

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Richard Franklin Boulware II

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

United States District Court for the District of Nevada

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.

Federal Public Defender of Nevada
411 East Bonneville Avenue, Suite 250
Las Vegas, Nevada 89101

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

1968; Rochester, Minnesota

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.

1999 – 2002, Columbia Law School; J.D, 2002

1995 – 1998, Harvard Graduate School of Arts & Sciences, PhD program in Sociology
Department (no degree received)

1986 – 1989, 1992 – 1993, Harvard College; A.B. (*cum laude*), 1993

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.

2007 – Present
Federal Public Defender of Nevada

411 East Bonneville Avenue, Suite 250
Las Vegas, Nevada 89101
Trial Attorney (2008 – present)
Research & Writing Attorney (2007 – 2008)

2003 – 2007
Federal Defenders of New York
52 Duane Street
New York, New York 10007
Trial Attorney

August 2003 – December 2003, 2000 – 2002 (intermittently)
Covington & Burling
620 Eighth Avenue
New York, New York 10018
Litigation Associate (August 2003 – December 2003)
Summer Associate (Summer 2000, Summer 2002)
Part-Time Law Clerk (non-summer months (2000 – 2002))

2002 – 2003
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007
Law Clerk to Judge Denise Cote

Summer 2002
Irell & Manella
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067
Summer Associate

Summer 2001
Munger, Tolles & Olson
355 South Grand Avenue
Los Angeles, California 90071
Summer Associate

Summer 2001
Quinn Emmanuel
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017
Summer Associate

1997 – 2001
The Boulware Group
Cambridge, Massachusetts

Las Vegas, Nevada
New York, New York
Consultant (Self-employed, sole proprietor, part-time)

1995 – 1998
Sociology Department
Harvard University
675 William James Hall
33 Kirkland Street
Cambridge, Massachusetts 02138
Teaching Assistant (part-time)

1993 – 1995
Covington & Burling
620 Eighth Avenue
New York, New York 10018
Paralegal

Summer 1993
Attorney/Author Philip K. Howard, *The Death of Common Sense* (1994)
Covington & Burling
620 Eighth Avenue
New York, New York 10018
Research Assistant

Other Affiliations (uncompensated)

2008 – present
Las Vegas Chapter of the National Bar Association Foundation
P.O. Box 1236
Las Vegas, Nevada 89125
Board of Directors

2009 – 2011
National Bar Association, Las Vegas Chapter
P.O. Box 1236
Las Vegas, Nevada 89125
President

2010 – 2011
National Bar Association
1225 11th Street, NW
Washington, D.C. 20001
National Board of Governors

2008 – 2013

National Association for the Advancement of Colored People (NAACP), Las Vegas Chapter

1048 Owens Avenue

Las Vegas, Nevada 89106

First Vice-President (2011 – July 2013)

Second Vice-President (2008 – 2010)

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

I have never served in the military. I timely registered for selective service.

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

Nevada Attorneys For Criminal Justice, Dedicated Service Award (2013)

National Bar Association, President's Award (2012) (award from national president)

Nevada State Bar, Medal of Justice (2012)

Columbia Law School, Law Review (2000 – 2002)

Columbia Law School, Harlan Fisk Stone Scholar (2000)

Harvard College, National Merit Scholar (1986)

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.

Las Vegas Chapter of the National Bar Association Foundation
Board of Directors (2008 – present)

Nevada State Bar Association
Nevada Lawyer Special Issue Steering Committee (2011)

National Bar Association, Las Vegas Chapter
President (2009 – 2011)

National Bar Association
National Board of Governors (2010 – 2011)

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.

New Jersey, 2003

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.

District Court of New Jersey, 2003

Southern District of New York, 2003

District Court of Nevada, 2007

Ninth Circuit Court of Appeals, 2009

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.

100 Black Men, Inc., Las Vegas Chapter (2009 – 2010)
Education Reform Committee

Brother-To-Brother Program: Mentor in Juvenile Detention Center (2008 – 2009)

Committee To Form Willie H. Brooks Soar Academy (2010 – 2011)

County Commission's District Attorney Selection Screening Panel (2012)

County Commission's Coroner's Inquest Reform Panel (Fall 2010)

National Association for the Advancement of Colored People (NAACP) (Las Vegas Branch)

Second Vice-President (2008 – 2010)

Legal Redress Committee (2009 – 2013)

First Vice President (2011 – 2013)
Chairman of the Legal Redress Committee (2009 – 2013)

National Association of Criminal Defense Lawyers (2013)

National Inns of Court (2005 – 2007)

Nevada Commission on Minority Affairs (2013 – present)
Chairman

Superintendent's Educational Opportunity Advisory Committee on
Underachieving Schools (Clark County School District) (2010 – 2011)

Superintendent's Educational Opportunity Advisory Committee on Westside
"Prime 6" Schools (Clark County School District) (2011 – 2012)

Superintendent's Educational Opportunity Advisory Committee on
Disproportionality in School Discipline (Clark County School District) (2013)

Victory Missionary Baptist Church (Youth Ministry) (2010 – 2011, 2013 –
present)
Mentor, College Preparatory Program

U.S. VETS, Program for Homeless Veterans (2009 – present)
Volunteer Attorney

University of Nevada, Las Vegas, Boyd School of Law, Black Law Students
Moot Court Team (2013)
Volunteer Coach

- 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.

100 Black Men, Inc., which was founded in 1963, is a civic fraternal organization that only admits only men. There is also a companion organization for women called 100 Black Women. I took no action to change these policies. To the best of my knowledge, none of the other 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.

Dedicated To Excellence: National Bar Association, Las Vegas Chapter, Nevada Lawyer, Feb. 2012. Copy supplied.

Why We Should Let The Revamped Coroner's Inquest System Go Forward, Las Vegas Sun, Sept. 4, 2011. Copy supplied.

Houses: From Home to Hotel, *The Harvard Crimson*, May 6, 1998. 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.

Since joining the Nevada Commission on Minority Affairs in 2013, I helped to develop the 2013 Strategic Plan. Copy supplied.

During my tenure as president of the Las Vegas Chapter of the National Bar Association, I oversaw the production of one volume of our newsletter: Volume 3, Fall 2010. 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.

During my tenure as a member of the Nevada Commission on Minority Affairs since 2013, I have regularly appeared at public meetings held by the Commission, and have testified before the Nevada Assembly on one occasion.

September 16, 2013: Meeting. Minutes supplied.

June 25, 2013: Meeting. Minutes supplied.

April 9, 2013: Meeting. Minutes supplied.

March 26, 2013: Meeting. Minutes supplied.

March 20, 2013: Testimony before the Nevada Assembly Committee on Government Affairs on Assembly Bill 270. Minutes supplied.

March 12, 2013: Meeting. Minutes supplied.

During my tenure as an officer with the Las Vegas Branch of the NAACP from 2008 to 2013, I prepared and signed certain policy letters to public bodies and appeared to testify on behalf of the NAACP. I have provided those I was able to locate:

May 2, 2013: Testimony before Nevada Senate Committee on Revenue and Economic Development on Assembly Bill 496. Minutes and related letters supplied.

April 4, 2013: Testimony before the Nevada Assembly Committee on Legislative Operations and Elections on Assembly Bills 440 and 441. Minutes supplied.

April 2, 2013: Testimony before the Nevada Assembly Committee on Taxation on Assembly Bill 496. Minutes and proposed amendment supplied.

March 14, 2013: Testimony on behalf of the NAACP and the Nevada Attorneys for Criminal Justice (NACJ) before the Nevada Senate Committee on Judiciary on Senate Bill 107 and Senate Bill 243. Minutes supplied.

March 14, 2013: Testimony before the Nevada Senate Committee on Legislative Operations and Elections. Minutes supplied.

June 6, 2012: Testimony before the Advisory Commission on the Administration of Justice regarding the coroner's inquest process. Minutes supplied.

May 22, 2012: Signatory to joint letter from the NAACP and ACLU to Las Vegas Metropolitan Police Department re: Use of Force Procedures. Copy supplied.

March 8, 2012: Testimony before Local Elected Officials Consortium meeting. Minutes supplied.

January 2012: Joint petition to the Department of Justice re: Investigation into Las Vegas Metropolitan Police Department. Copy supplied.

October 10, 2011: Testimony on behalf of the NAACP and the National Bar Association (NBA) before Special Masters appointed by Nevada Legislature regarding redistricting of state legislative and congressional districts. Minutes supplied.

June 23, 2011: Testimony before Clark County School District Board of Trustees Meeting. Minutes supplied.

June 6, 2011: Signatory to letter to the Nevada Senate Committee on Finance with proposed amendment to Assembly Bill 552. Copy supplied.

June 5, 2011: Testimony before the Nevada Senate Committee on Judiciary on Assembly Bill 552. Minutes and proposed amendment supplied.

May 27, 2011: Signatory to letter to Nevada Legislature re: Opposition to DNA Collection for Arrests Bill. Copy supplied.

May 12, 2011: Testimony before the Nevada Assembly Committee on Legislative Operations and Elections on Assembly Bill 301. Minutes supplied and letter supplied.

April 11, 2011: Testimony before Nevada Assembly Committee on Government Affairs on Assembly Bill 320. Minutes supplied.

April 9, 2011: Testimony on behalf of the NAACP and the NACJ before the Nevada Assembly Committee on Judiciary on Assembly Bill 272. Minutes supplied.

March 22, 2011: Testimony on behalf of the NAACP, the NACJ, and the NBA before the Nevada Assembly Committee on Legislative Operations and Elections on Assembly Bill 301. Minutes supplied.

August 13, 2009: Testimony before Clark County School District Board of Trustees Meeting. Minutes supplied.

April 29, 2009: Signatory to letter to Nevada Legislature re: Support for Increasing Age for Certifying Juveniles as Adults for Criminal Prosecution. Copy supplied.

March 25, 2009: Testimony on behalf of the NAACP and the NBA before the Nevada Assembly Committee on Judiciary on Assembly Bill 335. Minutes supplied.

March 25, 2009: Testimony on behalf of the NAACP and the NBA before Nevada Assembly Committee on Government Affairs on Assembly Bill 237. Minutes supplied.

During and after my time on the County Commission's Coroner's Inquest Reform Panel in the fall of 2010, I testified as to the nature and results of that process at public meetings.

December 4, 2012: Testimony before the Clark County Commission regarding proposed changes to coroner's inquest process. I have no notes, transcript, or recording.

November 8, 2010: Public comments as member of the Clark County Commission Inquest Reform Panel. Transcript supplied.

November 1, 2010: Public comments as member of the Clark County Commission Inquest Reform Panel. Transcript supplied.

October 25, 2010: Public comments as member of the Clark County Commission Inquest Reform Panel. Minutes supplied.

October 18, 2010: Public comments as member of the Clark County Commission Inquest Reform Panel. Minutes supplied.

October 6, 2011: Testimony before Clark County School District Board of Trustees Meeting. Minutes supplied.

July 14, 2011: Testimony before Clark County School District Board of Trustees Meeting. Minutes supplied.

January 26, 2011: Testimony before Nevada State Board of Education. Minutes supplied.

May 22, 2008: Testimony before Clark County School District Board of Trustees Meeting. Minutes supplied.

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

December 14, 2013: Competition Judge, “We The People,” High School Competition, Las Vegas, Nevada. This competition involves high school students presenting arguments on constitutional questions. I have no notes, transcript or recording. The address for the State Bar of Nevada is 600 East Charleston Boulevard, Las Vegas, Nevada 89104.

November 8, 2012: Presenter, NAACP Education Award to Clark County School District at Board of Trustees Meeting, Las Vegas, Nevada. I co-presented this award to Board of Trustees and Superintendent on behalf of the NAACP. I have no notes, transcript or recording. The address for the NAACP is P.O. Box 1236, Las Vegas, Nevada 89125

October 20, 2012: Panelist, “Fatherhood Forum,” Southern Nevada Housing Authority, Las Vegas, Nevada. I discussed the importance of being a supportive and consistent presence as a father in the life of a child. I have no notes, transcript or recording. The address for the Southern Nevada Housing Authority is North 11th Street, Las Vegas, Nevada 89101.

June 29, 2012: Panel Presenter, “Embracing Diversity,” Nevada State Bar Annual Conference, San Diego, California. Presentation supplied.

May 31, 2012: Panel Presenter, “Managing the Mega Fraud Case: One Step at a Time,” National Federal Defender Annual Conference, Atlanta, Georgia. Presentation supplied.

April 10, 2012: Panel Member, “Racial Profiling & Trayvon Martin,” William S. Boyd School of Law, University of Nevada Las Vegas, Las Vegas, Nevada. I discussed challenges in addressing concerns regarding racial profiling. I have no notes, transcript or recording. The address for the William S. Boyd School of Law, University of Nevada is 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

April 5, 2012: Panel Presenter, “20,000 Pages of Blissful Reading: Mortgage Fraud From A Defense Attorney’s Perspective,” Nevada Federal District Court Annual Conference, Reno, Nevada. Presentation supplied.

March 2, 2012: Panel Presenter: “Trial Practice Tips From A Criminal Law Perspective,” William S. Boyd School of Law, University of Nevada Las Vegas, Las Vegas, Nevada. The panel was on trial practices in criminal cases. I have no notes, transcript or recording. The address for the William S. Boyd School of Law, University of Nevada is 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

February 8, 2012: Panel Presenter: “Mortgage Fraud Roundtable,” Federal Defender of Nevada Continuing Legal Education Class, Las Vegas, Nevada. The panel was on practice tips for criminal mortgage fraud cases. I have no notes,

transcript or recording. The address for the Federal Defender of Nevada is 411 East Bonneville Avenue, Suite 250, Las Vegas, Nevada 89101.

October 19, 2011: Presenter, "Managing Large Document Cases: The Basics," Federal Defender of Nevada CLE Class, Las Vegas, Nevada. Presentation supplied.

September 8, 2009: Speaker, General Membership Meeting, 100 Black Men of Las Vegas, Inc., Las Vegas, Nevada. Minutes attached.

- 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.

Interview on the "Ralston Reports," Channel 3 – Las Vegas, regarding the Voting Rights Act (June 25, 2013). Video recording available at <http://www.ralstonreports.com/tv-show/62513-richard-boulware-sylvia-lazos>.

Interview on the "The Agenda," Channel 3 – Las Vegas, regarding the Voting Rights Act (June 25, 2013). Video recording available at http://www.clipsyndicate.com/video/play/4128298/the_agenda_tuesday_boulware_06_25_2013.

Interview for Channel 8 – Las Vegas, regarding possible plan for use of police cameras (April 11, 2013). Excerpts supplied.

Interview on the "The Agenda," Channel 3 – Las Vegas, regarding revised process for investigation of police shootings (March 1, 2013). Video recording available at <http://www.onenewspage.us/video/20130301/1187811/THE-AGENDA-FRIDAY-Boulware-03.htm>.

Remarks at Press Conference by a group of community organizations and Congressman Steven Horsford regarding immigration reform (February 19, 2013). I have no notes, transcript or recording.

Interview on the "Ralston Reports," Channel 3 – Las Vegas, regarding Martin Luther King holiday and his legacy (January 22, 2013). Video recording available at <http://www.ralstonreports.com/tv-show/12213-william-horne-niger-innis-richard-boulware>.

Interview on the "Ralston Reports," Channel 3 – Las Vegas, regarding revised process for investigating police shootings (January 4, 2013). Video recording available at <http://www.ralstonreports.com/tv-show/1413-steve-sisolak-richard-boulware>.

“Year After Fatal Shooting, Pain Remains,” Las Vegas Review Journal (December 12, 2012). Copy supplied.

Interview on Nevada Public Radio “State of Nevada,” KNPR – Las Vegas, regarding revised process for investigating police shootings (December 7, 2012). Audio recording available at <http://www.knpr.org/son/archive/detail2.cfm?SegmentID=9510>.

Interview on the “The Agenda,” Channel 3 – Las Vegas, regarding revised process for investigating police shootings (December 3, 2012). Video recording available at <http://www.onenewspage.us/video/20121203/1114778/THE-AGENDA-MONDAY-Allan-Boulware.htm>.

“DOJ Report on Metro Includes 75 Recommendations, Findings,” Channel 5 – Las Vegas (November 15, 2012). Copy supplied.

“Nevada Court Strikes Down Revised Coroner’s Inquest Process,” Las Vegas Review Journal (October 25, 2012). Copy supplied.

“Grand Jury Looks At Shooting,” Las Vegas Review Journal (October 17, 2012). Copy supplied.

Interview on Nevada Public Radio “State of Nevada,” KNPR – Las Vegas, regarding revised process for investigation of police shootings (August 7, 2012). Audio recording available at <http://www.knpr.org/son/archive/detail2.cfm?SegmentID=9111>.

Interview on Nevada Public Radio “State of Nevada,” KNPR – Las Vegas, regarding Las Vegas being a hospitable city (July 27, 2012). Audio recording available at <http://www.knpr.org/son/archive/detail2.cfm?SegmentID=9084>.

Interview on the “The Agenda” Channel 3 – Las Vegas, regarding police revision of its policies regarding use of force (July 26, 2012). Video recording available at http://www.clipsyndicate.com/video/play/3668407/the_agenda_thursday_boulware_07_26_2012.

“Shooting Documents Released,” Las Vegas Review Journal (June 5, 2012). Copy supplied.

Interview on Nevada Public Radio “State of Nevada,” KNPR – Las Vegas, regarding police use body cameras (May 24, 2012). Audio recording available at <http://www.knpr.org/son/archive/detail2.cfm?SegmentID=8888>.

Interview for Channel 3 – Las Vegas, regarding possible plan for use of cameras on police (May 12, 2012). I have been unable to obtain a copy.

“Police Union Threatens Legal Action Over Metro’s Decision To Test Body-Mounted Cameras,” Las Vegas Sun (May 7, 2012). Copy supplied.

Interview on the “The Agenda,” Channel 3 – Las Vegas, regarding police shootings and investigation by the federal government (April 10, 2012). Video recording available at http://www.clipsyndicate.com/video/play/3414562/the_agenda_boulware_04_10_2012.

Interview on Nevada Public Radio “State of Nevada,” KNPR – Las Vegas, regarding police use of force incident (March 21, 2012). Audio recording available at <http://www.knpr.org/son/archive/detail2.cfm?SegmentID=8697>.

“ACLU Repeats Call for Feds to Probe Vegas Police,” Associated Press (March 5, 2012). Copy supplied.

“Review of Police Shootings Has Begun,” Las Vegas Review Journal (February 26, 2012). Copy supplied.

“Groups Want Quicker Inquiry,” Las Vegas Review Journal (February 9, 2012). Copy supplied.

Comments at Press Conference by the NAACP and ACLU regarding need for heightened level of review of local police (February 8, 2012). Press coverage supplied.

Interview on “Face-to-Face,” Channel 3 – Las Vegas, regarding petition filed with the Department of Justice to seek review of the Las Vegas Metropolitan Police Department (January 16, 2012). Video recording available at http://www.clipsyndicate.com/video/playlist/24953/3191052?title=aclu_news_vid_eos.

“Groups Seek Federal Investigation into Las Vegas Police,” Las Vegas Review Journal (January 13, 2012). Copy supplied.

“Former Sheriff Joins Call For Vegas Police Probe,” Associated Press (December 17, 2011). Copy supplied.

“Sheriff Would Support Federal Inquiry into Las Vegas Police Shootings,” Las Vegas Review Journal (December 17, 2011). Copy supplied.

“Widow: Police Arrested Husband Before Fatal Confrontation,” Channel 5 – Las Vegas (December 16, 2011). Copy supplied.

“Sheriff Responds to Calls for Use of Force Inquiry,” Channel 8 – Las Vegas (December 15, 2011). Copy supplied.

“Federal Scrutiny Missing From Las Vegas Police Shootings,” Las Vegas Review Journal (December 11, 2011). Copy supplied.

“Elected Officials See Need For Changes in Handling of Police Shootings,” Las Vegas Review Journal (December 4, 2011). Copy supplied.

“Policing Themselves,” Las Vegas Review Journal (November 30, 2011). Copy supplied.

“In Numbers, Deadly Trends,” Las Vegas Review Journal (November 28, 2011). Copy supplied.

“Now It’s Time For Change,” Las Vegas Review Journal (November 28, 2011). Copy supplied.

Interview on Nevada Public Radio “State of Nevada,” KNPR – Las Vegas, regarding police shootings and police relationship with larger community (September 15, 2010). Audio recording available at <http://www.knpr.org/son/archive/detail2.cfm?SegmentID=7158>.

“NAACP Says Citations In School Are Unfair,” Las Vegas Sun (September 2, 2010). Copy supplied.

NAACP Press Release regarding improper issuance of traffic citations (August 31, 2010). Copy supplied.

“Open Meeting Law Topic of School District Panel,” Las Vegas Review Journal (January 28, 2010). Copy supplied.

“Getting To Know You: COPS Program Teaches HUPD To Function Better Within Harvard Community,” Harvard Gazette (May 8, 1997). Copy supplied.

“Randomization: The First Week,” The Harvard Crimson (September 13, 1996). 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 never held 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 never held 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 public office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed 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 any position within a political party. I have not held a position or played a role in a 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;

From September 2002 to September 2003, I clerked for the Honorable Denise Cote, District Court Judge of the United States District Court for

the Southern District of New York.

- 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.

Fall 2003
Covington & Burling
620 Eighth Avenue
New York, New York 10018
Litigation Associate

2003 – 2007
Federal Defenders of New York
52 Duane Street
New York, New York 10007
Trial Attorney

2007 – present
Federal Public Defender of Nevada
411 Bonneville Avenue
Las Vegas, Nevada 89101
Trial Attorney (2008 – present)
Research & Writing Attorney (2007 – 2008)

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

I have not served as a mediator or arbitrator.

b. Describe:

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

From approximately September 2003 to December 2003, I practiced as a litigation associate at Covington & Burling in New York City. I participated in internal investigations, and I drafted different types of motions, temporary restraining orders, research memoranda and other such documents.

From 2003 to 2007, I practiced as a trial attorney for the Federal Defenders of New York. In this capacity, I only represented indigent clients who received appointed counsel by the federal court. These cases all involved federal criminal charges, including drug trafficking, wire fraud and illegal possession of weapons.

Since 2007, I have been an attorney with the Federal Public Defender's Office in Las Vegas, Nevada. From 2007 until 2008, I practiced as a research and writing attorney, researching and drafting motions and memoranda related to the full range of federal charges facing our clients. Since January 2008, I have practiced as a trial attorney in a broad array of federal cases, including charges of bank fraud, bank robbery, illegal reentry into the United States and drug trafficking. For the past three years, my practice has focused on representing clients in large complex white-collar fraud cases. In 2010, I was designated as the lead attorney in my office for large complex white-collar cases. Typically, my practice in this area has involved cases regarding mortgage fraud, bank fraud, wire/mail fraud and tax fraud.

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

During my time at Covington & Burling, my typical clients, both individuals and corporations, were involved in either white-collar criminal cases or civil litigants in contract disputes. For the majority of my career, I have represented indigent clients as a trial attorney in the spectrum of federal criminal cases.

- 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.

My practice has been 99% litigation. I have appeared in federal court on different matters very frequently. I have appeared approximately three to six times per week in federal court during my tenure as a trial attorney with the Federal Public Defender's Office in both Las Vegas and New York. For the short period of time when I was a Research & Writing Attorney in Las Vegas, I did not appear in court regularly.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 100%
 - 2. state courts of record: 0%
 - 3. other courts: 0%
 - 4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 1% |
| 2. criminal proceedings: | 99% |

- 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 15 cases to verdict. All of them have been in federal court. I was sole counsel in five of the trials and chief counsel in the other ten trials.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 73% |
| 2. non-jury: | 27% |

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

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

- 1. *United States v. Owen et al.*, Docket No. 04-Cr-649-RPP, 2006 U.S. Dist. LEXIS 7765 (S.D.N.Y. 2006), *rev'd*, by 500 F.3d 83 (2d Cir. 2007). This case was before Judge Robert Patterson; 2005 – 2007.

I was lead counsel representing Mr. Owen, who was charged, along with three co-defendants, with possessing with intent to distribute approximately 400 pounds of marijuana. Mr. Owen was alleged to have transported marijuana concealed within moving boxes by rental truck at the behest of others. Prior

to trial, I was lead counsel at a one-day suppression hearing with witnesses, documentary and surveillance evidence. After a four-day trial, Mr. Owen was convicted. Although I did not continue to represent Mr. Owen during the post-trial phase, a motion for a new trial was filed, based in part on my post-trial interview of one of the co-defendants, who, for the first time, admitted that my client had not actually been involved in the drug conspiracy. The district court overturned the conviction on the ground that it had “a real concern that an innocent man may have been convicted.” On appeal, the verdict was reinstated by the appellate court. However, based upon the evidence that was uncovered the government ultimately agreed to a more lenient charge, which resulted in a “time served” sentence.

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2. *United States v. Regaldo-Millares*, Docket No. 04-Cr-35-GBD (SDNY), *aff'd.*, 2007 U.S. App. LEXIS 7531 (2d Cir. 2007). This matter was before Judge George B. Daniels; 2004 – 2005.

I represented Mr. Regaldo-Millares, who was charged with being a drug courier and with drug trafficking. He was arrested in the course of an alleged drug delivery after being monitored by law enforcement officers. The trial raised the question of how much a drug courier needs to know about what he is carrying to be a willful participant of a drug conspiracy. On behalf of Mr. Regaldo-Millares, I argued that he did not have sufficient knowledge of the existence of a drug distribution operation because the members of the conspiracy had caused him to believe that he was delivering legal items to a friend. The trial also presented issues regarding whether his use of colloquialisms constituted coded drug language, rather than innocuous slang. After a four-day jury trial, Mr. Regaldo-Millares was convicted. Although I did not participate in the appeal in this case, I understand that the conviction was affirmed.

Government Counsel:

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3. *United States v. Brand*, Docket No. 04-Cr-194-PKL (S.D.N.Y.), 2005 U.S. Dist. LEXIS 634, *aff'd.*, 467 F.3d 179 (2d Cir. 2006). This matter was before Judge Peter Leisure (deceased); 2004 – 2006.

I was lead counsel representing Mr. Brand, who was accused of illegal interstate travel with the intent to have sexual contact with a minor and with enticing a minor to engage in sexual contact. Mr. Brand, a 38-year-old music teacher, was alleged to have traveled from New Jersey to New York for the purpose of engaging in sexual conduct with an individual he believed to be 13-years-old and used a computer, the Internet and a telephone to attempt to entice that same 13-year-old girl to engage in sexual conduct. The person whom Mr. Brand believed to be a 13-year-old girl was an FBI agent. I presented evidence related to the affirmative defense of entrapment, including expert testimony. After an eight-day jury trial, Mr. Brand was convicted. Although I did not participate in the appeal, I understand that the judgment and sentence were affirmed on appeal.

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4. *United States v. Joe*, Docket No. 06-Cr-795-LTS (S.D.N.Y.). This matter was before Judge Laura Swain; 2006 – 2007.

I represented Mr. Joe, who was accused of illegally possessing a weapon. It was alleged that he threw the weapon out the window to avoid its discovery. One of the key issues in this six-day jury trial was the competency of one of the witnesses who had mental health issues. The court granted the defense motion for the production of medical records of the witness. The court then held a separate evidentiary hearing on this witness competency issue, ultimately ruling that the witness was competent. During the course of jury deliberations, the parties also had to address the issue of the potential (and eventual dismissal) of a juror for improper deliberation conduct and the issue of whether the court should give a directive charge to the jury after it was initially deadlocked. Mr. Joe was acquitted.

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5. *United States v. Shamsideen*, Docket No. 03-Cr-1313(S.D.N.Y.), *aff'd.*, *United States v. Glover*, 511 F.3d 240 (2d Cir. 2008). This matter was before Judge Stephen C. Robinson (ret.); 2003 – 2005.

I was lead counsel representing Mr. Shamsideen, who was charged with illegal possession of a weapon as a felon. He was arrested after the car in which he was riding was stopped by police, and a gun was found in the car. The court denied the defense's motions to sever the trial for the co-defendants, who had antagonistic defenses, to suppress evidence based on a theory that there was an improper traffic stop, and to admit impeachment material for government witnesses. After a four-day trial, Mr. Shamsideen was convicted, which was subsequently upheld on appeal.

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Co-defendant's Counsel:

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6. *United States v. Wallaesa*, Docket No. 09-CR-492-ECR (Dist. Nev.). This matter was before Judge Edward Reed (deceased); 2009 – 2010.

I was lead counsel representing Mr. Wallaesa, who was charged with assault on a federal officer and interference with a flight crew member through intimidation. He was alleged to have forcibly disregarded instructions of the flight crew and an onboard federal law enforcement official, including allegedly assaulting the federal officer. In the pre-trial phase, the court granted the defense's motion and found that the grand jury had only been instructed regarding a misdemeanor assault and therefore could only have returned an indictment for a misdemeanor and not a felony. At trial, the court subsequently instructed the jury only as to the elements of a misdemeanor assault charge. The court also granted the defense motions in part to limit the testimony of certain government witnesses based on irrelevance and/or unfair prejudice. After a three-day jury trial, the jury acquitted Mr. Wallaesa.

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7. *United States v. Sutherland et al.*, Docket No. 10-Cr-356-LDG, 2012 U.S. Dist. LEXIS 5856, 74359, 154022, 173252 (Dist. Nev. 2012) (appeal pending). This matter was before Judge Lloyd George; 2010 – 2013.

I represented Mr. Nunes, who was charged, along with three co-defendants, with bank fraud and wire fraud in connection with an alleged multifaceted conspiracy involving the purchase of homes with “straw buyers” who never intended to live in the homes and whose financial assets and salaries were grossly inflated. The court denied defense’s motion as to the admissibility of the fact that the bank that was the target of the fraud was being sued by the government for several hundred million dollars for improper loan practices in a different jurisdiction. After a nine-day jury trial at which I served as chief counsel, the jury acquitted Mr. Nunes on one count and convicted him on two counts. The main issue on sentencing involved how to calculate loss and restitution in the context of bank loans which had been repeatedly resold and whose owners cannot be adequately documented. Given the resale of the loans and the government’s inability to establish the owners of the loans, the defense was able to prevail on restitution. The government subsequently withdrew its argument for restitution. Mr. Nunes’ conviction is currently on appeal to the Ninth Circuit Court of Appeals. I am not the attorney assigned to this appeal.

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8. *United States v. Blake*, Docket No. 04-Cr-195-GBD (S.D.N.Y.). This matter was before Judge George Daniels; 2004 – 2005.

I was lead counsel representing Mr. Blake, who was charged with assault on another federal employee and possession of cocaine with the intent to distribute. Mr. Blake was alleged to have threatened another employee with a knife and was alleged to have been selling cocaine from his employee locker. The court granted the defense's request for a destruction of evidence instruction to the jury because the law enforcement officers involved had destroyed the alleged weapon, a penknife, related to the assault charge. Additionally, both sides presented evidence, including expert testimony, on the issue of how much cocaine could be considered a "personal use" amount for an addict. After a four-day jury trial, Mr. Blake was convicted.

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9. *United States v. Kimsey*, Docket No. 08-Cv-635-PMP (Dist. Nev.), reversed by 668 F.3d 691 (9th Cir. 2012). This matter was before Judge Philip Pro; 2009 – 2012.

I represented Mr. Kimsey, who was charged with contempt of court for the unauthorized practice of law. He was alleged to have written pleadings for a pro se defendant that were then filed with the court. The district court judge presided over a one-day bench trial on an issue of first impression regarding

whether the ghostwriting of legal documents by a non-attorney for a pro se defendant constituted the unauthorized practice of law where the non-attorney did not hold himself out as an attorney or receive any money for his services. Mr. Kimsey was convicted. After the trial, the defense filed a motion to overturn the verdict because Mr. Kimsey should have received a jury trial pursuant to the contempt statute, 18 U.S.C. § 402. The motion was denied by the district court. On appeal, the Ninth Circuit held that Mr. Kimsey should have been given a jury trial pursuant to the statute as he requested. Moreover, on the merits, the court vacated the sentence, holding that a non-attorney could not be criminally charged with contempt for simply violating a local rule of a federal court.

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10. *United States v. Cromwell*, Docket No. 10-Cr-512-GMN (Dist. Nev.), *affd.*, 2013 U.S. App. LEXIS 11947 (9th Cir. 2013). This matter was before Judge Gloria Navarro; 2010 – 2012.

I represented Mr. Cromwell, who had pled guilty to being a felon unlawfully in possession of a weapon or ammunition. The sentencing hearing, which took place over a few days, presented a number of issues. First, the parties disputed the relevant standard of proof for the sentencing given the potential for a large sentence (up to ten years) to be imposed where the main factors driving the severity of the sentence were not a part of the guilty plea allocution by the defendant. The court ruled that the evidence was sufficient under either standard. Second, the parties initially disputed whether the defendant could receive consecutive sentences separately for the weapon and ammunition which would have raised his sentencing exposure to 20 years. The government subsequently conceded that the sentences should be concurrent and the court also agreed that the defense was correct that the maximum sentence was ten years for both the weapon and ammunition. The defendant received a ten-year sentence.

Government Counsel:

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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.)

I have done work in the community with bar associations and community organizations. For example, as part of my leadership in the National Bar Association, I have organized various free legal seminars for community residents. In 2010, I assisted with organizing a seminar for youth on their legal rights with respect to contracts, financial independence, foster care and other topics. In 2013, I helped organize a seminar for the Southern Nevada Housing Authority on housing rights for residents of public housing in the Las Vegas area.

I have also done work in the community on appointed committees. In 2012, I was appointed to a screening committee for the selection of a new District Attorney for Clark County. The District Attorney had resigned before his elected term had been completed. The County Commission appointed lawyers to the Screening Committee to interview candidates and then make a recommendation of final candidates from which the County Commission would choose. In 2010, the County Commission also appointed me to the Coroner's Inquest Review Committee. This committee was created by the Commission to make recommendations for changes to the coroner's inquest process. The coroner's inquest process is the process in the County that occurs when a resident has died in an encounter with the police. The County created a committee of lawyers to review the existing system and make recommendations for changes to the process. The committee made recommendations to the Commission, which were subsequently adopted.

I have not performed any lobbying activities.

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

I have not taught any courses.

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 do not expect any deferred income or future 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.

If confirmed, I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court.

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

See Financial Disclosure Form.

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

See Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I anticipate recusing myself from any case which was assigned to the Federal Public Defender's Office trial unit in Las Vegas while I was working in the unit as an attorney. I do not anticipate other conflicts. It is possible that friends who are lawyers might appear in front of me, but I would address this on a case-by-case basis pursuant to 28 U.S.C. § 455 and Canon 3(C) of the Code of Conduct for United States Judges.

- 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 would resolve each conflict on a case-by-case basis, so that each is handled with regard to the specific potential issues of the respective potential

conflict. In conducting this analysis, I would refer to 28 U.S.C. § 455 and Canon 3(C) of the Code of Conduct for United States Judges, as well as any and all other laws, rules, and practices governing such circumstances.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Since 2009, I have been a volunteer attorney for the U.S. VETS program in Las Vegas. This program provides free legal advice to homeless veterans. This advice frequently involves addressing outstanding arrest warrants or reviewing possible mechanisms for addressing custody or other family law related issues.

I also have done various forms of pro bono work through my membership in bar associations. For example, in connection with my service with the National Bar Association, I organized free legal seminars for youth in the community in 2010 and for public housing residents in 2011. I also organized the Free Backpack Program for elementary school youth from 2009 to 2011. For these seminars and my work with the community, I was honored with a President's Award by the National Bar Association in 2012.

Finally, I have been involved in mentoring in the community. I have participated in the Brother-to-Brother mentoring program which involved mentoring to young men in juvenile detention. Through my church, I provide and have provided mentoring to high school students regarding preparation for the academic challenges and social pressures of college.

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 late June 2013, Senator Harry Reid's staff inquired whether I would be interested in serving as a district court judge in the District of Nevada. On July 1, 2013, I interviewed with Senator Reid, and shortly after this interview, I was informed by a representative of his office that my name was being forwarded to the President for consideration as a possible nominee. Since approximately July

9, 2013, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On September 13, 2013, I interviewed with Senator Dean Heller. On November 20, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On January 16, 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.

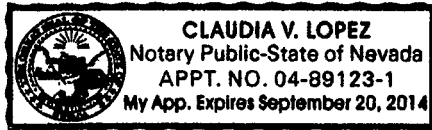
No.

AFFIDAVIT

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

1/23/14
(DATE)

Richard F. Boulware
(NAME)



Claudia V. Lopez
(NOTARY)