

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jennifer Klemetsrud Puhl
Jennifer Maude Klemetsrud (maiden name)

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

United States Circuit Judge for the Eighth Circuit

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Attorney's Office for the District of North Dakota
Quentin Burdick United States Courthouse
655 First Avenue North, Suite 250
Fargo, North Dakota 58102

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

1974; Devils Lake, North Dakota

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.

1997 – 2000, University of North Dakota School of Law; J.D. (*cum laude*), 2000

1998, University of Oslo; no degree earned (summer courses only)

1993 – 1997, University of North Dakota; B.A. in English (*magna cum laude*), 1997

1996, University of Minnesota; no degree earned (summer course only)

1993, Lake Region State College; no degree earned (summer courses only)

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.

2002 – Present

United States Attorney's Office for the District of North Dakota
Quentin Burdick United States Courthouse
655 First Avenue North, Suite 250
Fargo, North Dakota 58102
Criminal Supervisor (2015 – Present)
Assistant United States Attorney (2002 – Present)

2001 – 2002

Kennedy and Graven, Chartered
470 United States Bank Plaza
200 South Sixth Street
Minneapolis, Minnesota 55402
Associate Attorney

2000 – 2001

North Dakota Supreme Court
600 East Boulevard Avenue
Judicial Wing, First Floor, State Capitol
Bismarck, North Dakota 58505
Judicial Law Clerk

1999

Nilles, Hansen, & Davies
1800 Radisson Tower
201 Fifth Street South
Fargo, North Dakota 58108
Summer Associate

1998 – 1999

Legal Aid Clinic
University of North Dakota
215 Centennial Drive
Grand Forks, North Dakota 58202
Student Practitioner

Other Affiliations (uncompensated):

2015 – Present

Klemetsrud Limited Liability Partnership #2
206 Fair Avenue
Devils Lake, North Dakota 58301
Partner, family real estate rentals

2014 – Present
Force to End Human Sexual Exploitation
No physical address
Bismarck, North Dakota 58502
Executive Board Member

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

I have never served in the United States Military. I was not required to register for selective service.

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

Department of Homeland Security Investigations Award for Outstanding Contribution and Support in Operation Predator, an initiative aimed at identifying, investigating, and prosecuting child predators (2012)

Internal Revenue Service Award for Outstanding Service in United States v. Swartzendruber (2011)

Symposium Editor, University of North Dakota Law Review (1999 – 2000)

Mortar Board National College Honor Society (1996 – 1997)

Golden Key Honor Society (1996 – 1997)

President's List, University of North Dakota (1994)

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.

Big Muddy Bar Association (2000 – 2001)

National Association of Assistant United States Attorneys (2003 – Present)

North Dakota Bar Association (2000 – Present)

Women Lawyers Section (approximately 2005 – Present)

Young Lawyers Section (approximately 2000 – 2003)

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.

North Dakota, 2000
Minnesota, 2001

There has been no lapse in my North Dakota bar membership. My Minnesota bar license expired in July 2004. I did not renew it as I was no longer practicing law in the state of Minnesota.

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

United States Court of Appeals for the Eighth Circuit, 2003

United States District Court for the District of North Dakota, 2002

North Dakota State Courts, 2000

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.

Force to End Human Sexual Exploitation
Executive Board Member (2014 – Present)

Internet Crimes Against Children Task Force (2007 – Present)

North Dakota Children's Alliance (approximately 2009 – Present)

North Dakota Human Trafficking Task Force
Advisory Board Member (2015 – Present)

North Dakota InfraGard (2015)

Parent Teacher Association (2007 – Present)

Pioneer Daughters of North Dakota (1993 – Present)

Red River Valley Human Trafficking Response Team
Coordinator (2014 – Present)

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

The Pioneer Daughters of North Dakota formerly limited membership to women. To my knowledge, none of the other organizations of which I am a member 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.

The Use of Eminent Domain for Economic Development, Jennifer Maude Klemetsrud, 75 N.D. L. Rev. 793 (1999). 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.

Project Safe Childhood Newsletter, United States Attorney's Office, District of North Dakota, Fall 2008. Copy supplied.

Project Safe Childhood Newsletter, United States Attorney's Office, District of North Dakota, Spring 2008. 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.

Around October 2012, I signed a petition proposing a revision to a pending childcare regulation at the request of my childcare provider, later referenced in a report to the Administrative Rules Committee of the North Dakota Legislative Council. I do not have a copy of the petition.

- 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.

In the past 14 years, I have routinely given presentations and participated in panel discussions relative to my work as an Assistant United States Attorney, particularly in the areas of child exploitation and search and seizure of electronic evidence. However, I have not kept a comprehensive list of all these speeches, remarks, lectures, panel discussions, conferences, and question-and-answer sessions. Nonetheless, I have done my best to recall and identify as many of these presentations as possible.

Approximately 2007 – Present: Guest Speaker, Concordia College, Moorhead, Minnesota. Approximately once a year, I speak to college students about technology-facilitated child exploitation crimes. I have no notes, transcripts, or recordings for all of these presentations. However, for the most recent event on October 30, 2015, I used the same PowerPoint presentation that is provided for the presentation at Devils Lake in March 2015. The address of Concordia College is 901 Eighth Street South, Moorhead, Minnesota 56562.

January 27, 2016: Guest Speaker, Weekly Meeting, Boy Scouts of America, Fargo, North Dakota. Handouts (from the National Archives) supplied.

October 14, 2015: Guest Speaker, “Human Trafficking,” Immigration Law Clinic, University of North Dakota School of Law, Grand Forks, North Dakota. I used a portion of the PowerPoint presentation that is provided for the presentation at Devils Lake in March 2015.

October 7, 2015: Presenter, Bakken Strike Force Training Conference, United States Attorney’s Office, Bismarck, North Dakota. I spoke to federal, state, and local law enforcement members of the Bakken (oil field) Strike Force about how

to investigate and dismantle a human trafficking organization. I used a PowerPoint for this presentation, but because the materials are law enforcement-sensitive they are not provided. The address of the United States Attorney's Office is 220 East Rosser Avenue, Room 372, Bismarck, North Dakota 58502.

April 13, 2015: Guest Speaker, Monthly Meeting, American Association of University Women, Fargo, North Dakota. I used a portion of the PowerPoint presentation that is provided for the presentation at Devils Lake in March 2015.

March 19, 2015: Keynote Speaker, "Sexual Exploitation and Human Trafficking – The North Dakota Experience," Annual Scholarship Luncheon, American Association of University Women, Devils Lake, North Dakota. PowerPoint presentation supplied.

December 9, 2014: Presenter, Annual Meeting, North Dakota Attorney General, Bismarck, North Dakota. Notes supplied.

November 13, 2014: Panelist, Statewide Summit on Human Trafficking, Force to End Human Sexual Exploitation, Bismarck, North Dakota. The panel discussed the human trafficking situation in North Dakota. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Force to End Human Sexual Exploitation is Post Office Box 4032, Bismarck, North Dakota 58502.

October 2, 2014: Panelist, Annual North Dakota Conference on Injury Prevention and Control, North Dakota Department of Health, Bismarck, North Dakota. The panel discussed the human trafficking epidemic in North Dakota as a result of the Bakken Oil Field boom. I have no notes, transcript, or recording. The address of the North Dakota Department of Health is 600 East Boulevard Avenue, Department 301, Bismarck, North Dakota 58505.

August 13, 2014: Presenter, "Internet Crimes in the Dakotas," Violent Crime and Human Trafficking Indian Country Conference, United States Attorney's Offices for the Districts of North Dakota and South Dakota, Sioux Falls, South Dakota. PowerPoint presentation supplied.

May 7, 2014: Panelist, "The Exploitation & Trafficking of Our Children," Annual Training, Red River Children's Advocacy Center, Fargo, North Dakota. The panel discussed the victim-centered approach in human trafficking investigations. I have no notes, transcript, or recording. The address of the Red River Children's Advocacy Center is 100 South Fourth Street, Suite 302, Fargo, North Dakota 58103.

March 2013: Guest Speaker, Outreach Visit, Four Winds High School, Spirit Lake Indian Reservation, Ft. Totten, North Dakota. PowerPoint presentation supplied.

March 2013: Guest Speaker, Outreach Visit, Warwick High School, Spirit Lake Indian Reservation, Warwick, North Dakota. I used the same PowerPoint presentation used for the Four Winds High School outreach in March 2013.

July 18, 2012: Presenter, "Sexting and Texting: Safety and Prevention," Native American Spirit of Justice Conference, United States Attorney's Office, Fargo, North Dakota. PowerPoint presentation supplied.

May 16, 2012: Guest Speaker, Outreach Visit, Kindred High School, Kindred, North Dakota. PowerPoint presentation supplied.

January 17, 2012: Presenter, Regional Sex Offender Registration and Notification Act (SORNA) Training, United States Marshals Service, Sisseton Wahpeton Oyate Indian Reservation, Hankinson, North Dakota. PowerPoint presentation supplied.

October 21, 2011: Presenter, Regional Sex Offender Registration and Notification Act (SORNA) Training, United States Marshals Service, Spirit Lake Indian Reservation, Ft. Totten, North Dakota. PowerPoint presentation supplied.

January 20, 2011: Presenter, Sentencing Issues in Child Pornography Prosecutions, North Dakota State's Attorneys' Conference, North Dakota State's Attorneys' Association, Bismarck, North Dakota. PowerPoint presentation supplied.

May 12, 2010: Presenter, "Project Safe Childhood," Annual Training, Red River Children's Advocacy Center, Fargo, North Dakota. PowerPoint presentation supplied.

October 26, 2009: Guest Speaker, Microsoft Corporation (Fargo Campus), Fargo, North Dakota. I spoke to Microsoft employees about the Department of Justice's efforts to combat child exploitation. I have no notes, transcript, or recording. The address of the Microsoft Corporation (Fargo Campus) is 3900 Great Plains Drive South, Fargo, North Dakota 58104.

October 22, 2009: Guest Speaker, State Convention, North Dakota Education Association, Grand Forks, North Dakota. I spoke about the Department of Justice's Project Safe Childhood Initiative. I have no notes, transcript, or recording. The address of the North Dakota Education Association is 301 North Fourth Street, Bismarck, North Dakota 58501.

May 20, 2009: Presenter, Law Enforcement In-Service Training, North Dakota Bureau of Criminal Investigations, Bismarck, North Dakota. I spoke to Bureau of Criminal Investigations special agents about child pornography investigations and prosecutions. I have no notes, transcript or recording. The address of the North

Dakota Bureau of Criminal Investigations is Post Office Box 1054, Bismarck, North Dakota 58502.

January 9, 2009: Guest Speaker, Internet Safety, Fargo North High School, Fargo, North Dakota. I spoke to high school students about Internet safety. I have no notes, transcript, or recording, but I used a Netsmartz PowerPoint presentation produced by the National Center for Missing and Exploited Children. The address for Fargo North High School is 801 Seventeenth Avenue North, Fargo, North Dakota 58102.

October 21, 2008: Presenter, Information Technology Conference, North Dakota State University, Fargo, North Dakota. I spoke to information technology specialists about the use of technology, specifically as it relates to child exploitation. I have no notes, transcript, or recording. The address of North Dakota State University is 1340 Administrative Avenue, Fargo, North Dakota 58102.

August 19, 2008: Presenter, Searching and Seizing Electronic Evidence, Department of Justice Regional Project Safe Childhood Training, Department of Justice, St. Paul, Minnesota. PowerPoint presentation supplied.

May 1, 2008: Presenter, Law Day Event, North Dakota State Bar Association, Fargo, North Dakota. An Assistant Public Defender and I discussed the criminal procedure process with high school students in celebration of Law Day. I have no notes, transcript, or recording. The address of the North Dakota State Bar Association is 1661 Capitol Way, Bismarck, North Dakota 58501.

July 2007: Presenter, Child Exploitation Statutes, North Dakota State's Attorneys' Conference, North Dakota State's Attorneys' Association, Bismarck, North Dakota. Notes and handout supplied.

May 1, 2003: Panelist, Law Day Event, North Dakota State Bar Association, Grand Forks, North Dakota. The panel spoke to high school students about pursuing a career in the legal profession. I have no notes, transcript, or recording for this panel, but press coverage is supplied. The address of the North Dakota State Bar Association is 1661 Capitol Way, Bismarck, North Dakota 58501.

Date unknown: Presenter, University of North Dakota Homecoming Continuing Legal Education, Grand Forks, North Dakota. I no longer recall the sponsoring organization nor do I recall when the event occurred. I spoke to attorneys about the federal statutes applicable to child exploitation offenses. I have no notes, transcript, or recording.

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

they are available to you.

I occasionally give interviews to journalists about Department of Justice initiatives, prosecutions and outreach. However, I do not recall all of these interviews nor do I recall the dates of such interviews. Nonetheless, I have done my best to recall and identify any interviews through public database searches.

Sarah Volpenhein, *UND Chairman Charged with Having Child Porn Released from Custody; Allegedly Shared Non-Pornographic Images of Grandchildren Online*, Grand Forks Herald, August 24, 2015. Copy supplied.

Sarah Volpenhein, *Defendant in Child Porn Case Contests Legality of Warrant*, Grand Forks Herald, May 1, 2015. Copy supplied.

Jason Silverstein, *Wisconsin Man Ordered to Pay Restitution to Child Porn Victim in North Dakota*, Milwaukee Journal Sentinel, August 30, 2014. Copy supplied.

Dave Kolpack, *Police Get Jump on Child Porn Case with Lost Phone*, Associated Press, February 24, 2014. Copy supplied.

Archie Ingersoll, *Alleged EGF Sex Crime Leads to Federal Charge*, Grand Forks Herald, October 7, 2010. Copy supplied.

Press Release, *Wahpeton Man Sentenced on Child Pornography Charges*, United States Attorney's Office for the District of North Dakota, September 23, 2010. Copy supplied (reprinted in multiple outlets).

Drayton Man Sentenced on Child Porn Charges, Fargo Forum, September 19, 2009. Copy supplied.

Drayton Man Receives 30-Year Prison Term in Child Porn Case, Grand Forks Herald, September 18, 2009. Copy supplied.

Press Release, *Drayton Man Sentenced to Thirty Years in Prison For Sexually Abusing a Child and Possession of Child Pornography*, United States Attorney's Office for the District of North Dakota, September 18, 2009. Copy supplied.

Dave Kolpack, *Convicted Psychologist Hopes to Change Attitudes*, Associated Press, December 12, 2008. Copy supplied.

Press Conference, Project Safe Childhood National Public Awareness Campaign, December 2, 2008. I have no notes, transcript or recording. Representative press coverage is supplied.

Jeff Eckhoff, *North Dakota Expert Faces Child Porn Charges*, Des Moines Register, July 23, 2008. Copy supplied.

Stephen J. Lee, *Former Doctor Charged in Child Porn Sting*, Grand Forks Herald, July 22, 2008. Copy supplied.

Psychologist Denies Guilt in Porn Case, Daily Globe News, July 22, 2008. Copy supplied.

Mike Nowatzki, *Oberon Man Gets 30 Years for Porn*, Fargo Forum, September 14, 2007. Copy supplied.

Stephen J. Lee, *Man Gets 30 Years for Child Porn*, Grand Forks Herald, September 14, 2007. Copy supplied.

Dave Kolpack, *Man Sentenced to 30 Years in Major Child Porn Case*, Associated Press, September 13, 2007. Copy supplied.

Man Pleads Guilty in Three-State Shoplifting Ring, Associated Press, July 3, 2007. Copy supplied.

Dave Kolpack, *Woman Sentenced for Internet Shoplifting Scheme*, Associated Press, May 3, 2007. Copy supplied (reprinted in multiple outlets).

Patrick Springer, *Leader of Theft Ring Pleads Guilty*, Fargo Forum, May 3, 2007. Copy supplied.

Susanne Nadeau, *North Dakota Man Pleads Guilty In State's Largest Child Porn Case; Prosecutor: May Be Link to An International Ring*, Grand Forks Herald, April 20, 2007. Copy supplied.

Dave Kolpack, *Man Pleads Guilty in Major Child Porn Case*, Associated Press, April 19, 2007. Copy supplied (reprinted in multiple outlets).

Oberon Man Pleads Guilty to Child Pornography Charges, US Federal News, April 16, 2007. Copy supplied.

Steven P. Wagner, *North Dakota Man to Plead Guilty in Porn Case*, Fargo Forum, February 15, 2007. Copy supplied.

Stephen J. Lee, *Man to Plead Guilty to Child Porn Charges*, Grand Forks Herald, February 14, 2007. Copy supplied.

Moorhead Man Sentenced to 10 Years For Possessing Child Porn, US Federal News, January 11, 2007. Copy supplied.

Steven P. Wagner, *Authorities Target Online Sexual Predators*, Fargo Forum, December 3, 2006. Copy supplied.

Amy Dalrymple, *Offender Pleads Guilty to Charge*, Fargo Forum, October 24, 2006. Copy supplied (quote reprinted in multiple outlets).

Steven P. Wagner, *Moorhead Man Faces 20 Years in Child Porn Case*, Fargo Forum, March 24, 2006. Copy supplied (reprinted in multiple outlets).

Jeff Zent, *Woman Loses Job After Deposits Stolen*, Fargo Forum, October 7, 2004. Copy supplied.

Prisoner Gets Added Jail Time for Threats, Associated Press, July 9, 2004. Copy supplied (reprinted in multiple outlets).

Jeff Zent, *Man Admits Threat to Bush (Muslim Threatened to Assassinate the President)*, Fargo Forum, May 18, 2004. Copy supplied (reprinted in multiple outlets).

Dave Kolpack, *Man Faces Federal Charges in Bank Robbery*, Associated Press, April 9, 2004. Copy supplied.

Dave Kolpack, *Former Track Coach Sentenced for Internet Luring*, Associated Press, January 17, 2004. Copy supplied.

Minnesota Track Coach Found Guilty in Internet Sex Case, Concordia Coach Faces 15 Years in Prison, Associated Press, October 9, 2003. Copy supplied.

Jeff Zent, *Montpelier Man Gets First Federal Sentence for Luring*, Fargo Forum, September 5, 2003. Copy supplied.

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

I have not held a judicial office.

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

- i. Of these, approximately what percent were:

jury trials:	_____%
bench trials:	_____% [total 100%]
civil proceedings:	_____%
criminal proceedings:	_____% [total 100%]

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

dissents.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held a judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held any public offices, nor have I run for any 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 never held office in any political party, nor have I rendered services to any political party or election committee. I have not held a position or played a role in any political campaign.

16. Legal Career: Answer each part separately.

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

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

I served as a law clerk to the Honorable Justice Mary Muehlen Maring of the North Dakota Supreme Court from 2000 to 2001.

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

I have never practiced as a solo practitioner.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

2001 – 2002
Kennedy and Graven, Chartered
470 United States Bank Plaza
200 South Sixth Street
Minneapolis, Minnesota 55402
Associate Attorney

2002 – Present
United States Attorney's Office for the District of North Dakota
Quentin Burdick United States Courthouse
655 First Avenue North, Suite 250
Fargo, North Dakota 58102
Criminal Supervisor (2015 – Present)
Assistant United States Attorney (2002 – Present)

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

I have never served as a mediator or arbitrator.

b. Describe:

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

Following my clerkship with the North Dakota Supreme Court, I joined the law firm, Kennedy and Graven in Minneapolis, Minnesota, where I practiced in the areas of eminent domain and economic development and redevelopment. Specifically, I practiced in the area of tax increment financing (TIF), including creating TIF districts and negotiating development plans for various municipalities. I also conducted research and writing on various litigation matters involving municipal law.

In 2002, I was hired as an Assistant United States Attorney for the District of North Dakota, where I initially prosecuted violations of various criminal laws involving firearms, bank robbery, mail, wire and tax fraud, and major crimes in Indian Country. I have also drafted appellate briefs for all cases to which I have been assigned.

From 2004 to 2005, I prosecuted major crimes in Indian Country on the Spirit Lake Indian Reservation in Ft. Totten, North Dakota. In May 2006, the Department of Justice commenced its Project Safe Childhood initiative to combat child exploitation. I serve as the District's Project Safe Childhood Coordinator, responsible for prosecuting the

technology-facilitated child exploitation cases. In this position, I work closely with law enforcement officers assigned to the Internet Crimes Against Children Task Force to obtain electronic evidence via the Electronic Communications Privacy Act (ECPA) and Federal Rule of Criminal Procedure 41. I have litigated search and seizure issues relative to obtaining electronic evidence and have tried several such cases.

Because much of my work involved cybercrime and digital evidence, I was appointed to serve as the Computer Hacking and Intellectual Property (CHIP) Coordinator for the District of North Dakota in 2010. As the CHIP Coordinator, I assist federal prosecutors and investigators in obtaining digital evidence from electronic and Internet service providers. I have reviewed hundreds of ECPA search warrants and court orders for email accounts, social network accounts, servers, and cell phone data.

In 2012, North Dakota began experiencing an unprecedented oil boom in western North Dakota. As a result of this oil boom, law enforcement officially and anecdotally reported a human trafficking epidemic. To address this problem, the United States Attorney's Office appointed me in 2013 to serve as the Human Trafficking Coordinator. In addition to prosecuting the human trafficking and Mann Act violations, I am also responsible for organizing a statewide task force to address the problem.

In 2014, I was appointed to serve as the District of North Dakota's National Security Cyber Specialist.

Most recently, in November 2015, I was appointed to serve on the management team of the United States Attorney's Office, specifically, criminal supervisor. My chief duties as criminal supervisor are managing the criminal Assistant United States Attorneys in the Fargo office. As criminal supervisor, I continue to handle criminal cases involving child exploitation, human trafficking, and cybercrime.

Finally, I serve on the Appellate Team of the United States Attorney's Office. As an Appellate Team member, I frequently review appellate briefs drafted by the trial attorneys; and on occasion, I draft appellate briefs. In either event, I typically participate in the moot court arguments for the attorney assigned to argue the case.

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

As an associate attorney with Kennedy & Graven I represented municipalities in Minnesota and worked specifically in the areas of economic development and redevelopment. As an Assistant United States Attorney for the District of North Dakota, I represent the United States in

various criminal matters. Since 2006, I have specialized in the prosecution of child exploitation crime and the search and seizure of digital and online evidence.

- 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.

Before I joined the United States Attorney's Office, approximately 50% of my practice was dedicated to litigation. Since 2002, at least 90% of my practice has been dedicated to litigation. As such, I frequently appear in court. Even as a criminal supervisor, I continue to appear in court on a weekly basis because I continue to carry a caseload.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 97% |
| 2. state courts of record: | 3% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

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

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried approximately 15 cases as sole counsel or co-counsel. I have tried an additional two cases as associate counsel.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 97% |
| 2. non-jury: | 3% |

- 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.

None.

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. Anderson, Crim. Nos. 3:06-cr-00107 & 3:07-cr-00092 (D.N.D.), aff'd, 570 F.3d 1025 (8th Cir. 2009).

Mr. Anderson obtained more than \$500,000 in loans to expand his harvesting business using falsified federal income tax returns. A federal grand jury charged Anderson with six counts of wire fraud and one count of making a false statement. Before trial, Anderson's whereabouts were unknown. The court issued an arrest warrant for Anderson, and later issued an order dismissing the jury and continuing Anderson's trial on a day-to-day basis. Anderson was eventually arrested in Arizona and the grand jury returned a second indictment charging him with failure to appear. Anderson filed a motion to dismiss the second indictment, arguing that he could not have failed to appear for his trial because there was no trial date scheduled after the district court dismissed the jury. The district court denied the motion and Anderson proceeded to trial on both indictments. Following a four-day trial, the jury returned a guilty verdict on all counts and Anderson was sentenced to 49 months' imprisonment. I served as sole counsel representing the United States at trial and sentencing.

Anderson filed an appeal to the Eighth Circuit of Appeals, arguing, among other things, that there was insufficient evidence to sustain the wire fraud counts and his failure to appear conviction. The Eighth Circuit upheld the convictions without oral argument. I authored the appellate brief submitted on behalf of the United States.

Date of Representation: 2010 – 2012

Court: United States District Court for the District of North Dakota

Judges: U.S. District Court Judge Ralph R. Erickson
U.S. Circuit Court Judges Diana E. Murphy, Morris S. Arnold, and Raymond Gruender

First Opposing Counsel: Richard Henderson (Retired)

Federal Public Defender's Office
112 North Roberts Street, Room 202
Fargo, ND 58102
(701) 239-5111

2. United States v. Boyle, Crim. No. 3:11-cr-00086 (D.N.D.), aff'd, 700 F.3d 1138 (8th Cir. 2013), rehearing and rehearing en banc denied (January 8, 2013).

Mr. Boyle surreptitiously recorded two young girls at his residence. A grand jury charged Boyle with attempted production of child pornography and possession of child pornography. The case proceeded to trial and I represented the United States during the one-week trial. Boyle was found guilty of production and possession of child pornography and he was sentenced to 15 years' incarceration. Boyle appealed his conviction to the Eighth Circuit, where he raised a number of issues involving jury instructions and sufficiency of the evidence, among others. In particular, he claimed that the videos did not depict sexually explicit images. The Eighth Circuit upheld the conviction. I authored the appellate brief submitted on behalf of the United States.

Date of Representation: 2011 – 2012

Court: United States District Court for the District of North Dakota

Judges: U.S. District Court Judge Ralph R. Erickson
U.S. Circuit Court Judges William Riley, C. Arlen Beam, and Steven Colloton

Opposing Counsel: Steven Mottinger
Johnson, Mottinger, & Greenwood
15 Ninth Street South
Fargo, ND 58103
(701) 235-7501

Paul C. Engh (on appeal)
Paul Engh Law Firm
220 South Sixth Street, Suite 1225
Minneapolis, MN 55402
(612) 252-1100

3. United States v. Cartier, Crim. No. 2:06-cr-00073 (D.N.D.), aff'd, 543 F.3d 442 (8th Cir. 2008).

Using information obtained by the Spanish Guardia Civil Computer Unit (SGCCU), the FBI obtained a search warrant for Mr. Cartier's home. They

recovered various electronic media containing child pornography. Cartier entered a conditional plea of guilty to various child pornography counts, including a production of child pornography count. He was sentenced to 30 years' imprisonment. Cartier subsequently challenged the search of his house. He argued that there was no probable cause to search his house because nobody ever saw child pornography on his computer nor did the SGCCU or the FBI ever download child pornography from his computer. Instead, the SGCCU's software captured the "hash values" of the images Cartier's computer was trading in the peer-to-peer networks. Based upon an examination of these hash values—which are analogous to digital fingerprints—the SGCCU and the FBI concluded that these images contained child pornography even though they never actually saw the files. After a lengthy suppression hearing, the court determined that the agent's examination of hash values was sufficient to establish probable cause to support the search of Cartier's residence. In a case of first impression, the Eighth Circuit Court of Appeals upheld the search of Cartier's home. I represented the United States during the suppression hearing and I authored the brief and conducted the oral argument at the Eighth Circuit.

Date of Representation: 2006 – 2009

Court: United States District Court for the District of North Dakota

Judge: U.S. District Court Judge Rodney Webb (Deceased)
U.S. Circuit Court Judges Bobby Shepherd, Steven Colloton, and Diana Murphy

Opposing Counsel: David Dusek
Solo Practitioner
Post Office Box 14145
Grand Forks, ND 58208
(701) 746-4107

4. United States v. Chavez, Crim. No. 3:08-cr-00151 (D.N.D.), aff'd, 399 F. App'x 143 (8th Cir. 2010).

I served as associate counsel in the prosecution of Mr. Chavez, who was one of 17 co-defendants charged in a large-scale drug conspiracy on the Turtle Mountain Indian Reservation. The Chavez organization imported more than 150 pounds of methamphetamine into North Dakota from Mexico and Eastern Washington from 2002 to 2007. The financial investigation revealed that Chavez used stolen identities to facilitate his drug trafficking and money laundering scheme. The Chavez organization also used bank accounts and money wires to conceal the hundreds of thousands of dollars in illegal proceeds generated by the scheme. After a three-week trial, during which I examined one-third of the witnesses, Chavez was convicted of various offenses involving the distribution of

methamphetamine, including engaging in a continuing criminal enterprise (CCE). Pursuant to the CCE statute, Chavez received a mandatory life sentence. Chavez appealed his sentence and it was upheld by the Eighth Circuit Court of Appeals.

Date of Representation: 2008 – 2010

Court: United States District Court for the District of North Dakota

Judges: U.S. District Court Judge Ralph R. Erickson
U.S. Circuit Court Judges Diana Murphy, C. Arlen Beam, and Duane Benton

Lead Counsel: Christopher Myers
United States Attorney's Office
655 First Avenue North
Fargo, ND 58102
(701) 297-7400

Associate Counsel: Drew H. Wrigley
North Dakota Office of Lt. Governor (formerly at
United States Attorney's Office)
600 East Boulevard
Bismarck, ND 58505
(701) 328-2200

Opposing Counsel: Jeff A. Bredahl
Bredahl & Associates
3431 Fourth Avenue South
Fargo, ND 58103
(701) 298-9363

5. United States v. Dickson, Crim. No. 2:04-cr-00106, aff'd, 149 F. App'x 543 (8th Cir. 2005) (per curiam).

Mr. Dickson entered an Internet chat room and initiated a private conversation with an undercover police officer posing as an adolescent-age girl. He later arranged to meet the officer posing as the adolescent girl for the purpose of sex. After he arrived at the hotel, he was arrested and later charged by a grand jury for using the Internet to attempt to entice a minor to engage in illegal sexual activity. Following a three-day trial, Dickson was convicted and sentenced to 60 months' imprisonment. On appeal, he argued the evidence was insufficient to convict him and that the district court erred by declining to give him an entrapment instruction. The conviction was upheld. I represented the United States at trial and I authored the appellate brief and conducted the oral argument at the Eighth Circuit.

Date of Representation 2004 – 2005

Court: United States District Court for the District of North Dakota

Judges: U.S. District Court Judge Rodney Webb (Deceased)
 U.S. Circuit Court Judges William Riley, George Fagg, and Raymond Gruender

Opposing Counsel: Todd D. Burianek
 Solo Practitioner
 53 West Fifth Street
 Grafton, ND 58237
 (701) 352-3154

6. United States v. Evans, Crim. No. 3:13-cr-00009 (D.N.D.), aff'd, 2015 WL 5472313 (8th Cir. 2015).

Two specific computers were captured trading child pornography via peer-to-peer networks in several different states. The owner of the computers, later identified as Mr. Evans, was detected downloading child pornography while connected to various wireless networks. An investigation led law enforcement to an apartment where they recovered 56 media devices, including 13 hard drives containing child pornography. Evans proceeded to trial, during which time the cyber agent and forensic examiner detailed the forensic examination of the 56 devices. I served as sole counsel for the United States during trial, after which Evans was convicted of 14 counts of possession of child pornography. He was later sentenced to ten years' incarceration. Following his sentencing hearing, the parties litigated the issue of restitution, after which the district court ordered him to pay \$3,250 in restitution to one of the victims. The conviction and restitution award were both affirmed on appeal. I served as sole appellate counsel for the United States, briefing and arguing the appeal before the Eighth Circuit of Court of Appeals.

Date of Representation: 2012 – Present

Court: United States District Court for the District of North Dakota

Judges: U.S. District Court Judge Ralph R. Erickson
 U.S. Circuit Court Judges Kermit Bye, Jane Kelly, and James Loken

Opposing Counsel: Richard Henderson (Retired)
 Federal Public Defender's Office
 112 North Roberts Street, Room 202

Fargo, ND 58102
(701) 239-5111

7. United States v. Kartes and Soldier, Crim. No. 3:06-cr-00131 (D.N.D.).

Beginning in 2003 and continuing through 2006, Ms. Kartes and her boyfriend, Mr. Soldier conspired to sell over \$1 million in stolen merchandise via eBay. Kartes and Soldier employed other individuals to steal certain merchandise from large retailers. The couple instructed the co-conspirators to travel to cities in North Dakota, South Dakota, and Minnesota for the purpose of stealing this merchandise. They paid the individuals in cash and cars in exchange for the stolen goods. Thereafter, Kartes and Soldier sold the merchandise to legitimate purchasers over eBay.

A young woman who worked for Kartes and Soldier was arrested for shoplifting in St. Cloud, Minnesota, after which she provided law enforcement with some details of the operation. Investigators worked with eBay, the United States Postal Service and the victim merchants to identify the sales of stolen property. Eventually, a search warrant was executed at Kartes' place of business in North Dakota where investigators recovered a garage full of merchandise. Kartes and Soldier both pleaded guilty to conspiracy to receive, possess and sell stolen property and receipt and possession of stolen property. Kartes was ultimately sentenced to 24 months' incarceration and Soldier was sentenced to 30 months' incarceration. I served as sole counsel representing the United States in this case, which was one of the first federal cases involving the sale of stolen merchandise on eBay.

Date of Representation: 2006 – 2008

Court: United States District Court for the District of North Dakota

Judges: U.S. District Court Judge Ralph R. Erickson

Opposing Counsel: Lorelle Moeckel (for defendant Kartes)
Haugen & Moeckel
520 Main Avenue, Suite 702
Fargo, ND 58103
(701) 237-0100

Christopher Lancaster (for defendant Soldier)
Federal Public Defender's Office
112 North Roberts Street, Room 202
Fargo, ND 58102
(701) 239-5111

8. United States v. Keiser, Crim. No. 3:05-cr-00080 (D.N.D.), aff'd, 578 F.3d 897 (8th Cir. 2009); United States v. Solomon, Crim. No. 3:07-cr-00122 (D.N.D.); United States v. Swartzendruber, Crim. No. 3:06-cr-00136 (D.N.D.).

I was involved in prosecuting a series of cases involving defendants in this complex fraud scheme. In 1999, Mr. Swartzendruber organized a Granada-based company to operate as a fake international bank debenture or bank trading program. Mr. Swartzendruber hired Mr. Keiser, an experienced commodities broker, to promote the phony bank trading program to a group of mostly North Dakota residents who invested millions of dollars. After being issued a cease and desist order from the North Dakota Securities Commission and agreeing to pay restitution to victims as part of a civil settlement, Keiser entered a second scheme for the purpose of paying the restitution payments. Keiser, working with Mr. Solomon, introduced investors to an investment they claimed would provide the opportunity to recoup money lost in the bank trading program.

Following a two-week jury trial in 2007, Keiser was convicted of 22 counts of wire fraud, money laundering, conspiracy to commit money laundering and conspiracy to defraud the United States. He was ultimately sentenced to 12 years' imprisonment and ordered to pay more than \$2 million in restitution. At trial, I presented the opening statement and the rebuttal argument in addition to conducting the direct examination and cross-examination of half the witnesses, including an expert witness. Finally, I drafted pretrial motions and the appellate brief with my co-counsel. The conviction was upheld on appeal. Solomon, a citizen of Guyana, was extradited from Trinidad in 2009, after which he too was convicted of three counts of money laundering and one count of conspiracy to defraud the United States following a jury trial and sentenced to 86 months' imprisonment and ordered to pay \$1.3 million in restitution. At this six-day trial, I presented the opening statement and the rebuttal argument in addition to conducting the direct examination and cross-examination of half of the witnesses. Swartzendruber pleaded guilty and was sentenced to five years' incarceration and ordered to pay more than \$3 million in restitution.

Date of Representation: 2006 – 2009

Court: United States District Court for the District of North Dakota

Judges: U.S. District Court Judge Ralph R. Erickson
U.S. Circuit Court Judges Lavenski Smith, Bobby Shepherd, and Stephen Limbaugh (U.S. District Court Judge for the Eastern District of Missouri, sitting by designation)

Co-Counsel: Brett Shasky
United States Attorney's Office

655 First Avenue, Suite 250
Fargo, ND 58102
(701) 297-7400

Opposing Counsel: Christopher Lancaster (for defendant Keiser on
appeal only)
Federal Public Defender's Office
112 North Roberts Street, Room 202
Fargo, ND 58102
(701) 239-5111

Jonathon Judd (for defendant Solomon)
Clay County Attorney's Office
807 11th Street North
Moorhead, MN 56560
(218) 299-7281

F. Clint Broden (for defendant Swartzendruber)
Broden, Mickelsen, Helms, & Snipes
2600 State Street
Dallas, TX 75204
(214) 720-9552

9. United States v. Longie, Crim. No. 2:05-cr-00090 (D.N.D.).

Mr. Longie was drinking with friends on the Spirit Lake Indian Reservation after which he drove his vehicle into a ditch. As a result of the crash, the passenger in the vehicle died at the scene. Longie immediately fled the scene of the accident and consequently law enforcement was unable to test his blood alcohol level. Following an investigation, he was charged with involuntary manslaughter. After a one-week trial, Longie was convicted and subsequently sentenced to 72 months' incarceration. At trial, I presented the second closing argument and examined half the witnesses, including the cross-examination of the defendant.

Date of Representation: 2005

Court: United States District Court for the District of North
Dakota

Judge: U.S. District Court Judge Ralph R. Erickson

Co-counsel: Janice Morley
United States Attorney's Office
655 First Avenue, Suite 250
Fargo, ND 58102
(701) 297-7406

Opposing Counsel: Kerry Rosenquist
Rosenquist & Arnason
301 North Third Street, Third Floor, Suite 300
Fargo, ND 58203
(701) 775-0654

10. United States v. Smith, Crim. No. 2:08-cr-00034 (D.N.D.), aff'd, 591 F.3d 974 (8th Cir. 2010).

In December 2006, Mr. Smith sexually abused an eight-year-old girl who was being cared for by his girlfriend on the Spirit Lake Indian Reservation. The child's mother reported the incident to the Bureau of Indian Affairs (BIA). Smith was then interviewed by BIA and FBI agents, during which he denied the abuse. However, during a second interview, Smith made some admissions. Smith proceeded to trial and the defense called the forensic examiner who examined the child victim for the purpose of establishing an apparent inconsistency in the child's testimony. A jury convicted Smith of the sexual assault and he was sentenced to 30 years' imprisonment. On appeal, Smith argued that the district court erred by admitting a recording of the forensic interview of the child and by admitting lay opinion testimony of the forensic interviewer. The Eighth Circuit Court of Appeals upheld the conviction. I served as co-counsel representing the United States at trial, during which I presented the opening statement and closing argument as well examined half of the witnesses. On appeal, my co-counsel and I authored the brief submitted on behalf of the United States.

Date of Representation: 2007 – 2013

Court: United States District Court for the District of North Dakota

Judges: U.S. District Court Judge Ralph R. Erickson
U.S. Circuit Court Judges William Riley, Lavenski Smith, and Raymond Gruender

Co-counsel: Nicholas Chase
United States Attorney's Office
655 First Avenue, Suite 250
Fargo, ND 58102
(701) 297-7441

Opposing Counsel: Christopher Lancaster
Federal Public Defender's Office
112 North Roberts Street, Room 202
Fargo, ND 58102
(701) 239-5111

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.)

Human Trafficking Task Force. Before 2012, the United States Attorney's Office had prosecuted relatively few cases involving child prostitution in North Dakota. In 2012, the state experienced increased population as a result of an oil boom in western North Dakota. Thereafter, service providers and law enforcement began reporting a human trafficking epidemic in North Dakota. To address this problem, I partnered with federal and local law enforcement agencies, as well as local service providers, to form a regional response to address the human trafficking epidemic. The goal of this response team is to rescue victims of human trafficking and investigate and prosecute their traffickers.

I am also working closely with the North Dakota Bureau of Criminal Investigations and the North Dakota Council on Abused Women's Services to create a statewide human trafficking task force which will include regional response teams that are modeled after the response team originally created in eastern North Dakota. These response teams will be responsible for addressing the victims' immediate needs: food, shelter, and safety. Currently, there is only the one response team operating in eastern North Dakota, but the infrastructure is being laid for additional response teams in western North Dakota. To date, the regional response team in eastern North Dakota has uncovered several instances of human trafficking of adolescent-age girls and women. These discoveries are the result of countless hours of proactive law enforcement investigations.

Internet Crimes Against Children Task Force (ICAC). As the Project Safe Childhood Coordinator for the United States Attorney's Office, I marshaled federal, state and local resources to help organize the Internet Crimes Against Children Task Force, which is tasked with the investigation and prosecution of technology-facilitated child exploitation crime. During my tenure as the Project Safe Childhood Coordinator, I have sponsored and supported innovative strategies that target individuals who sexually exploit children.

For instance, in the context of child exploitation cases, I introduced the use of tactical polygraphs: a polygraph examination administered to a suspect as soon as possible after the point of first contact for the purpose of learning about his history of offending against children. I sponsored a law enforcement training by a Federal Bureau of Investigation polygrapher who developed this technique for these situations. Since the ICAC began implementing this investigative technique, it has obtained more complete information about the crimes under investigation, and it has identified and rescued victims of sexual abuse.

Operation Compliance. On behalf of the United States Attorney's Office, I organized a

law enforcement operation that targeted sex offenders who were suspected of not complying with the conditions of their probation or parole in North Dakota. Over the course of two days, seven teams of investigators located across North Dakota conducted searches of 77 sex offenders; 43 such offenders were found in violation of their state probation. Additionally, there were nine sex offenders who were charged with new crimes. The operation reinforced efforts at deterring new crimes while also upholding the existing parole and probation conditions placed on sex offenders.

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

None.

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

None.

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

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and

financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I would recuse myself from any matter in which I was involved and any matter assigned to an Assistant United States Attorney for whom I supervised while employed by the United States Attorney's Office. I would address any such conflict by working with the United States Attorney's Office and the Clerk of the Court to ensure that I was not assigned any such cases.

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

If any matter were to arise that involved an actual or potential conflict of interest, I would handle it by strict application of the Code of Conduct for United States Judges, as well as any other relevant canons and statutory provisions.

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.

Because I have been in public service nearly my entire career, my pro bono activities have been restricted. However, since 2012, I have mentored law students through the University of North Dakota School of Law's externship program, and I have participated in law-day and career-day activities at regional schools and colleges. For instance, I routinely speak at Concordia College in Moorhead, Minnesota.

I also support the activities of the service providers which service human trafficking victims and other victims of sexual abuse. Finally, I have volunteered with the Salvation Army and the Pioneer Daughters of North Dakota, who operate a museum on the Spirit Lake Indian Reservation.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In December 2014, I contacted North Dakota Senator Heidi Heitkamp's office to inquire about the application process for the judicial vacancy. On January 30, 2015, Senator Heitkamp's office instructed me to send my application materials to Senator Heitkamp's and Senator John Hoeven's offices. On April 17, 2015, I met with Senator Heitkamp's chief of staff in Fargo, North Dakota. During the meeting, she informed me that I was one of two candidates whom the Senator was recommending to the President for the judgeship position. Subsequently, Senator Hoeven's chief of staff telephonically interviewed me for the position. On May 12, 2015, I interviewed by telephone with an attorney from the White House Counsel's Office. Since October 15, 2015, I have been in contact with attorneys from the Office of Legal Policy at the Department of Justice. On November 23, 2015, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On January 28, 2016, the President submitted my nomination to the Senate.

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

No.

**FINANCIAL DISCLOSURE REPORT
NOMINATION FILING**

*Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)*

1. Person Reporting (last name, first, middle initial) Puhl, Jennifer K.	2. Court or Organization 8th Circuit	3. Date of Report 02/01/2016
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Circuit Judge	5a. Report Type (check appropriate type) ☒ Nomination Date 01/28/2016 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2015 to 01/29/2016
7. Chambers or Office Address 655 First Avenue North-Suite 250 Fargo, ND 58102		
IMPORTANT NOTES: <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</i>		

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of filing instructions.)*

☒ **NONE** *(No reportable positions.)*

POSITION

NAME OF ORGANIZATION/ENTITY

1.	
2.	
3.	
4.	
5.	

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of filing instructions.)*

☒ **NONE** *(No reportable agreements.)*

DATE

PARTIES AND TERMS

1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 7

Name of Person Reporting

Puhl, Jennifer K.

Date of Report

02/01/2016

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☒ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1.		
2.		
3.		
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2015	Fargo Public School District--salary
2. Jan. 2016	Fargo Public School District--salary
3.	
4.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 7

Name of Person Reporting

Puhl, Jennifer K.

Date of Report

02/01/2016

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Exempt		
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☐NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	Bremer Bank	Mortgage on Rental Property #1, Devils Lake, ND (Pt VII, line 22)	L
2.	Bremer Bank	Mortgage on Rental Property #2, Devils Lake, ND (Pt VII, line 23)	L
3.			
4.			
5.			

FINANCIAL DISCLOSURE REPORT

Page 4 of 7

Name of Person Reporting

Puhl, Jennifer K.

Date of Report

02/01/2016

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Bremer Bank	A	Interest	K	T	Exempt				
2. ConocoPhillips Common Stock	A	Dividend	J	T					
3. Linn Energy LLC Common Stock		None							
4. Phillips 66 Common Stock	A	Dividend							
5. Southern Cooper Corp Common Stock	A	Dividend							
6. Verizon Communication Common Stock	A	Dividend							
7. First Invs Insd Tax Exempt Fund Class A (FITAX)	A	Dividend	J	T					
8. Franklin Growth Allocation Age 9-12 Years 529 Portfolio-Class A		None	J	T					
9. Franklin Growth Allocation Age 9-12 Years 529 Portfolio-Class B		None	J	T					
10. Franklin Growth Allocation Age 9-12 Years 529 Portfolio-Class A		None	J	T					
11. Franklin Growth Allocation Age 9-12 Years 529 Portfolio-Class B		None	J	T					
12. Franklin Growth Allocation Newborn-8 Year 529 Portfolio-Class A		None	J	T					
13. Franklin Corefolio Allocation Fund Class A		None	J	T					
14. Franklin Corefolio Allocation Fund Class C		None	K	T					
15. Franklin Corefolio Allocation Fund Class A		None	J	T					
16. Franklin Corefolio Allocation Fund Class C		None	K	T					
17. Vanguard Target Retirement 2040 Fund		None	J	T					

1. Income Gain Codes:
(See Columns B1 and D4)

A = \$1,000 or less
F = \$50,001 - \$100,000
J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000
Q = Appraisal
U = Book Value

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000
K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000
R = Cost (Real Estate Only)
V = Other

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000
L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000
S = Assessment
W = Estimated

D = \$5,001 - \$15,000
H2 = More than \$5,000,000
M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000
T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Puhl, Jennifer K.

Date of Report

02/01/2016

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. Vanguard Target Retirement 2040 Fund		None	J	T					
19. Vanguard High-Yield Admiral Tax-Exempt	A	Dividend	L	T					
20. Vanguard Tax-Managed Admiral Balanced Fund	B	Dividend	L	T					
21. Horace Mann 403(b)-Goal Planning Annuity 9		None	K	T					
22. Rental Property #1, Devils Lake, ND (12.5% interest)	D	Rent	M	Q					
23. Rental Property #2, Devils Lake, ND (20% interest)	A	Rent	L	Q					

1. Income Gain Codes:
(See Columns B1 and D4)

A = \$1,000 or less
F = \$50,001 - \$100,000

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000
H2 = More than \$5,000,000

E = \$15,001 - \$50,000

2. Value Codes
(See Columns C1 and D3)

J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000

K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000

M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes
(See Column C2)

Q = Appraisal
U = Book Value

R = Cost (Real Estate Only)
V = Other

S = Assessment
W = Estimated

T = Cash Market

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Puhl, Jennifer K.

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

The Rental Property identified in Part VII, line 22 was appraised on October 28, 2013.

The Rental Property identified in Part VII, line 23 was appraised on July 29, 2015.

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Puhl, Jennifer K.

Date of Report

02/01/2016

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: **s/ Jennifer K. Puhl**

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		27	449	Notes payable to banks-secured (auto)		16	112
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities-see schedule		303	729	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-see schedule		242	481
Real estate owned-see schedule (Including rental properties owned by Klemetsrud LLP #2)		543	250	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		150	000				
Cash value-life insurance							
Other assets itemize:							
Federal Thrift Savings Plan		251	417				
North Dakota Teachers Fund for Retirement		65	500				
				Total liabilities		258	593
				Net Worth	1	082	752
Total Assets	1	341	345	Total liabilities and net worth	1	341	345
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

ConocoPhillips (COP)	\$ 1,954
First Invs Insd Tax Exempt Fund Class A (FITAX)	2,520
Franklin Growth Allocation Age 9-12 Years 529 Portfolio-Class A	9,097
Franklin Growth Allocation Age 9-12 Years 529 Portfolio-Class B	3,180
Franklin Growth Allocation Age 9-12 Years 529 Portfolio-Class A	8,319
Franklin Growth Allocation Age 9-12 Years 529 Portfolio-Class B	3,548
Franklin Growth Allocation Newborn-8 Years 529 Portfolio-Class A2104	9,124
Franklin Corefolio Allocation Fund Class A #1 (FTCOX)	3,405
Franklin Corefolio Allocation Fund Class C #1 (FTCLX)	47,520
Franklin Corefolio Allocation Fund Class A # 2 (FTCOX)	3,420
Franklin Corefolio Allocation Fund Class C # 2 (FTCLX)	47,506
Vanguard Target Retirement 2040 Fund # 1 (VFORX)	9,979
Vanguard Target Retirement 2040 Fund # 2 (VFORX)	9,979
Vanguard High-Yield Admiral Tax-Exempt (VWALX)	55,496
Vanguard Tax-Managed Admiral Balanced Fund (VTMFX)	53,372
Horace Mann 403(b) Plan – Goal Planning Annuity 9	35,310
Total Listed Securities	\$303,729

Real Estate Owned

Personal Residence	\$ 350,000
Klemetsrud LLP Rental Property #1 (12.5% interest)	101,250
Klemetsrud LLP Rental Property #2 (20% interest)	92,000
Total Real Estate Owned	\$543,250

Real Estate Mortgages Payable

Personal Residence	\$ 104,551
Rental Property #1	69,094
Rental Property #2	68,836
Total Real Estate Mortgages Payable	\$242,481

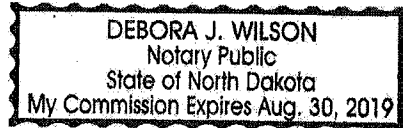
AFFIDAVIT

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

2/1/2016
(DATE)

Jennifer K. Puhl
(NAME)

Debra J. Wilson
(NOTARY)



AFFIDAVIT

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

2/1/2016
(DATE)

Jennifer K. Puhl
(NAME)

Debora J. Wilson
(NOTARY)

