "business records" exception to the hearsay rule and evidentiary issues involved with introduction and admission of appraisal reports. I have no notes, transcript or recording. The address of the Midwest Regional Bankruptcy Seminar is c/o Cincinnati Bar Association/CLE Dept., 225 East Sixth Street, Second Floor, Cincinnati, OH 45202.

August 22, 2013: Presenter, *Even Bankruptcy Lawyers Need to Follow the Rules of Evidence: Do's and Don'ts to Live By*, Midwest Regional Bankruptcy Seminar, Cincinnati, Ohio. Outline and handout supplied.

August 12, 2013: Panelist, *2013 Evidence Update*, Federal Judicial Center, Bankruptcy Workshop, San Diego, California. Handout supplied.

July 24, 2013: Speaker, luncheon address on bankruptcy to the Eastern District of Wisconsin Bar Association's Summer Youth Institute, Milwaukee, Wisconsin. I talked with the students about the definition of bankruptcy and the kinds of cases one sees in bankruptcy court, as well as a bankruptcy court's day-to-day activities. I have no notes, transcripts or recording. The address of the Eastern District of Wisconsin Bar Association is 424 East Wells Street, Milwaukee, WI 53202.

July 20, 2013: Panelist, *Judges' Roundtable*, American Bankruptcy Institute, Annual Southeast Bankruptcy Workshop, Amelia Island, Florida. The panel discussed avoiding *ex parte* communications with chambers staff, the importance of debtors' counsel reviewing the schedules, conflicts of interest, and professional courtesy. I have no notes, transcript or recording. The address for the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, VA 22314.

July 19, 2013: Panelist, *I Have a Bad Feeling About This: When Bankruptcy and Criminal Law Collide*, American Bankruptcy Institute, Annual Southeast Bankruptcy Workshop, Amelia Island, Florida. PowerPoint supplied.

June 16, 2013: Panelist, *Experts Under Examination*, American Bankruptcy Institute, Central States Conference, Traverse City, Michigan. PowerPoint supplied.

June 16, 2013: Co-facilitator, *Breakfast with a Judge*, American Bankruptcy Institute, Central States Conference, Traverse City, Michigan. While I can't recall with certainty the topics the lawyers were interested in discussing, I believe that one of the main topics was the appropriate way for lawyers to interact with chambers staff, in order to avoid improper *ex parte* communications. My job was to facilitate discussion among the lawyers. I have no notes, transcript or

recording. The address for the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, VA 22314.

May 16, 2013: Panelist, *Knowledge Seminar: An Insider Look at Bankruptcy*, Administrative Office of the United States Courts, Office of Public Affairs, Washington, D.C. Video supplied.

April 25, 2013: Panelist, *Pre-Bankruptcy Planning: Where is the Line Between Prudence and Fraud?*, Eastern District of Wisconsin Bar Association, Annual Meeting, Milwaukee, Wisconsin. I have no notes, transcript or recording. The address for the Eastern District of Wisconsin Bar Association is 424 East Wells Street, Milwaukee, WI 53202.

April 15, 2013: Panelist, 2013 *Evidence Update*, Federal Judicial Center, National Workshop for Bankruptcy Judges I, New Orleans, Louisiana. Handout supplied.

February 28, 2013: Panelist, *Wisconsin Case Law Update – Cases Important to our Judiciary*, Bankruptcy Insolvency and Creditor's Rights Section of the State Bar of Wisconsin, Annual Retreat, Kohler, Wisconsin. Handout supplied.

February 17-19, 2013: Faculty member, Advanced Consumer Bankruptcy Practice Institute, American Bankruptcy Institute, Kansas City, Missouri. This program uses pre-prepared materials created by the program's founders, Bankruptcy Judge Keith Lundin and Attorney Hank Hildebrand. I presented a lecture on witness preparation, viewed students' mock trials, and provided them with feedback on trial skills. I have no notes, transcript or recording. The address for the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, VA 22314.

February 1, 2013: Panelist, *A View from the Bench – Bits and Pieces*, Milwaukee Bar Association CLE, Milwaukee, Wisconsin. Handout supplied.

January 4, 2013: Panelist, *Evidence, Experts and Advocacy – Be Your Best! Even Old Dogs Can Learn New Tricks*, National CLE Conference of the Law Education Institute Conference, Snowmass, Colorado. Outline and handout supplied.

January 3, 2013: Panelist, *The Viability of Chapter 13 – Broad Implications Across the Chapters Affecting Us All*, National CLE Conference of the Law Education Institute Conference, Snowmass, Colorado. Outline supplied.

November 29, 2012: Debater/panelist, *Great Debates – Since Most Debtors Default in Chapter 13 Plans Before They Reach Completion, Are Modifications*

Needed to the Law's Rehabilitation Goals?, ABI Winter Leadership, Tucson, Arizona. Notes supplied.

November 14, 2012: Actor/panelist, *Ethics--BICR Players Present*, State Bar of Wisconsin 2012 Annual Bankruptcy Update, Milwaukee, Wisconsin. The panelists acted out scenarios involving ethical issues surrounding clients who do not want to disclose inherited assets, clients who pay family member creditors before filing bankruptcy, the line between family "loans" and family "gifts," representing both debtors in cases where spouses are divorcing, and attorneys' employees who are owed money by bankruptcy clients. I have no notes, transcript or recording. The address for the State Bar of Wisconsin is 5302 Eastpark Boulevard, Madison, WI 53718.

November 2, 2012: Co-presenter, *But I Need to Get It In, Judge! Evidence for the Bankruptcy Lawyer*, Capital Region and Central New York Bankruptcy Bar Association, Annual Bankruptcy Conference, Cooperstown, New York. Outline, fact pattern and scripts supplied.

October 26, 2012: Presenter, *What Do You Mean We Need Evidence? It's Bankruptcy Court! An Interactive Presentation on Common Evidentiary issues in Bankruptcy*, National Conference of Bankruptcy Judges, Annual Meeting, San Diego, California. Outline and handout supplied.

October 15, 2012: Presenter, *Common Evidentiary Issues in Bankruptcy - Pocket Guide to Common Evidentiary Issues in Bankruptcy (If You Have a BIG Pocket)*, Federal Judicial Center, Phase II Orientation for Newly Appointed Bankruptcy Judges, Washington, D.C. Handout supplied.

September 29, 2012: Panelist, *Rules Committee Conference on Mortgage Rules and Forms*, Mortgage Mini Conference, Judicial Conference of the United States, Advisory Committee on Bankruptcy Rules, Portland, Oregon. Handout supplied.

September 13, 2012: Speaker, *Introduction to the Eastern District of Wisconsin, Eastern District Bar Association*, Milwaukee, Wisconsin. I spoke to young lawyers about reasons to become members of the organization. I have no notes, transcript or recording. The address of the Eastern District of Wisconsin Bar Association is 424 East Wells Street, Milwaukee, WI 53202.

September 6, 2012: Presenter, *Tips for Successful Trial Practice*, Western District Bankruptcy Bar Association, Madison, Wisconsin. Outline supplied.

August 1, 2012: Co-facilitator with Hon. Robert E. Grossman, *Small Group Discussions*, Federal Judicial Center, National Workshop for Bankruptcy Judges II, Santa Fe, New Mexico. While I don't recall with certainty, I believe that Judge Grossman and I facilitated a discussion about the morning's programs on the

impact of the Supreme Court's decision in *Stern v. Marshall* on bankruptcy judges' ability to enter final orders. I have no notes, transcript or recording. The address of the Federal Judicial Center is Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Washington, D.C. 20002.

July 9-11, 2012: Faculty, Advanced Consumer Bankruptcy Practice Institute, New Orleans, Louisiana. This program uses materials created by the program's founders, Bankruptcy Judge Keith Lundin and Attorney Hank Hildebrand. I presented a lecture on witness preparation, viewed students' mock trials, and provided them with feedback on trial skills. I have no notes, transcript or recording. The sponsoring organization was the National Association of Chapter Thirteen Trustees; the address for the Executive Director is 1 Windsor Cove, Suite 305, Columbia, SC 29223.

June 28, 2012: Co-facilitator with Hon. Randy Doub, *Small Group Discussions*, Federal Judicial Center, Conference for Chief Bankruptcy Judges, Washington, D.C. Judge Daub and I facilitated a discussion about how to encourage collegiality and provide incentives to court personnel to perform at high levels. I have no notes, transcript or recording. The address of the Federal Judicial Center is Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Washington, D.C. 20002.

June 9, 2012: Co-facilitator, *Breakfast with a Judge*, American Bankruptcy Institute, Central States Conference, Traverse City, Michigan. I cannot recall with certainty the topics discussed, although I believe that there may have been discussion of the procedures various districts use to strip wholly-unsecured, junior mortgage liens. My job was to facilitate discussion among the lawyers. I have no notes, transcript or recording. The sponsoring organization was the American Bankruptcy Institute; its address is 66 Canal Center Plaza, Suite 600, Alexandria, VA 22314.

June 7, 2012: Panelist, *More Claims Issues in Consumer Cases: Procedural Rules/Statutes that Impact Claims*, American Bankruptcy Institute, Central States Conference, Traverse City, Michigan. Handout supplied.

June 1, 2012: Presenter, *This Is Not My Beautiful House! Evidence Issues Related to Challenges to Standing*, Fifth Annual Frank W. Koger Bankruptcy Symposium, Kansas City, Missouri. Handout supplied.

May 11, 2012: Presenter, *Allonges? We Don't Need No Stinking Allonges! Evidence Issues Related to Challenges to Standing*, Columbus Bankruptcy Law Institute, Columbus, Ohio. Handout supplied.

May 3, 2012: Panelist, *Dealing with the Adversarial Relationship: Litigating and Defending a Successful Adversary from Drafting the Complaint to the Final*

Order, Bankruptcy Association of Southern Illinois Conference, Fairview Heights, Illinois. Outline and handout supplied.

April 28, 2012: Presenter, *Allonges? We Don't Need No Stinking Allonges! Evidence Issues Related to Challenges to Standing*, National Association of Consumer Bankruptcy Attorneys, Annual Convention, San Antonio, Texas. Handout supplied.

April 21, 2012: Panelist, *The Do's and Don'ts of Effective Oral and Written Advocacy*, American Bankruptcy Institute, Annual Spring Meeting, Washington, D.C. Handout supplied.

February 22, 2012: Presenter, *Winning from the Beginning, Building a Winning Case from Complaint to Closing Argument*, Eastern District Wisconsin Bar Association, Milwaukee, Wisconsin. PowerPoint supplied.

February 5, 2012: Facilitator, *Talking Points for Schwartz Roundtable – Consumer Issues*, National Conference of Bankruptcy Judges, Annual Meeting, San Diego, California. Handout supplied.

February 3, 2012: Panelist, *Defaults, Deals and Damages: Tips for Settlements and Default Judgments*, A View from the Bench: A Roundtable Discussion, Milwaukee Bar Association CLE, Milwaukee, Wisconsin. Handout supplied.

January 18-20, 2012: Faculty, Advanced Consumer Bankruptcy Practice Institute, Phoenix, Arizona. This program uses materials created by the program's founders, Bankruptcy Judge Keith Lundin and Attorney Hank Hildebrand. I have no notes, transcript or recording. The sponsoring organization was the State Bar of Arizona; its address is 4201 N. 24th Street, Suite 100, Phoenix, AZ 85016.

December 15, 2011: Presenter, *Allonges? We Don't Need No Stinking Allonges! Evidence Issues Related to Challenges to Standing*, Mississippi Bankruptcy Conference. Handout supplied.

December 2, 2011: Panelist, *Business Track. Real Estate Appellate Argument: Debtor and Secured Creditor Lawyers Sparring over Several Timely Issues Arising in Real Estate Cases*, American Bankruptcy Institute, Winter Leadership Conference, Palm Springs, California. I have no notes, transcript or recording. The address for the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, VA 22314.

November 17-18, 2011: Actor/panelist, *BICR Players Present: Dealing With Typical Ethical Problems*, State Bar of Wisconsin 2011 Annual Bankruptcy Update, Milwaukee, Wisconsin (November 17) and Madison, Wisconsin

(November 18). The panel discussed counsel's obligation to review schedules, conflicts in representing married debtors or other related debtors, employee conflicts and confidentiality, and counseling debtors regarding when to file for bankruptcy. I have no notes, transcript or recording. The address for the State Bar of Wisconsin is 5302 Eastpark Boulevard, Madison, WI 53718.

November 17, 2011: Moderator, *Means Testing After Hamilton v. Lanning, 130 S. Ct. 2464 (2010)*, State Bar Bankruptcy Update, State Bar of Wisconsin, Milwaukee, Wisconsin. Handout supplied.

September 12, 2011: Presenter, *Common Evidentiary Issues in Bankruptcy*, Federal Judicial Center, Phase II Orientation for Newly Appointed Bankruptcy Judges, Washington, D.C. Handout supplied.

June 10, 2011: Panelist, *Burn the House Down! Mortgage Issues in Consumer Cases*, American Bankruptcy Institute, Annual Central States Bankruptcy Workshop, Traverse City, Michigan. Handout supplied.

June 4, 2011: Presenter, *Evidence Update*, Eighth Circuit Bankruptcy Judges' Conference, Omaha, Nebraska. Handout supplied.

May 12, 2011: Presenter, *But I Need to Get It In, Judge! Evidence for the Bankruptcy Lawyer*, Columbus Bar Association, Bankruptcy Law Institute, Columbus, Ohio. Outline, fact pattern and scripts supplied.

April 7, 2011: Panelist, *Making Sense of the Mortgage Morass*, Eastern District of Wisconsin Bar Association, Annual Meeting – Bankruptcy Breakout, Milwaukee, Wisconsin. The panel discussed various issues arising in bankruptcy courts as a result of the mortgage crisis, including determining who has standing to bring mortgage-related actions in bankruptcy court, the appropriate methods for stripping liens, and the proof necessary to bring a motion for relief from stay or to object to confirmation. I have no notes, transcript or recording. The address of the Eastern District of Wisconsin Bar Association is 424 East Wells Street, Milwaukee, WI 53202.

March 22, 2011: Co-facilitator with Hon. Raymond Lyons, *Small Group Discussions*, Federal Judicial Center, National Workshop for Bankruptcy Judges I, Charlotte, North Carolina. I do not recall the topic of discussion. Our job was to facilitate interaction among the judges in the group. I have no notes, transcript or recording. The address of the Federal Judicial Center is Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Washington, D.C. 20002.

March 3, 2011: Panelist, *Wisconsin Case Law Update – Cases Important to our Judiciary*, Bankruptcy Insolvency and Creditor's Rights Section of the State Bar of Wisconsin, Annual Retreat, Kohler, Wisconsin. Handout supplied.

February 11, 2011: Panelist, *Winning by Default: It's Not as Easy As It Sounds!*, Roundtable with Bankruptcy Judges from the Eastern District of Wisconsin, Milwaukee Bar Association CLE, Milwaukee, Wisconsin. Handout supplied.

January 31, 2011: Panelist, *First 20 Days' Criminal Vignette*, Thomas Fairchild Inns of Court, Milwaukee, Wisconsin. Handout supplied.

December 9, 2010: Presenter, *But I Need to Get It In, Judge! Evidence for the Bankruptcy Lawyer*, Mississippi Bankruptcy Conference. Handout supplied.

October 14, 2010: Facilitator, *Talking Points for Schwartz Roundtable – Mighty Mortgage Messes!*, National Conference of Bankruptcy Judges, Annual Meeting, New Orleans, Louisiana. Handout supplied.

October 14, 2010: Facilitator, *Talking Points for Schwartz Roundtable – A Discussion of the Impact of the Supreme Court's Decision in United Student Aid Funds v. Espinosa on Plan Confirmation Procedures*, National Conference of Bankruptcy Judges, Annual Meeting, New Orleans, Louisiana. Handout supplied.

October 4, 2010: Commentator, webinar on the five-year anniversary of the Bankruptcy Abuse Prevention and Consumer Protection Act, American Bankruptcy Institute, Milwaukee, Wisconsin. I have no notes, transcript or recording, but press coverage supplied. The address of the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, VA 22314.

July 28, 2010: Panelist, *Specific Evidentiary Issues in Bankruptcy Proceedings: Mortgages, Mergers and Mansions*, Federal Judicial Center, National Workshop for Bankruptcy Judges II, Washington, D.C. Handout supplied.

June 14, 2010: Presenter, *Common Evidentiary Issues in Bankruptcy*, Federal Judicial center, Phase II Orientation for Newly Appointed Bankruptcy Judges, Washington, D.C. Handout supplied.

May 13, 2010: Panelist, *Judge's Panel*, Bankruptcy Association of Southern Illinois, General Bankruptcy Seminar, O'Fallon, Illinois. I have no notes, transcript or recording. The address for the Bankruptcy Association of Southern Illinois is 216 Main Street, Edwardsville, IL 62025.

May 1, 2010: Moderator: *Consumer Bankruptcy – I'd Like You More if You Didn't Drive Me Crazy: Recurring Issues among Consumer Lawyers and Trustees, and How to Avoid Them*, American Bankruptcy Institute Annual Spring Meeting, Washington, D.C. The panel discussed how to improve relationships between debtors' counsel and trustees. I have no notes, transcript or recording.

The address for the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, VA 22314.

April 30, 2010: Debater/Panelist, *Great Debates – In Calculating a Debtor’s Projected Disposable Income, the Court May Consider the Debtor’s Prospective Income or Expenses*, American Bankruptcy Institute Annual Spring Meeting, Washington, D.C. A fellow bankruptcy judge and I debated whether, in the wake of the Bankruptcy Abuse Prevention and Consumer Protection Act and subsequent court decisions interpreting that statute, a Chapter 13 debtor's disposable income ought to be calculated solely by looking at the income and expenses she reported for the six months prior to filing for bankruptcy, or whether a court ought also to look at her income and expenses as of the filing date and going forward. I have no notes, transcript or recording. The address for the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, VA 22314.

April 29, 2010: Panelist, *Buying and Selling Companies in Bankruptcy: Views from the Bench, Bar and the Financial Advisory Committee*, Eastern District of Wisconsin Bar Association Annual Meeting, Milwaukee, Wisconsin. I moderated a panel that used a hypothetical Chapter 11 case involving a bicycle manufacturer to discuss best practices for selling companies in bankruptcy. I have no notes, transcript or recording. The address for the Eastern District of Wisconsin Bar Association is 424 East Wells Street, Milwaukee, WI 53202.

March 25, 2010: Panelist, *Mortgages, Mergers and Mansions: Specific Evidentiary Issues in Bankruptcy Proceedings*, Federal Judicial Center, National Workshop for Bankruptcy Judges I, Miami, Florida. Handout supplied.

March 4, 2010: Panelist, *Wisconsin Case Law Update – Cases Important to our Judiciary*, Bankruptcy Insolvency and Creditor’s Rights Section of the State Bar of Wisconsin, Annual BICR Retreat, Kohler, Wisconsin. Handout supplied.

January 6, 2010: Presenter, *But All the Other Judges Do It! Successful Litigation in a Multi-Judge District*, Western District of Wisconsin Bankruptcy Bar Association, Madison, Wisconsin. Handout supplied.

October 21, 2009: Facilitator, *Talking Points for Schwartz Roundtable – Discussion on Imposing Sanctions on Attorneys*, National Conference of Bankruptcy Judges, Annual Meeting, Las Vegas, Nevada. Handout supplied.

July 9, 2009: Presenter, *Practical Application of the Rules of Evidence in the Context of a Bankruptcy Proceeding: “But Judge – I Need to Get It In!”* Federal Judicial Center Conference, Workshop for Bankruptcy Judges, Chicago, Illinois. Handout supplied.

June 13, 2009: Co-facilitator, *Breakfast with a Judge*, Annual Central States Bankruptcy Workshop, Traverse City, Michigan. I do not recall the topic of discussion at that year's breakfast. My job was to facilitate discussion among the lawyers. I have no notes, transcript or recording. The address for the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, VA 22314.

June 13, 2009: Debater/presenter, *Resolved: The Means Test Controls the Dividend to Unsecured Creditors in a Chapter 13 Bankruptcy Case*, American Bankruptcy Institute, Annual Central States Bankruptcy Workshop, Traverse City, Michigan. A fellow judge and I debated the question of whether BAPCPA and the resulting case law required courts to calculate disposable income based solely on the debtor's income and expenses for the six months prior to filing, or whether courts ought to look at the debtor's current and future income and expenses. I have no notes, transcript or recording. The address for the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, VA 22314.

March 5, 2009: Panelist, *Wisconsin Case Law Update – Cases Important to our Judiciary*, Bankruptcy Insolvency and Creditor's Rights Section of the State Bar of Wisconsin, Annual Retreat, Kohler, Wisconsin. Handout supplied.

June 25, 2008: Speaker, *The Optimal Roles of Chapter 128 and Chapter 11: Has an Appropriate Balance Been Attained?*, Milwaukee Bar Association CLE, Milwaukee, Wisconsin. I moderated a panel which compared the similarities and differences between Wisconsin's receivership statute (Chapter 128) and Chapter 11 of the Bankruptcy Code. The panelists debated whether one procedure was ultimately a better tool for selling or reorganizing companies than the other. I have no notes, transcript or recording. The address for the Milwaukee Bar Association is 424 East Wells Street, Milwaukee, WI 53202.

June 13, 2008: Debater/Presenter: *Resolved: Official Form 22C Conclusively Determines "Projected Disposable Income" for Chapter 13 Debtors with Above-Median Income*, American Bankruptcy Central States ABI Central States, Traverse City, Michigan. A fellow judge and I debated, prior to the Supreme Court's decision in *Hamilton v. Lanning*, whether bankruptcy courts must calculate the debtor's disposable income based solely on the income and expenses from the six months prior to the petition date, or whether courts also should look at current and expected income and expenses. I have no notes, transcript or recording. The address for the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, VA 22314.

April 25, 2008: Panelist, *Judge's Panel*, Bankruptcy Association of Southern Illinois, General Bankruptcy Seminar, Fairview Heights, Illinois. I do not recall the topics discussed. I have no notes, transcript or recording. The address of the Bankruptcy Association of Southern Illinois is 216 North Main Street, Edwardsville, IL 62025.

March 6, 2008: Panelist, *Wisconsin Case Law Update – Cases Important to our Judiciary*, Bankruptcy Insolvency and Creditor's Rights Section of the State Bar of Wisconsin, Annual Retreat, Kohler, Wisconsin. Handout supplied.

October 26, 2007: *Evidence Law*, State Bar of Wisconsin 2007 Annual Bankruptcy Update, Milwaukee, Wisconsin. DVD supplied.

September 18, 2007: Co-facilitator with Hon. Joel Rosenthal, *Handling Midsize Chapter 11 Issues – small group discussion*, Federal Judicial Center, National Workshop for Bankruptcy Judges 2007, Austin, Texas. I have no notes, transcript or recording. The address of the Federal Judicial Center is Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Washington, D.C. 20002.

June 16, 2007: Debater/Panelist, *Great Debate – The Means Test Determines the Proper Deductions for Income Under the Totality of Circumstances Test Under 707*, American Bankruptcy Institute, Annual Central States Bankruptcy Workshop, Traverse City, Michigan. I have no notes, transcript or recording. The address for the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, VA 22314.

June 14, 2007: Panelist, *Disposable Income and the Means Test: What Do They Mean?*, American Bankruptcy Institute, Annual Central States Bankruptcy Workshop, Traverse City, Michigan. I have no notes, transcript or recording. The address for the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, VA 22314.

June 1, 2007: Panelist, *Judge's Panel*, Bankruptcy Association of Southern Illinois, General Bankruptcy Seminar, Fairview Heights, Illinois. I have no notes, transcript or recording. The address of the Bankruptcy Association of Southern Illinois is 216 North Main Street, Edwardsville, IL 62025.

May 4, 2007: Speaker, *But I Need to Get This In, Judge! Evidence for Bankruptcy Lawyers*, Milwaukee Bar Association bankruptcy seminar, Milwaukee, Wisconsin. Handout supplied.

February 10, 2007: Judge, State Bar of Wisconsin High School Mock Trial competition, Milwaukee, Wisconsin. I have no notes, transcript or recording. The address of the State Bar of Wisconsin is 5302 Eastpark Boulevard, Madison, WI 53718.

November 6, 2006: Speaker, *The New Bankruptcy Laws One Year Later*, Eastern District of Wisconsin Bar Association, Bench-Bar luncheon, Milwaukee, Wisconsin. I have no notes, transcript or recording. The address for the Eastern

District of Wisconsin Bar Association is 424 East Wells Street, Milwaukee, WI 53202.

October 26, 2006: Speaker, WILMIC Fall Showcase Seminar 2006, Green Bay, Wisconsin. I discussed assorted law practice management topics. I have no notes, transcripts or recording. The address for WILMIC (Wisconsin Lawyers Mutual Insurance Company) is 725 Heartland Trail, Suite 300, Madison, WI 53717.

May 10, 2006: Speaker, *Tips for Dealing with Recent BAPCPA Issues*, Milwaukee Bar Association bankruptcy seminar, Milwaukee, Wisconsin. Handout supplied.

February 11, 2006: Judge, State Bar of Wisconsin High School Mock Trial competition, Milwaukee, Wisconsin. I have no notes, transcript or recording. The address of the State Bar of Wisconsin is 5302 Eastpark Boulevard, Madison, WI 53718.

September 22, 2005: Speaker, *Ethics: The Newest Rules*, State of Wisconsin Office of the State Public Defender 2005 Annual Conference, Milwaukee, Wisconsin. I have no notes, transcript or recording. The address for the Office of the Public Defender is 315 North Henry Street, 2nd Floor, Madison, WI 53703.

October 4-5, 2001: Speaker, State of Wisconsin Office of the Public Defender 2001 Annual Conference, Milwaukee, Wisconsin. I discovered this event through searching the Internet and have included it here in an abundance of caution although I have no recollection of this event or what I might have discussed. I have no notes, transcript or recording. The address of the Office of the Public Defender is 415 Henry Street, 2nd Floor, Madison, WI 53703.

May 21, 2001: Panelist, discussion among lawyers and judges regarding pet peeves, Seventh Circuit Bar Association Annual Meeting and Judicial Conference, Indianapolis, Indiana. I have no notes, transcript or recording, but press coverage is supplied. The address of the Seventh Circuit Bar Association is 53 West Jackson Boulevard, Suite 1050, Chicago, IL 60604.

- 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.

For Federal Courts, Shutdown Caused Broad Disruptions, State News Service, October 25, 2013. Copy supplied.

Jane Pribek, *Clerk Competition Fierce in Wisconsin for Positions With Federal Judges*, Wis. Law Journal, August 20, 2013. Copy supplied.

I was one of three training judges recorded for *Mastering OSCAR*, the Administrative Office of the United States Courts, Washington, D.C., to be shown to judges to teach them how to post for new law clerk hires, March 7, 2013. Video supplied.

Bruce Vielmetti, *Ihlenfeldt Helped Shape Bankruptcy Practice*, Milwaukee Journal Sentinel, January 1, 2012. Copy supplied.

Cary Spivak, *Bankruptcy Preparers: Judge Refers Two Cases to Federal Prosecutors; U.S Attorney to Review for Criminal Charges*, Milwaukee Journal Sentinel, December 6, 2011. Copy supplied.

Cary Spivak, *Bankruptcy Filings Botched; Judges Crack Down on Paid Preparers for Mistakes, Questionable Fees*, Milwaukee Journal Sentinel, November 30, 2011. Copy supplied.

Jack Zemlicka, *Complaints Rise in Wisconsin Over Bankruptcy Petition Writers*, Wis. Law Journal, November 21, 2011. Copy supplied.

Jack Zemlicka, *Pepper's Passion for the Law Is No Act*, Wis. Law Journal, February 24, 2011. Copy supplied.

Mentoring Videos, made by the Seventh Circuit Bar Association, Chicago, Illinois, which appear on the Bar's website, January 27, 2011. Video clips available at <http://vimeo.com/album/1815021>.

Thomas J. Watson, *Should You Take On a Bankruptcy Case?*, Wis. Lawyer, July 2009. Copy supplied.

Jack Zemlicka, *Bankruptcy Filings Appear To Be Ascending Once Again*, Wis. Law Journal, August 13, 2007. Copy supplied.

Accusations Traded Over Death, Milwaukee Journal Sentinel, May 7, 2007. Copy available at <http://tinyurl.com/perjgwt>.

Eva Soeka, *Masters in Dispute Resolution Launched*, Marquette University College of Professional Studies newsletter, Fall 2006-2007. Copy supplied.

Milwaukee Bar Association Names New Executive, BizTimes.com, December 1, 2005. Copy supplied.

Tony Anderson, *Milwaukee Bar Association Hires New Executive Director*, Wis. Law Journal, November 16, 2005. Copy supplied.

Tony Anderson, *Chief Judge Concerned About Milwaukee County's Proposed Budget Cuts*, Wis. Law Journal, October 12, 2005. Copy supplied.

Criminal Attorney Takes the Bench, LRP Publications, BCD News and Comment, September 6, 2005. Copy supplied.

Tony Anderson, *Pamela Pepper Appointed as U.S. Bankruptcy Judge for the Eastern District of Wisconsin*, Wis. Law Journal, June 1, 2005. Copy supplied.

Tom Kertscher, *Ruling Helps Killer Get New Trial; Prosecutors Worry About Effect On Other Cases*, Milwaukee Journal Sentinel, June 3, 2004. Copy supplied.

Jane Pribek, *Women Entering the Mediation Arena*, Wis. Law Journal, May 26, 2004. Copy supplied.

How Do Your Experiences, Practices Compare?, Think Small! The Official Newsletter of the Solo and Small Firm Practice Committee of the State Bar of Wisconsin, Spring 2004. Copy supplied.

Lawrence Sussman, *Officer to Take Anger Management; Tirade Ticket Would Be Cleared If He Stays Clean*, Milwaukee Journal Sentinel, December 5, 2003. Copy supplied.

Greg J. Borowski, *Henningsen Associate Hires Defense Attorney*, Milwaukee Journal Sentinel, January 22, 2003. Copy available at <http://tinyurl.com/lb5o4an>.

Roundtable discussion with five attorneys, *Billing Issues*, Wis. Law Journal, January 15, 2003. Copy supplied.

Roundtable discussion with five attorneys, *Billing Issues*, Wis. Law Journal, January 8, 2003. Copy supplied.

Tony Anderson, *Green Bay Division of Eastern Dist. Of WI Court is Now in Session*, Wis. Law Journal, December 4, 2002. Copy supplied.

SOLO PRACTITIONER: *Active Bar Work Brings in Clients*, The National Law Journal, November 11, 2002. Copy supplied.

Panel Picks Four Contenders for Judge, Milwaukee Journal Sentinel, June 25, 2002. Copy supplied.

Small Practice, Wis. Law Journal, June 19, 2002. Copy supplied.

Small Practice, Wis. Law Journal, June 12, 2002. Copy supplied.

Mary Zahn, *Federal Authorities to Review Archdiocese's \$450,000 Payoff*, Milwaukee Journal Sentinel, May 29, 2002. Copy supplied.

Phil Brinkman, *Clerk Let Lawyer Keep Client Secret; The Name of the Former Caucus Employee Wasn't Released, But the Lawyer's Bill Was Still Paid by the Assembly Chief Clerk*, Wis. State Journal, May 22, 2002. Copy supplied.

One Legal Bill Remains a Mystery, Associated Press State and Local Wire, May 22, 2002. Copy supplied.

Doug Moe, *Is Capitol-Gate a Federal Case?*, Capital Times, February 5, 2002. Copy supplied.

Tom Kertscher, *FBI Interviews Dozens in Local Side of Investigation; Muslim Leaders in Milwaukee Question Tactics of Agents Checking Out 1,500 Attack-Related Calls*, Milwaukee Journal Sentinel, September 22, 2001. Copy supplied.

Michael Zahn, *Eastern District Shortens Deadline for Filing Motions for Determination of Attorney's Fees*, The Daily Reporter, August 2, 2011. Copy supplied.

Steve Warmbir, *Antiques Dealer Convicted in Beating Over Stolen Art*, Chicago Sun-Times, March 21, 2001. Copy supplied.

Tom Kertscher, *Chmura Takes Risk by Not Testifying; It Signals Defense Is Pleased With Case, Lawyers Say*, Milwaukee Journal Sentinel, February 3, 2001. Copy supplied.

Strang Named State's First Federal Defender, The Daily Reporter, July 20, 2000. Copy supplied.

Women in the Law, New Firm 'a Good Fit' for Former Prosecutor, Wis. Law Journal, April 5, 2000. Copy supplied.

Gretchen Schuldt, *Trial Date Set for 15 Charged in Outlaws Case*, Milwaukee Journal Sentinel, November 23, 1999. Copy supplied.

Gretchen Schuldt, *Outlaws Facing Double Jeopardy, Lawyers Say*, Milwaukee Journal Sentinel, February 1, 1999. Copy supplied.

Accounts Conflict in Custody Death, Wis. State Journal, May 7, 1997. 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 was appointed by the Seventh Circuit Court of Appeals as a United States bankruptcy judge for the Eastern District of Wisconsin in July 2005, and continue to serve in that position. My appointment originally included an obligation to hear cases in the Southern District of Illinois, which I did from my appointment date in 2005 until 2009.

Pursuant to a Standing Order of Reference issued on July 10, 1984 by the judges of the District Court for the Eastern District of Wisconsin, bankruptcy judges in the Eastern District of Wisconsin have authority to hear and decide “any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11.” Bankruptcy cases filed in the Eastern District of Wisconsin are randomly assigned to one of the four bankruptcy judges. Bankruptcy judges also make findings of fact and conclusions of law for submission to the district court in certain instances.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

In my nine years as a bankruptcy judge, I have presided over approximately thirty adversary proceeding trials that have gone to verdict. I also have entered judgment in approximately fifteen summary judgment proceedings and have entered over fifty default judgments. I have prepared findings of fact and conclusions of law for the district court’s consideration on approximately two occasions.

- i. Of these, approximately what percent were:

| | |
|-----------------------|------|
| jury trials: | 0% |
| bench trials: | 100% |
| civil proceedings: | 100% |
| criminal proceedings: | 0% |

- b. Provide citations for all opinions you have written, including concurrences and dissents.

Williams v. City of Milwaukee, et al. (In re Williams), 473 B.R. 307 (Bankr. E.D. Wis. 2012).

Villalobos v. BAC Home Loans Serv'ing (In re Villalobos), No. 11-2102, 2012

WL 1865421 (Bankr. E.D. Wis. March 23, 2012).

Starfire, Inc. v. Dolata (In re Dolata), No. 09-2056, 2010 WL 3860481 (Bankr. E.D. Wis. Oct. 1, 2010).

Levine v. Ward (In re Ward), 425 B.R. 507 (Bankr. E.D. Wis. 2010).

Ganther Constr., Inc. v. Ward (In re Ward), 417 B.R. 582 (Bankr. E.D. Wis. 2009).

In re Whitwell, No. 08-32896, 2009 WL 2371561 (Bankr. S.D. Ill. July 30, 2009).

In re Boring, No. 05-34260, 2009 WL 1228788 (Bankr. S.D. Ill. May 1, 2009).

In re Delp, No. 08-31466, 2009 WL 322227 (Bankr. S.D. Ill Feb. 9, 2009).

Seaback v. Barth (In re Barth), No. 08-2062, 2008 WL 5170558 (Bankr. E.D. Wis. Nov. 7, 2008).

In re Smith, 401 B.R. 343 (Bankr. S.D. Ill. 2008).

In re Van Bodegom Smith, 383 B.R. 441 (Bankr. E.D. Wis. 2008).

In re McCallister, No. 07-32127, 2008 WL 515508 (Bankr. S.D. Ill. Feb. 22, 2008).

In re Action Transit, Inc., No. 07-27904, 2008 WL 533992 (Bankr. E.D. Wis. Jan. 10, 2008).

In re Kiedrowski, No. 06-24318, 2007 WL 6371259 (Bankr. E.D. Wis. Aug. 9, 2007).

In re Smith, No. 06-20127, 2007 WL 1544366 (Bankr. E.D. Wis. May 29, 2007).

In re Simkins, Nos. 05-36933 and 04-33851, 2007 WL 956511 (Bankr. S.D. Ill. March 28, 2007).

In re Sawdy, 362 B.R. 898 (Bankr. E.D. Wis. 2007).

Giesecking v. Thomas, 358 B.R. 754 (Bankr. S.D. Ill. 2007).

In re Spears, 355 B.R. 116 (Bankr. E.D. Wis. 2006).

In re Balcerowski, 353 B.R. 581 (Bankr. E.D. Wis. 2006).

In re Richie, 353 B.R. 569 (Bankr. E.D. Wis. 2006).

In re French, 353 B.R. 258 (Bankr. E.D. Wis. 2006).

In re Fuller, 346 B.R. 472 (Bankr. S.D. Ill. 2006).

- c. For each of the ten 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).

The cases appear below in reverse chronological order.

1. *Maxwell v. Stanislawski*, (*In re Stanislawski*), Adv. no. 13-2152, Bankr. no. 12-36752-pp (Bankr. E.D. Wis. Jan. 6, 2014), *appeal pending*, no. 14-CV-186-LA (E.D. Wis.) (Adelman, J.).

The trustee filed a complaint, asking the court to deny the debtor's discharge because she either had failed to disclose assets, or had deliberately misrepresented the value of those assets. In particular, the debtor had reported owning a ring, which she valued at \$500. The trustee learned that the ring had been appraised, and insured, for over \$18,000. The debtor did not turn over the ring to the trustee, despite being asked to do so. At trial, the debtor (representing herself) testified that the day after the trustee had demanded turnover of the ring, her car had been seized in a traffic stop, and the ring had been in it. I found in favor of the plaintiff/trustee. The debtor has filed a motion to reconsider, which is pending, and a notice of appeal.

Counsel for Plaintiff:

Michael F. Dubis
208 East Main Street
Waterford, WI 53185
(262) 534-6950

The defendant appeared *pro se*.

2. *Puma v. Bank Mutual* (*In re Puma*), Adv. no. 13-2398, Bankr. no. 12-37506-pp (Bankr. E.D. Wis. Nov. 18, 2013).

The debtors/plaintiffs filed this suit against the bank that held the mortgage on their rental property. They sought to "cram down" the bank's claim, from approximately \$61,000 to \$25,000. They sought to reduce the bank's claim in order to make it possible for them to retain the rental property through a

Chapter 13 plan of reorganization. At trial, each party produced a witness to testify to the value of the property. The debtors/plaintiffs' witness testified that the property had only one habitable unit in it, and this was why he had valued it at only \$25,000. He testified that the part of the building that might be considered a second unit was at garden level, and thus that no one would want to rent it, and that no investor would want to buy it. The bank's appraiser, however, had viewed the property more recently, and there were, in fact, two different tenants living in two separate units in the property. He had valued the property at \$61,000 because of the fact that it was a two-unit – it had two separate entrances, separate appliances, separate utilities. He indicated that the second unit was habitable, because there were people living in it, and it was in good condition. At the end of the trial, based on the evidence from both witnesses, I valued the property at \$58,000, and gave the debtors/plaintiffs an opportunity to amend their Chapter 13 plan to reflect that value.

Counsel for Plaintiffs:

William H. Green
Green & Kapsos Law Offices, LLC
3216 South 92nd Street, Suite 201
Milwaukee, WI 53227
(414) 543-5369

Counsel for Defendant:

Christopher C. Drout
Gray & Associates, LLP
16345 West Glendale Drive
New Berlin, WI 53151
(414) 224-1279

3. *State of Wisconsin v. Burse (In re Burse)*, Adv. no. 12-2303, Bankr. no. 11-37393-pp (Bankr. E.D. Wis. Sept. 5, 2013).

The complaint alleged that debtor/defendant Burse had incurred debt to the State of Wisconsin by fraud and false pretenses, in violation of 11 U.S.C. § 523(a)(2). Specifically, the complaint alleged that the defendant had deliberately provided false information in support of his application to be considered a disadvantaged economic enterprise, and had submitted false billing and invoice statements to collect more funds in those instances in which he obtained contracts as part of that program. The plaintiff alleged that the defendant had falsified transcripts and proof of his degree, in order to qualify to obtain contracts as a disadvantaged economic enterprise. During the trial, the defendant stated that he had, in fact, falsified his transcripts, as

well as alleged letters from university personnel and graduation documents. He argued that this fact was not important, and that he didn't get any contracts because of these false representations. He also argued that the multiple duplicate and excessive invoices were errors. I found against the defendant, granted judgment in favor of the plaintiff, and found the debt nondischargeable.

The plaintiff appeared *pro se*.

Counsel for Defendant:

Mark Bromley
Assistant Attorney General
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707
(608) 264-6201

4. *First National Bank of Omaha v. Berglund (In re Berglund)*, Adv. no. 12-2689, Bankr. no. 12-29036-pp (Bankr. E.D. Wis. May 30, 2013).

The complaint alleged that the debtors/defendants had made charges on their bank credit card within 90 days of the date they had filed for bankruptcy, knowing that they would not repay those debts. The complaint also alleged that the debtors had purchased "luxury goods" within that period. Accordingly, the complaint alleged that these debts were nondischargeable pursuant to 11 U.S.C. §§ 523(a)(2)(A) and (a)(2)(C). I dismissed the § 523(a)(2)(A) (fraud) count on partial summary judgment, and the parties had agreed to dismissal of another cause of action. At trial, therefore, the only remaining cause of action was the allegation that the debtors/defendants had incurred the charges with fraudulent intent. I ruled in favor of the debtors/defendants, and dismissed the complaint.

Counsel for Plaintiff:

Cory J. Rooney
Brumbaugh & Quandahl, PC, LLO
4885 South 118th Street
Omaha, NE 68137
(402) 554-4400

Counsel for Defendants:

Brent J. Berning
Geraci Law, LLC

55 East Monroe Street, Suite 3400
Chicago, IL 60603
(312) 332-1800

5. *Luedtke v. Temple (In re Temple)*, Adv. no. 12-2690, Bankr. no. 12-29025-pp (Bankr. E.D. Wis. May 16, 2013).

The plaintiff objected to the bankruptcy court discharging the debt owed to her by the debtor/defendant. Because she was not represented by counsel, she did not state a specific cause of action. She alleged, however that the debtor had deliberately been untruthful with her, telling her that he planned to repay the debt when he had no intention of doing so. After hearing the plaintiff's case, I concluded that she was attempting to allege a cause of action under 11 U.S.C. § 523(a)(6), objecting to the discharge of a particular debt as having been incurred through willful and malicious injury. I concluded that the plaintiff had not met her burden of proof, issued judgment in favor of the defendant, and dismissed the complaint.

The plaintiff appeared *pro se*.

Counsel for Defendant:

Eugene N. Johnson
Johnson & Johnson Law Office
1425 Summit Avenue, Suite 100
Waukesha, WI 53188
(262) 542-8033

6. *Mann, Trustee v. Dunn and Prudential Life Insurance (In re Dunn)*, Adv. no. 12-2639, Bankr. no. 12-28183-pp (Bankr. E.D. Wis. Feb. 7, 2013).

The plaintiff/trustee sought to deny the debtor/defendant's discharge for making false oaths, concealing assets and concealing records. At the conclusion of the evidence, I found that the plaintiff/trustee had failed to carry the burden of proof, and that there was not sufficient evidence to demonstrate that the debtor/defendant had made false oaths, knowingly concealed assets, or knowingly concealed records. I found in favor of the defendant/debtor, and dismissed the complaint.

Counsel for Plaintiff:

William A. Rinehart
Rinehart, Scaffidi & Mathews
P.O. Box 11975

Milwaukee, WI 53211
(414) 963-9303

Counsel for Defendant:

Hannah J. Yancy
Kohner, Mann & Kailas, S.C.
4650 North Port Washington Road
Washington Building, Floor 2
Milwaukee, WI 53212
(414) 962-5110

Trustee:

Douglas F. Mann
740 N. Plankinton Avenue, Suite 210
Milwaukee, WI 53203
(414) 276-5355

7. *Starfire, Inc. v. Dolata (In re Dolata)*, Adv. No. 09-2056, Bankr. no. 08-32866, 2010 WL 3860481 (Bankr. E.D. Wis. Oct. 1, 2010).

This was another trial involving allegations that the debtor/defendant had violated Wisconsin's theft-by-contractor law (fraud and defalcation under the Bankruptcy Code). The defendant responded to the allegations by arguing that he applied the amount of money the owners had given him proportionally to all material men and suppliers. After a trial and post-trial briefing, I found in favor of the plaintiff and found the defendant's debt nondischargeable.

Counsel for Plaintiff:

Bruce C. O'Neill
Fox, O'Neill & Shannon
622 North Water Street, Suite 500
Milwaukee, WI 53202
(414) 273-3939

Counsel for Defendant:

Richard B. Jacobson
131 West Wilson Street
Suite 301
Madison, WI 53703
(608) 204-5990

8. *Levine v. Ward (In re Ward)*, 425 B.R. 507 (Bankr. E.D. Wis. 2010).

The plaintiffs were homeowners who had retained the debtor/defendant to perform some remodeling on their home. The complaint alleged that the defendant had violated Wisconsin's theft-by-contractor statute by taking the money the owners had provided for materials and labor and using it for purposes other than paying for the materials and labor (fraud and defalcation under the Bankruptcy Code). At the end of the trial, I found in favor of the plaintiffs.

Counsel for Plaintiffs:

Rollie R. Hanson
6737 West Washington Street
Suite 1420
West Allis, WI 53214
(414) 321-9601

Counsel for Defendant:

Robert K. Steuer
320 East Buffalo Street
Suite 611
Milwaukee, WI 53202
(414) 220-4280

9. *Ganther Construction, Inc. v. Ward (In re Ward)*, 417 B.R. 582 (Bankr. E.D. Wis. 2009).

The plaintiff sued the debtor/defendant for violations of Wisconsin's theft-by-contractor statute (fraud and defalcation under the Bankruptcy Code). The plaintiff alleged that the defendant had taken funds from the owner of a retirement community development, and that rather than holding those funds in trust for the benefit of the suppliers and labor contractors, he had diverted them to other uses. The plaintiff alleged that as a result, while it had performed the job it had contracted to perform, it had not been paid in full for its work. At the end of the trial, I found that the plaintiff had failed to prove its burden of proof as to all the elements of the cause of action, and found in favor of the debtor/defendant.

Counsel for Plaintiff:

Paul G. Swanson
107 Church Avenue
P.O. Box 617

Oshkosh, WI 54903
(920) 426-0456

Counsel for Defendants:

Robert K. Steuer
320 East Buffalo
Suite 611
Milwaukee, WI 53202
(414) 220-4280

10. *Giesecking v. Thomas (In re Thomas)*, 358 B.R. 754 (Bankr. S.D. Ill. 2007).

The plaintiff objected to both the dischargeability of the particular debt and the debtor/husband's discharge. The case involved a series of business loans gone awry, and the plaintiff alleged that the defendant had incurred the debts through false statements, misrepresentation, and fraud. I tried the case while sitting in the Southern District of Illinois. At the conclusion of a lengthy trial, I issued judgment against the plaintiff and in favor of the defendant.

Counsel for Plaintiff:

Bonnie L. Clair
Summers, Compton, Wells, PC
8909 Ladue Road
St. Louis, MO 63124
(314) 991-4999

Counsel for Defendant:

Thomas J. Lester
100 Park Avenue
Rockford, IL 61105
(815) 490-4900

- d. For each of the ten 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.

The cases appear below in reverse chronological order.

1. *In re Jackson*, No. 12-25456 (Bankr. E.D. Wis. June 20, 2012). Order imposing sanctions supplied.

Counsel for Debtor:

Michael J. Maloney
Watton Law Group
700 North Water Street, Suite 500
Milwaukee, WI 53202
(414) 273-6858

Attorney Booker appeared *pro se*.

Counsel for United States Trustee:

Amy J. Ginsberg
Office of the United States Trustee
517 East Wisconsin Avenue
Suite 430
Milwaukee, WI 53202
(414) 297-4499

Counsel for Standing Chapter 13 Trustee:

Rebecca A. Quiroz
Office of the Chapter 13 Trustee
2950 Universal Court
P.O. Box 3170
Oshkosh, WI 54903
(920) 231-2150

2. *Williams v. City of Milwaukee, et al. (In re Williams)*, 473 B.R. 307 (Bankr. E.D. Wis. 2012).

Counsel for Plaintiff:

Todd C. Esser
Todd C. Esser & Associates
11805 W. Hampton Avenue
Milwaukee, WI 53225
(414) 461-7000

Counsel for the City of Milwaukee:

Kevin P. Sullivan
Milwaukee City Attorney's Office
200 East Wells Street, Room 800

Milwaukee, WI 53202
(414) 286-2601

3. *Starfire, Inc. v. Dolata (In re Dolata)*, No. 09-2056, 2010 WL 3860481 (Bankr. E.D. Wis. Oct. 1, 2010).

Counsel for Plaintiff:

Bruce C. O'Neill
Fox, O'Neill & Shannon
622 North Water Street, Suite 500
Milwaukee, WI 53202
(414) 273-3947

Counsel for Defendant:

Richard B. Jacobson
131 West Wilson Street
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Madison, WI 53703
(608) 204-5990

4. *Badger Die Casting Corp., et al. v. Lubben (In re Lubben)*, No. 08-2273 (Bankr. E.D. Wis., Sept. 17, 2010) Order granting defendant's motion to alter judgment and granting defendant's amended motion for sanctions supplied.

Counsel for Plaintiff:

Jefferey D. Nordholm
Storm, Balgeman, Miller & Klippel, S.C.
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Wauwatosa, WI 53226
(414) 453-8500

Mark M. Leitner
Pia, Anderson, Dorius, Reynard & Moss
400 N. Broadway
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Milwaukee, WI 53202
(414) 792-9667

Counsel for Defendant:

Robert K. Steuer

Robert K. Steuer Law Office
320 E. Buffalo Street
Suite 611
Milwaukee, WI 53202
(414) 220-4280

5. *Ganther Constr., Inc. v. Ward (In re Ward)*, 417 B.R. 582 (Bankr. E.D. Wis. 2009).

Counsel for Plaintiff:

Paul G. Swanson
Steinhilber, Swanson, Mares, Marone & McDermott
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(920) 426-0456

Counsel for Defendant:

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(414) 220-4280

6. *In re Van Bodegom Smith*, 383 B.R. 441 (Bankr. E.D. Wis. 2008).

Counsel for Debtors:

Richard A. Check
Bankruptcy Law Office of Richard A. Check
757 North Broadway
Suite 401
Milwaukee, WI 53202
(414) 223-0000

Chapter 13 Standing Trustee:

Mary B. Grossman
Chapter 13 Trustee
P.O. Box 510920
Milwaukee, WI 53203
(414) 271-3943

7. *In re Smith*, No. 06-20127, 2007 WL 1544366 (Bankr. E.D. Wis. May 29, 2007).

Counsel for Debtor:

Brett J. Pfeifer
Credit Solutions, S.C.
626 East Wisconsin Avenue, 14th Floor
Milwaukee, WI 53202
(414) 272-0077

Counsel for Nissan Motor Acceptance:

Maria S. Lazar
Wisconsin Department of Justice
17 West Main Street
P.O. Box 7857
Madison, WI 53707-7857
(608) 267-3519

8. *In re Fuller*, 346 B.R. 472 (Bankr. S.D. Ill. 2006).

Counsel for the Standing Chapter 13 Trustee:

Ronald A. Buch
Office of Standing Chapter 13 Trustee Robert G. Kearney
104 West Main Street
Benton, IL 62812
(618) 435-3001

Counsel for Debtor:

Stan R. Weller
The Weller Law Firm
215 West Washington Street, Suite 100
Belleville, IL 62220
(618) 207-4467

9. *In re French*, 354 B.R. 258 (Bankr. E.D. Wis. 2006).

Standing Chapter 13 Trustee:

Mary B. Grossman
Chapter 13 Trustee
P.O. Box 510920

Milwaukee, WI 53203
(414) 271-3943

Counsel for Debtor:

Michael J. Maloney
Watton Law Group
700 North Water Street, Suite 500
Milwaukee, WI 53202
(414) 273-6858

10. *In re Balcerowski*, 353 B.R. 581 (Bankr. E.D. Wis. 2006).

Standing Chapter 13 Trustee:

Mary B. Grossman
Chapter 13 Trustee
P.O. Box 510920
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(414) 271-3943

Counsel for Debtor:

Michael J. Maloney
Watton Law Group
700 North Water Street, Suite 500
Milwaukee, WI 53202
(414) 273-6858

- e. Provide a list of all cases in which certiorari was requested or granted.

To the best of my knowledge, there are no cases that I have been involved with as a judge 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.

Fair v. GMAC Mortgage, LLC (In re Fair), Bankr. no. 10-27094-pp, Adv. no. 10-2362 (Bankr. E.D. Wis. Oct. 25, 2010), No. 10-CV-1128-RTR, 450 B.R. 853 (E.D. Wis. 2011) (Randa, J.).

The debtor filed suit against the creditor that held the second mortgage on her

home. She argued that she owed more on her first mortgage than the property was worth, and thus that the second mortgage was wholly unsecured and should be treated as a general, unsecured, non-priority claim. Prior to filing the Chapter 13 bankruptcy case which gave rise to this lawsuit, the debtor had received a discharge of her personal debt in a prior Chapter 7 case. The mortgage creditor argued that the debtor should not be able to use a Chapter 13 case solely for the purpose of avoiding a second mortgage that she could not have avoided in the previous Chapter 7 case. I agreed, and held in favor of the defendant mortgage creditor. Judge Randa reversed that decision, finding that the Bankruptcy Code did not prohibit a debtor from avoiding an unsecured second mortgage in a Chapter 13 after having her personal debt discharged in a Chapter 7, unless there was some evidence that she had filed the Chapter 13 in bad faith (perhaps solely for the purpose of avoiding the lien, with no other debt to discharge). He remanded the case to me to make a finding as to whether the debtor had filed the Chapter 13 case in bad faith. On remand, I found that the debtors had incurred new debt since receiving their Chapter 7 discharge, and that in the Chapter 13 case, they sought not only to strip the second mortgage, but also to pay down or discharge that new debt. Accordingly, I found that the debtors had not filed the Chapter 13 case in bad faith, and thus allowed them to strip the second mortgage.

Grossman v. Sawdy (In re Sawdy), 362 B.R. 898 (Bankr. E.D. Wis. 2007), No. 07-CV-312, 384 B.R. 199 (E.D. Wis., 2008) (Stadtmueller, J.).

The debtors filed this Chapter 13 case 11 months after the Bankruptcy Abuse Protection and Consumer Protection Act amendments to the Bankruptcy Code went into effect, as bankruptcy courts were trying to understand and apply the new means test and the new terminology. The debtors in this Chapter 13 case proposed to deduct from their "projected disposable income" calculations amounts due on car payments. The debtors, however, owned their car free and clear, and were not making payments. The Chapter 13 trustee objected to the deductions, arguing that the debtors should not be able to deduct payments they were not making. Based on my reading of the statutory language, I overruled the objection. The trustee appealed, and Judge Stadtmueller reversed. Due to the reversal, I sustained the trustee's objection, and ordered the debtors to file a new plan which was not based on deduction of the car payments.

Superior Stainless & Erecting, Inc., et al. v. Kinnee (In re Kinnee), Bankr. No. 06-21356-pp, Adv. No. 06-02308-pp (Pepper, J.), No. 08-CV-00308 (E.D. Wis., March 31, 2009) (Clevert, J.).

I sanctioned the debtors for failure to turn over discovery, despite persistent demands by opposing counsel and despite my having set multiple deadlines for the debtors to produce the documents. The sanction I imposed was a severe one – I dismissed the case. The debtors appealed, and the case was assigned to Judge

Clevert. He reversed, noting that dismissal was a severe sanction for failure to comply with discovery demands, and that I had not made the necessary findings. Judge Clevert remanded the case. Upon remand, the parties briefed several issues (including a waiver issue). I ordered the plaintiffs to cease garnishing the debtors' wages in order to pay the judgment. After reviewing the parties' briefs, I vacated my prior order granting the plaintiffs' motion for default judgment on the motion for sanctions. I returned the case to the trial calendar. The plaintiff eventually filed an unopposed motion to dismiss the suit, which I granted.

- 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.

As a United States bankruptcy judge, all of my decisions are filed on the United States Bankruptcy Court for the Eastern District of Wisconsin's Electronic Case Filing System (CM/ECF). A large number of my decisions are on routine matters, such as rulings on motions and objections, uncontested confirmation hearings, rulings on fee applications for professionals, and other similar pleadings. It is virtually impossible to estimate the number of such decisions. While those decisions often are not published in reporters or in Westlaw or Lexis, they are accessible on the CM/ECF system.

Some of my decisions appear on the website for the U.S. Bankruptcy Court for the Eastern District of Wisconsin. The decisions that appear on the website are decisions which I have chosen to highlight. Only a fraction of my decisions are posted on the website, due both to time constraints and to the fact that many of the decisions a bankruptcy court renders do not involve novel issues. The address for that site, and for the location of my decisions on the site, is <http://www.wieb.uscourts.gov/opinions/opinions/search1/page1>.

- 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 have not had any significant opinions on federal or state constitutional issues.

- 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.

I have not sat by designation on a court of appeals.

- 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:

- 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.

I follow the Code of Conduct for United States Judges whenever considering a possible recusal issue. Both the Eastern District of Wisconsin and Southern District of Illinois bankruptcy courts have conflict checking systems. It is up to each judge to provide that system with the names of individuals or entities which might present conflicts of interest. Each system provides notification messages (via e-mail) to judges when an identified individual or entity appears in a case assigned to that judge. The judge is not recused without his or her knowledge; it remains the responsibility of the judge, once identified of the case and the individual or entity, to make a decision regarding the need to recuse.

I have, on a few occasions, recused myself *sua sponte* from a bankruptcy case because the debtor was a former client, or the family member of a former client, from my days in private practice. I do not recall the names of these clients, and do not keep records of these recusals. These were not cases identified by the court conflict-checking system. I recognized the names of the individuals from a review of the docket. On one occasion, I recused myself because a member of my staff personally knew a party. On all but one occasion, I used our court's informal recusal procedure – I sent an e-mail to the clerk of court, identifying the case name and number, and asking that the case be reassigned to another judge on the court. On the one occasion, I did not realize that the debtor was a former client until he appeared before me at a hearing. At that hearing, I informed the debtor that I could not preside over his case and would not be deciding the issue before me. I then sent an e-mail to the clerk, asking that the case be reassigned to another judge.

In the above cases, I did not consult with the parties prior to recusing myself. I make the decision myself regarding whether to recuse; I do not think it appropriate to ask the parties whether they believe that I can be fair or whether they believe that I ought to recuse myself.

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 other than my present judicial office. I have never had an unsuccessful candidacy for elective office or unsuccessful nomination for public 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 have participated in the following campaigns: Russell Feingold for U.S. Senate (2004; I participated in fundraising and allowed my name to be used in campaign materials); Matthew Flynn for U.S. House of Representatives (2004; I allowed my name to be used in campaign materials); Peg Lautenschlager for Wisconsin Attorney General (2004; I co-hosted a fundraiser, participated in an advisory group on fundraising and voter outreach, and allowed my name to be used in campaign materials); Tom Barrett for Mayor of Milwaukee (2004; I allowed my name to be used in campaign materials); Tom Barrett for Governor of Wisconsin (2002; I allowed my name to be used in campaign materials); Brian Blanchard for Dane County District Attorney (2001; I participated in an advisory group on fundraising and voter outreach and allowed my name to be used in campaign materials); Daniel T. Flaherty for U.S. House of Representatives (2000; I co-hosted a fund-raiser and allowed my name to be used in campaign materials); Sheldon A. Wasserman for Wisconsin Assembly (between 1998 and 2004, I allowed my name to be used in campaign materials); and Pedro Colon for Wisconsin Assembly (1998; I allowed my name to be used in campaign materials and co-hosted a fundraiser. I also may have co-hosted a fundraiser several years later).

I also have supported a number of individuals who were seeking appointment or election to judgeships in non-partisan elections. For the Wisconsin Supreme Court, in 2004, I supported the re-election of Ann Walsh Bradley by allowing my name to be used in campaign materials. For the Wisconsin Court of Appeals, in 2004, I supported Joan Kessler by allowing my name to be used in campaign materials and signing a post-election fundraising letter. For the Milwaukee County Circuit Court, I participated in the following campaigns by writing letters of recommendation and allowing my name to be used in campaign materials:

Dennis Cimpl (spring 2005 appointment); James Brennan (sometime between 1995 and 2005, appointment). Jean DiMotto (2004 election); Glenn Yamahiro (2004 retention election, 2003 election); Mary E. Triggiano (2004 appointment); Joseph R. Wall (2000 – 2001 election); Ann T. Bowe (1988 – 1989 election); I also recall participating in phone banks for Ann Bowe. For the Mid-Monroe Municipal Court, in 2005, I allowed my name to be used in campaign materials supporting Janet Heins.

Finally, I twice participated in campaigns for Village Trustee in the Village of Shorewood, Wisconsin, a non-partisan position. In 2004, I supported Ellen Eckman for re-election by allowing my name to be used in campaign materials. In 2003, my ex-husband, Jeffrey William Hanewall, was a candidate, and I stuffed envelopes, appeared at fund-raisers, allowed my name and photograph to be used in campaign materials, and attended campaign events.

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;

From August 1989 to July 1990, I served as a law clerk to the Honorable Judge Frank J. Johnson, Jr., Circuit Judge for the United States Court of Appeals for the Eleventh Circuit.

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

I practiced alone during two periods in my career in private practice:

November 1997 – October 1998
Pamela Pepper, Attorney at Law, S.C.
3127 West Wisconsin Avenue
Milwaukee, Wisconsin 53208

2000 – 2005
Pamela Pepper, Attorney at Law, S.C.
731 North Jackson Street, Suite 800
Milwaukee, Wisconsin 53202

- iii. 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.

1990 – 1994

United States Attorney's Office for the Northern District of Illinois
United States Courthouse
219 South Dearborn, Suite 500
Chicago, Illinois 60604
Assistant United States Attorney

1994 – 1997

United States Attorney's Office for the Eastern District of Wisconsin
United States Courthouse
517 East Wisconsin Avenue, Room 530
Milwaukee, Wisconsin 53202
Assistant United States Attorney

April 1997 – September 1997

Law Office of Robin Shellow
324 West Vine Street
Milwaukee, Wisconsin 53212
Associate

November 1997 – October 1998

Pamela Pepper, Attorney at Law, S.C.
3127 West Wisconsin Avenue
Milwaukee, Wisconsin 53208

1998 – 2000

Cubbe & Pepper, Ltd.
735 North Water Street
Milwaukee, Wisconsin 53202
Partner

2000 – 2005

Pamela Pepper, Attorney at Law, S.C.
731 North Jackson Street, Suite 800
Milwaukee, Wisconsin 53202

- 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.

During my studies to obtain a graduate certificate in dispute resolution at Marquette University (part time, 2001 to 2003), I mediated (free of charge) several small claims disputes submitted to the program. Because the program was conducted in conjunction with the Milwaukee County small claims court, the issues involved were usually personal or

consumer issues: a couple who'd broken off their engagement, and the man wanted the engagement ring back but the woman didn't want to return it; a woman who'd been fired from a small business, and had alleged discriminatory employment action because of her religion; a person who'd purchased a refrigerator from an appliance store, and alleged that it was defective.

b. Describe:

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

From 1990 to 1997, I was a federal prosecutor in Chicago, then Milwaukee. I began in the general criminal division in Chicago, indicting and trying cases ranging from theft of mail and bank robbery to fraud and arson. I also wrote appellate briefs and argued them before the Seventh Circuit Court of Appeals. In the last year or so of my time in the Chicago office, I was assigned to the Organized Crime and Drug Enforcement Task Force (“OCDETF”), investigating and prosecuting gang-related offenses such as crimes under the Racketeer Influenced and Corrupt Organizations Act and continuing criminal enterprises. In the Milwaukee U.S. Attorney’s Office, I worked exclusively in the Milwaukee OCDETF division, at the trial and appellate levels.

From 1997 through 2005, I worked in private practice as a criminal defense attorney. Whether working in the offices of another attorney, in a partnership with another lawyer, or as a solo practitioner, I acted as criminal defense counsel at the state and federal levels, both in trial court and in the courts of appeal. I accepted appointed cases from the Wisconsin State Public Defender and Federal Defender Services of Wisconsin, as well as representing private clients. Most of the appointed cases involved defendants accused of “street crimes” – drug offenses, theft, arson. The private cases ranged from some street crime to white-collar fraud, public corruption and collusion allegations.

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

During my service in the United States Attorneys' Offices in Chicago and Milwaukee, I did not have individual clients. Various federal and local agencies provided criminal referrals to those offices, including the United States Postal Service; the Federal Bureau of Investigation; the Drug Enforcement Agency; the Bureau of Alcohol, Tobacco and Firearms; the Office of Inspector General of the Department of Housing

and Urban Development; and what then was the Immigration and Naturalization Service.

During my time in private practice, I accepted appointments both from the Federal Defender and the Wisconsin State Public Defender, primarily for clients who had been charged with “street” crimes. I also represented clients who retained me privately. My private clients included those charged with “street” crimes and those charged with white-collar offenses.

- 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.

The entirety of my practice was in litigation, and I appeared in court frequently.

- i. Indicate the percentage of your practice in:

- | | |
|----------------------------|-----|
| 1. federal courts: | 83% |
| 2. state courts of record: | 17% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 0% |
| 2. criminal proceedings: | 100% |

- 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.

Over the course of my career, I tried more than 40 cases to verdict. In those I tried as a prosecutor, I often was co-counsel with another Assistant U.S. Attorney (particularly in Chicago, where it was the office’s policy at that time to “double-chair” all trials, so that less experienced lawyers could learn from more seasoned ones). The U.S. Attorney’s offices did not have chief and associate counsel positions. In private practice, I was most often sole counsel at trial, although I had co-counsel in a few cases. There were cases, however, in which there were multiple defendants involved in the case. In those instances, while I was the only attorney representing my particular client, there were a number of attorneys on the defense side.

- i. What percentage of these trials were:

- | | |
|-------------|------|
| 1. jury: | 100% |
| 2. non-jury | 0% |

- 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 did not have the opportunity to practice before the United States Supreme Court.

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. Gral, et al.*, No. 05-CR-00013-CNC (E.D. Wisc. 2005) (Clevert, J.).

The United States Attorney's Office for the Eastern District of Wisconsin indicted several individuals with fraud and conspiracy to commit fraud in connection with a series of real estate developments. Along with co-counsel, I represented Mr. Gral, a partner in a large Milwaukee law firm. The indictment alleged that Mr. Gral had abused his fiduciary responsibilities to a client (a large home-building/development company) by using its funds to fund his own real estate development projects. The indictment charged Mr. Gral with fraud and breach of fiduciary duty. Mr. Gral retained me in 2004, along with co-counsel, several months prior to the issuance of the indictment, and I resigned my representation in June 2005, just before taking the bench. Most of my work took place before the government indicted Mr. Gral. Along with co-counsel, I reviewed voluminous records, interviewed witnesses, and conducted negotiations with the government. In November 2005, after I took the bench, Mr. Gral pled guilty. In August 2006, the court sentenced him to 24 months in the custody of the Bureau of Prisons, three years of supervised release, a \$50,000 fine, \$1,752,000 in restitution, and a \$100 special assessment.

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Nathan Fishbach (then counsel at the law firm of Whyte, Hirschboeck, Dudek, now deceased)

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2. *United States v. Maples, et al.*, No. 04-CR-0053-WCG (E.D. Wis. 2004) (Griesbach, J.).

The United States Attorney's Office for the Eastern District of Wisconsin charged Mr. Maples, his son (and business partner), Vinton Construction Company, and others with antitrust violations, including collusion. I represented Mr. Maples. Mr. Maples and his son owned a construction company that poured concrete for road and highway work, including bidding on such jobs for the State of Wisconsin. The indictment alleged that, along with his son, and their company, Vinton Construction, Mr. Maples colluded with others in the industry to fix bidding on road projects commissioned by the State of Wisconsin Department of Transportation. I represented Mr. Maples from the inception of the case at the end of 2003 until I joined the bankruptcy bench in 2005. I reviewed extensive discovery, conferred with co-counsel, filed motions and responded to the government's motions, interviewed witnesses, negotiated a plea agreement for Mr. Maples, and represented him at his plea hearing and at his sentencing. After the entry of the plea, the court sentenced Mr. Maples to four years of probation, a \$300,000 fine, \$50,000 in restitution, and a \$100 special assessment.

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Counsel for Vinton Construction Company:

Nathan Fishbach (deceased)

Counsel for defendant Streu Construction Company:

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Counsel for defendant E. J. Streu:

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Counsel for defendant J. Streu:

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3. *United States v. Segal, et al.*, No. 02-CR-112-RC (N.D. Ill. 2003)
(Castillo, J.).

The United States Attorney's Office for the Northern District of Illinois charged Mr. Segal, his accountant D. Watkins, and Mr. Segal's corporate entity with numerous counts of insurance fraud, racketeering, and conspiracy. The government alleged that Mr. Segal had used his insurance brokerage firm to embezzle premiums, credits and other insurance trust funds and had converted the proceeds to his own use, as well as misrepresenting the amounts of premiums due to the customers in order to cover up that scheme. As a result of Mr. Segal's alleged ties to the Chicago political community, the case received attention in the media. I represented Mr. Watkins, the accountant for the brokerage firm and for Mr. Segal. Much of my representation took place before the U.S. Attorney's Office issued charges against Mr. Watkins. I reviewed the evidence, assisted Mr. Watkins in cooperating in the government's prosecution of Mr. Segal, and assisted Mr. Watkins in negotiating charges and negotiating a plea agreement. I represented Mr. Watkins at his plea hearing on March 23, 2004, where he pled guilty to insurance fraud. Due to my appointment to bankruptcy court, I had to withdraw before Mr. Watkins' sentencing. On December

13, 2005, after I took the bench, the court sentenced Mr. Watkins to two years' probation, a \$5,000 fine, and restitution of \$109,330.

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4. *United States v. Hewlett*, No. 03-CR-0023-CNC (E.D. Wis. 2003) (Clevert, J.).

The United States Attorney's Office for the Eastern District of Wisconsin charged the two defendants with a number of drug offenses. The indictment alleged that the defendants had run a cocaine operation which had begun in Racine, Wisconsin, and then had moved to Janesville, Wisconsin after drawing law enforcement attention in Racine. It alleged that the two defendants had utilized various individuals to sell cocaine for them at the retail level. In approximately January 1993, after his arrest, I was appointed by Federal Defender Services of Eastern Wisconsin to represent defendant Hewlett. There were extensive pre-trial proceedings, including review of substantial discovery and the filing of a motion to suppress. The trial lasted seven days, with a break of several days in the middle to resolve an evidentiary issue that arose during the trial. Between the time that the jury returned the guilty verdict and the date of Mr. Hewlett's sentencing, the Supreme Court decided *United States v. Booker*, 543 U.S. 220 (2005), striking down as unconstitutional the mandatory nature of the United States Sentencing Guidelines. Judge Clevert imposed one of the first, post-*Booker*, non-mandatory Guidelines sentences in the Eastern District. He sentenced Mr. Hewlett to 240 months in the custody of the Bureau of Prisons, ten years' supervised release, and a \$100 special assessment. I filed a notice of appeal on behalf of Mr. Hewlett on May 12, 2005. I did not represent Mr. Hewlett in the appeal to the Seventh Circuit, because I had been appointed to the bankruptcy court and could no longer practice law.

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5. *United States v. Harris*, No. 00-CR-50-RTR (E.D. Wis. 2000) (Randa, J.).

The United States Attorney's Office for the Eastern District of Wisconsin charged the defendant with bank robbery. I was appointed by the Federal Defender Services of Eastern Wisconsin to represent Mr. Harris. I represented him from the inception of the case in January 2000 through its sentencing in August 2000. Mr. Harris continued to consult with me for a year or so thereafter. The government alleged that Mr. Harris had been the perpetrator of a number of bank robberies in the Milwaukee area. In the particular robbery charged in this case, Mr. Harris had entered the bank, demanded money from the teller, and indicated to her that he had a firearm. After a jury trial, Mr. Harris was convicted on one count of bank robbery. He was sentenced to 210 months in the custody of the Bureau of Prisons, three years of supervised release, \$2,180 in restitution, and a special assessment of \$100.

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6. *United States v. Karos*, No. 00-CR-170-LA (E.D. Wis. 2000) (Adelman, J.).

The United States Attorney's Office for the Eastern District of Wisconsin charged Ms. Karos and Mr. O'Hara with the sale and receipt of stolen goods and conspiracy to defraud the United States. The indictment alleged that Ms. Karos, who owned an art

gallery in Milwaukee, had come into possession of antique items (a sextant and an armillary sphere) which had been stolen from a museum in Rome, Italy. Upon realizing that the items were stolen, Ms. Karos had given the items to an individual to sell on the black market, then later requested their return. When the individual refused to return the items, Mr. O'Hara, who was romantically involved with Ms. Karos, allegedly lured the individual to Ms. Karos' home, beat him, and threatened to harm his pregnant wife. Mr. O'Hara also retained me as local counsel beginning in late 2000 or early 2001. After a jury trial, Mr. O'Hara was convicted. Along with co-counsel, I prepared witnesses, filed pretrial motions, examined witnesses at trial, made arguments, prepared sentencing memoranda and other documents, and argued at sentencing. The court sentenced Mr. O'Hara to 120 months in the custody of the Bureau of Prisons, three years of supervised release, a fine of \$25,000, and a special assessment of \$200.

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7. *United States v. Nevarez-Diaz, et al.*, No. 97-CR-211-CNC (E.D. Wis. 1997) (Clevert, J.).

The United States Attorney's Office for the Eastern District of Wisconsin charged six defendants with various drug offenses. The indictment alleged that the main defendant procured cocaine, and then distributed it in Milwaukee via a network of retail-level dealers. The indictment alleged that Ms. Hansen made hundreds of retail-level sales of cocaine out of a bar she operated. I represented Ms. Hansen in the federal case from November 1997 through July 1998. I reviewed the discovery, filed motions, responded to pleadings filed by the government, assisted Ms. Hansen in cooperating with the government, negotiated her plea agreement, and represented her at her plea and sentencing hearings. After Ms. Hansen pled guilty, the court sentenced her to 46 months in the custody of the Bureau of Prisons, five years of supervised release, and a \$100 special assessment. Ms. Hansen's family also retained me on an appeal from a trial ruling in a parallel case in state court. The charges in that state case arose out of the same facts that had given rise to the federal case, and that interplay created an issue on appeal. The case went up to the Wisconsin Supreme Court, which ruled in favor of Ms. Hansen. The docket number for the Wisconsin Supreme Court case is 1999-AP-001128-CR.

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8. *United States v. O'Neill, et al.*, No. 97-CR-98-JPS (E.D. Wisc. 1997) (Stadtmueller, J.)

The United States Attorney's Office for the Eastern District of Wisconsin charged seventeen defendants with various acts of racketeering and conspiracy. The indictment alleged that the defendants had been members of the Wisconsin chapter of the Outlaws Motorcycle Club, and that as part of that group, they had committed acts of murder, attempted murder, arson, theft and other crimes in connection with a rivalry between the Outlaws and the Chicago chapter of the Hell's Angels motorcycle club. I was appointed by Federal Defender Services of Eastern Wisconsin to represent Mr. McVay, who was alleged to have been an accessory to a murder committed by the lead defendant, Mr. O'Neill. I represented Mr. McVay through his guilty plea and beyond his sentencing in October 2000. As Mr. McVay's sole counsel, I reviewed discovery, filed motions, responded to government pleadings, coordinated with other defense counsel, negotiated Mr. McVay's plea agreement, and represented him at the plea hearing and at sentencing. Several defendants also filed an interlocutory appeal to the Seventh Circuit, for which I served as lead appellate counsel. I took primary responsibility for writing the brief, and argued the case before the Seventh Circuit. At his sentencing on October 6, 2000, the court sentenced Mr. McVay to 84 months in the custody of the Bureau of Prisons, three years of supervised release, a \$50 special assessment, and a \$5,000 fine.

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9. *United States v. Mueller, et al.*, No. 94-CR-131-RTR (E.D. Wis. 1994) (Randa, J.).

The United States Attorney's Office for the Eastern District of Wisconsin charged the three defendants with building and operating a marijuana growing operation on a piece of rural land near Watertown, Wisconsin. At that time, this was the largest marijuana growing operation to have been charged in the Eastern District. I represented the United States as an Assistant United States Attorney. I was the lead attorney on the case from mid-1994, when the investigation began, until at least January 1997, just prior to my leaving the government for private practice. I conducted the investigation, supervising the agents of the multi-jurisdictional task force who collected the evidence. I drafted the charges and presented the indictment to the grand jury. I organized the discovery, filed motions, responded to motions from the defendants, and negotiated plea agreements with them. All three defendants pled guilty. Defendant W. Mueller received 84 months in the custody of the Bureau of Prisons, three years of supervised release, a \$2,000 fine and a \$250 special assessment. Defendant V. Mueller received three years' probation, a \$1,000 fine and a \$50 special assessment. Defendant Eichstaedt received 66 months in the custody of the Bureau of Prisons, three years of supervised release, a \$5,000 fine and a special assessment.

Counsel for defendant W. Mueller:

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10. *United States v. Gliottoni, et al.*, No. 92-CR-213-JBZ (N.D. Ill. 1992) (Zagel, J.).

The United States Attorney's Office for the Northern District of Illinois charged three defendants with racketeering, extortion and threats. Defendant Panici was the mayor of Chicago Heights, Illinois, defendant Gliottoni was the police chief, and defendant Marshal was an elected city official. This indictment was part of a series of public corruption indictments brought against elected and appointed officials in the City of Chicago Heights, Illinois. The various indictments included allegations of bribery, extortion, rigged public contracts, and similar abuses of public trust. The three defendants in this particular indictment all pled guilty. I represented the United States, along with another Assistant United States Attorney. I worked on the case for approximately two years, from 1992 to 1994; I was assigned to the case after indictment, in anticipation that Mr. Gliottoni would be proceeding to trial. Along with Attorney Gair, the senior prosecutor on the case, I conducted trial preparation work, including preparing witnesses and organizing the evidence. Once Mr. Gliottoni indicated a desire to plead guilty, Attorney Gair and I handled the plea negotiations, plea and sentencing. Mr. Panici received 120 months in the custody of the Bureau of Prisons, three years of supervised release, and a \$1.1 million fine. Mr. Gliottoni received 60 months in the custody of the Bureau of Prisons, three years of supervised release, and a \$1.1 million fine, along with a \$150 special assessment. Ms. Marshal received 41 months in the custody of the Bureau of Prisons and three years of supervised release.

Co-counsel:

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Counsel for defendant Gliottoni:

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Defendant Marshall appeared *pro se*.

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.)

Since becoming a judge, I have presented legal education programs for organizations, such as the Federal Judicial Center, the American Bankruptcy Institute, the National Conference of Bankruptcy Judges, and bankruptcy bar associations around the country. I work with other colleagues to implement programs to enhance access to the courts, such

as our court's Pro Se Help Desk, which was created by Judge Kelley. I also am on the judges' advisory council of the American Bankruptcy Institute's C.A.R.E. (Credit Abuse Resistance Education) program, founded by Judge Ninfo, to educate young people about the consequences of credit abuse. I serve on boards of organizations that help educate lawyers, including the board of directors of the American Bankruptcy Institute and the National Conference of Bankruptcy Judges. I am a faculty member for the Advanced Consumer Bankruptcy Practice Institute, a NITA-style trial techniques training program created by Judge Lundin, in which faculty members give two-day boot camps around the country, and are reimbursed only their expenses.

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.

Between 1997 and 2005, I taught two different classes at Marquette Law School in Milwaukee, Wisconsin. I did not teach both courses each year, or each semester, or at the same time. I taught first-year legal research and writing for several years. The course provided first-year law students with basic legal research skills, and required them to provide written work for review and critique. I also taught a course called "Starting and Managing a Law Practice," along with Attorney Gwen Connolly, another solo practitioner. This was a practical, workshop-style course preparing students for opening their own law practices. It involved exercises such as having students research the cost of finding office space, equipping that office, researching malpractice and other kinds of insurance, research case management and billing software, and consider marketing strategies. No syllabus available.

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.

I have no such arrangements, and expect no such benefits.

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 do not have any plans, commitments or agreements to pursue outside employment.

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 Statement of Net Worth.

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 do not anticipate that any family members might pose conflicts of interest. I do not hold any financial interest that would pose 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.

If confirmed, I will continue to closely follow 28 U.S.C. 455, Canon 3 of the Code of Conduct for United States Judges, as well as the related advisory opinions issued by the ethics committee of the Judicial Conference. I would continue to utilize the court's automated conflict checking system. I would assess any potential conflicts, and determine for myself whether I believed they justified my recusal. If so, I would follow the procedure used by the district court for the Eastern District of Wisconsin in recusing myself.

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.

During the time I served as an Assistant United States Attorney, the ethics code for prosecutors prohibited me from providing individual pro bono representation.

While in private practice, I provided pro bono and public services in several ways. Throughout the eight or nine years I was in private practice, I accepted private cases at no fee for individuals of limited means. I also privately represented financially-distressed individuals for reduced fees. At any given time, 5% or less of my case load was comprised of these cases. I also accepted cases at substantially reduced fees from the

State Public Defender of Wisconsin and Federal Defender Services of Wisconsin, as well as accepting appointments directly from judges when asked. At any given time, such appointed cases might comprise anywhere from 40% to 80% of my case load. I served on the boards of directors of both the Wisconsin Public Defender and Federal Defender Services of Wisconsin. I volunteered at the Milwaukee County Circuit Court's family law self-help center, and served on a sentencing advocacy advisory council for The Benedict Center. This kind of work took up less than 5% of my work time (although there was more time involved with regard to the Federal Defender when we were in the process of setting up the program under Judge Stadtmueller's direction and guidance, and again when we had to hire new executive directors, as we did twice during my term on the board).

In terms of other community involvement: Between January 2007 and fall 2009, I volunteered at the soup kitchen at the Cathedral of St. John the Evangelist in downtown Milwaukee. Between approximately 1995 and 1998, I mentored junior high and high school students in the YMCA's Sponsor-a-Scholar program.

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 submitted an application to the Wisconsin Federal Nominating Commission in December 2013. In February 2014, I interviewed with the Commission in Milwaukee, Wisconsin, and, on February 13, 2014, was informed by the Commission that my name was being forwarded to Senators Ron Johnson and Tammy Baldwin for their consideration. Since February 14, 2014, I have been in contact with officials from the Office of Legal Policy at the U.S. Department of Justice. On April 16, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On _____, 2014, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

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

5/2/2014

(DATE)

[Signature]

(NAME)

Kristine Oswald Trapp
(NOTARY)

