

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Richard Ernest Myers II

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

United States District Judge for the Eastern District of North Carolina

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

University of North Carolina School of Law
Van Hecke-Wettach Hall, CB #3380
160 Ridge Road
Chapel Hill, North Carolina 27599

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

1967; Kingston, Jamaica

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.

1995 – 1998, University of North Carolina at Chapel Hill; J.D., 1998 (high honors)

1996, Howard University/University of Western Cape Town, South Africa; no degree received (summer program)

1985 – 1991, Spring 1994, University of North Carolina at Wilmington; B.A. 1989 (summa cum laude); M.A. 1994

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.

2004 – present

University of North Carolina at Chapel Hill, School of Law
Van Hecke-Wettach Hall, CB #3380

160 Ridge Road

Chapel Hill, North Carolina 27599

Henry Brandis Distinguished Professor of Law and Director of Trial Advocacy (2014 – present)

Associate Dean and Henry Brandis Distinguished Professor of Law July (2013 – 2014)

Associate Dean and George R. Ward Term Research Associate Professor (2010 – 2013)

Assistant Professor (2004 – 2010)

2001 – 2004

United States Attorney's Office, Eastern District of North Carolina

310 New Bern Avenue

Federal Building, Suite 800

Raleigh, North Carolina 27601

Assistant United States Attorney

2003

20th Century Fox [The Lyon's Den]

1875 Bellwood Drive

Raleigh, North Carolina 27605

Script Advisor

2001

United States Attorney's Office, Central District of California

312 North Spring Street

Suite 1200

Los Angeles, California 90012

Assistant United States Attorney

1999 – 2001, Summer 1997

O'Melveny & Myers LLP

300 South Hope Street

Los Angeles, California 90071

Associate (1999 – 2001)

Summer Associate (1997)

1998-1999

Honorable David Sentelle

E. Barrett Prettyman United States Courthouse

333 Constitution Avenue, NW

Washington, DC 20001

Law Clerk

1996 – 1998

University of North Carolina School of Law
Van Hecke-Wettach Hall, CB #3380
160 Ridge Road
Chapel Hill, North Carolina 27599
Articles Editor, North Carolina Law Review (1997 – 1998)
Research Assistant, Professor Ken Broun (1996 – 1997)
Research Assistant, Professor Donald Hornstein (1996)

1991 – 1995
Wilmington Star-News Inc.
115 North 3rd Street, Suite 102
Wilmington, North Carolina 28401
Reporter

1993 – 1995.
Special Intelligence Group (SIG) (defunct)
414 Church Street
Wilmington, North Carolina 28401
Analyst, Latin America and the Americas

1994; 1989 – 1991
University of North Carolina at Wilmington
Morton Hall
683 Racine Drive
Wilmington, North Carolina 28403
Teaching Assistant

Other Affiliations (uncompensated)

University of North Carolina Center for European Studies
University of North Carolina at Chapel Hill
FedEx Global Education Center Room 3207
301 Pittsboro Street
Chapel Hill, North Carolina 27516
Advisory 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 military. I have 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.

Honorary Master of the Bench, Middle Temple Inn of Court, London, England (2019)

Vice President, North Carolina Bar Association (2017 – 2018)

University of North Carolina Carnegie Fellowship Nominee (2016)

University of North Carolina Celebration of Faculty Diversity, Achievement and Success (2015)

Henry Brandis Distinguished Professor of Law (2013)

George R. Ward Term Research Chair, University of North Carolina School of Law (2010)

Outstanding Service Award, United States Department of Justice, Eastern District of North Carolina (2004)

Outstanding Prosecutive Service Award, Federal Bureau of Investigation (2003)

National Asian Pacific American Bar Association (NAPABA), Distinguished Service Award (2001)

Los Angeles County Criminal Courts Bar Association, Trial Lawyer of the Year (jointly awarded to the Wen Ho Lee defense team) (2001)

American Jewish Congress, Tzedek Award for Enhancing Justice (2001)

Order of the Coif, UNC School of Law (1998)

Chancellors' Scholarship, UNC School of Law (1995 – 1998)

Phi Alpha Theta, International History Honor Society (1994)

J.E.L. Wade scholarship in Political Science, UNC-Wilmington (1985 – 1989)

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

American Bar Association (2006 – present)

Los Angeles County Bar Association (1999 – 2001)

North Carolina Bar Association (2017 – present)

Local Rules Committee, Eastern District of North Carolina (2010 – present)
Criminal Rules subcommittee, member (2010 – present)
Civil Rules subcommittee, member (2012 – present)
Umbrella Rules Committee, chair (2012 – present)

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.

California, 1999

There has been no lapse in membership.

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

United States Supreme Court (2014)
United States Court of Appeals for the Fourth Circuit (2003)
United States Court of Appeals for the Ninth Circuit (2001)
United States District Court for the Central District of California (1999)
United States District Court for the Eastern District of North Carolina (2003)
Supreme Court of California (1999)

My admission to the U.S. District Court for the Eastern District of North Carolina lapsed when I left federal service in 2004 and has not been renewed. There have been no other 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.

Brown National Trial Team (2006 – present)
Coach (2006 – present)
Faculty Advisor (2008 – present)

Carolina Public Interest Law Organization (2004 – present)
Annual fundraiser auctioneer

Christian Legal Society (2004 – present)
Faculty advisor

Craven Moot Court National Team (2005 – 2011)
Coach

Durham Pistol and Rifle Club (2010 – present)

Federalist Society (2004 – present)

National Rifle Association (2010– present)

North Carolina Chapter International Association of Arson Investigators (2010 – 2011)

The Right Flank (University of North Carolina Law Student publication) (2005 – 2008)
Faculty advisor

Teen Court (University of North Carolina School of Law chapter) (2006 – present)
Faculty advisor

Ultimate Players Association (1989 – 2007)

University of North Carolina School of Law Republican Student Organization (2013 – present)
Faculty advisor

University of North Carolina Federalist Society (2005 – present)
Faculty advisor

University of North Carolina School of Law Alumni Association (William Horn Battle Society) (2004 – present)

University of North Carolina School of Law
Academic Affairs (2006 – 2007)
Admissions Committee (chair) (2017 – 18)
Admissions Committee (ex officio) (2010 – 2014)
Appointments Committee (2015 – 2017)
Chancellors Advisory Committee (faculty-wide election) (2014 – present)
Chancellor's Special Committee on Future of Honor System (2011)
Clerkship Committee (2004 – 2006, 2009 – 2010)
Chair (2005 – 2006)
Committee on Student Conduct (campus-wide) (2009 – 2015)
Chair (2013 – 2015)

Communications Working Group for the University of North Carolina.
 Conference on Adversarial and Inquisitorial Systems (2008 – present)
 Faculty organizer
 Crisis Response Committee (2008 – present)
 Curriculum Reform (2008 – 2009)
 International Committee (chair) (2018 – 19)
 Loan Repayment Assistance Program Oversight Committee (2010 – 2014)
 Speakers Committee (2007 – 2008)
 Special Committee on Advancement (2007 – 2008)
 Special Committee on Career Services (2006 – 2007)
 Special Committee Center for Civil Rights (2018 – present)
 Special Hiring Committee Career Services (2011)
 Special Hiring Committee Student Services (2011)
 Special Hiring Committee (university-wide) (campus Chief of Police)
 (2019)
 Special Hiring Committee Writing Instructors (2011 – 12)
 Special Report: *Principles for the Promotion and Protection of Free
 Speech on Campus* (2018)

United States Hang-gliders Association (2001 – 2007)

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

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

12. Published Writings and Public Statements:

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

I have diligently sought to identify and obtain all items responsive to question 12. To compile this list, I searched my electronic and paper records and worked with librarians to search Internet resources and electronic databases on Lexis, Westlaw and Bloomberg Law.

BRANDIS AND BROUN ON NORTH CAROLINA EVIDENCE, 8th ed. (2018) (co-author). Copy supplied.

Richard E. Myers II, *The Attorney-Client Privilege, Client Confessions and Wrongful Convictions: Immunity as a Statutory Solution*, 104 Cornell L. Rev. Online 1 (2018). Copy supplied.

Richard E. Myers II, *Police-Generated Digital Video: Five Key Questions, Multiple Audiences, and a Range of Answers*, 96 N.C. L. Rev. 1237 (2018). Copy supplied.

Sara Sun Beale & Richard E. Myers II, *The Constitution v. the Convention: The Evolution of the Court-Mandated Right to Counsel in the United States and Europe*, 27 Duke J. Comp. & Int'l L. 1 (2016). Copy supplied.

Richard E. Myers II, *My Lessons from the Cover of Time Magazine: How Defending Wen Ho Lee Made Me a Better Prosecutor and Teacher*, Carolina Law Magazine, Apr. 30, 2014, at 38. Copy supplied.

Richard E. Myers II, *Fourth Amendment Small Claims Court*, 10 Ohio St. J. Crim. L. 571 (2013). Copy supplied.

Richard E. Myers II, *Who Watches the Watchers in Public Corruption Cases*, U. Chi. Legal F. 13 (2012). Copy supplied.

Richard E. Myers II, *The Future of Effective Assistance of Counsel: Rereading Chronic and Strickland in Light of Padilla, Frye, and Lafler*, 45 Tex. Tech L. Rev. 229 (2012). Copy supplied.

Richard E. Myers II, *Challenges to Terry for the Twenty-First Century*, 81 Miss. L.J. 937 (2012). Copy supplied.

Richard E. Myers II, *I Am a Chancellors Scholar*, Carolina Law Magazine, Dec. 5, 2011, at 50. Copy supplied.

Richard E. Myers II, *Complex Times Don't Call for Complex Crimes*, 89 N.C. L. Rev. 1849 (2011). Copy supplied.

Richard E. Myers II, *Adversarial Counsel in an Inquisitorial System*, 37 N.C.J. Int'l L. & Com. Reg. 411 (2011). Copy supplied.

Richard E. Myers II, *Requiring a Jury Vote of Censure to Convict*, 88 N.C. L. Rev. 137 (2009). Copy supplied.

Book contribution: *Separating the Role of Judge and Jury By Type of Judgment*, CRIMINAL LAW CONVERSATIONS, Paul Robinson et al. editors, Oxford University Press (2009). Copy supplied.

Richard E. Myers II, *Responding to the Time-Based Failures of the Criminal Law Through a Criminal Sunset Amendment*, 49 B.C. L. Rev. 1327 (2008). Copy supplied.

Richard E. Myers II, *In the Wake of Caballes, Should We Let Sniffing Dogs Lie*, 20 Crim. Just. 4 (2006). Copy supplied.

Richard E. Myers II, *Detector Dogs and Probable Cause*, 14 Geo. Mason L. Rev. 1 (2006). Copy supplied.

Richard E. Myers II, *Restoring the Peers in the Bulwark: Blakely v. Washington and the Court's Jury Project*, 83 N.C. L. Rev. 1383 (2005). Copy supplied.

Richard Myers, *It's All in the Location; Local Company Helps Put Filmmakers on the Scene*, Wilmington Star-News (July 23, 1995). Copy supplied.

Richard Myers, *Drawing Business; Coast Line Center is on Track; After a Rocky Start, Facility is Busy and Better-Managed*, Wilmington Star-News (July 23, 1995). Copy supplied.

Richard Myers, *Restaurant Chain; Applebee's Set on New Centre*, Wilmington Star-News (July 21, 1995). Copy supplied.

Beth Glenn & Richard Myers, *Uncertainty Reigns at Market; Farmers Like What They See on First Day of Border Belt Tobacco Market, But as Always, Their Optimism is Tempered with Caution*, Wilmington Star-News (July 19, 1995). Copy supplied.

Richard Myers, *Head of Trade Group to Lead N.C. Ports Agency*, Wilmington Star-News (July 19, 1995). Copy supplied.

Richard Myers, *First Union; Economic Report Shows Good Trends for County*, Wilmington Star-News (July 18, 1995). Copy supplied.

Richard Myers, *Away We Go; High-Flying Signs Taking Off*, Wilmington Star-News (June 17, 1995). Copy supplied.

Richard Myers, *Video Image; Video-Maker Finds His Niche*, Wilmington Star-News (July 16, 1995). Copy supplied.

Richard Myers, *Cutting Through the Fog; Expo Will Give Tips on Selling to Governments*, Wilmington Star-News (July 14, 1995). Copy supplied.

Richard Myers, *Access to Fast-Growing East Coast of South America; Argentine Shipping Line is Using Wilmington's Port*, Wilmington Star-News (July 14, 1995). Copy supplied.

From Staff and Wire Reports, *Wealth International; Hearing Opens on Firm's Alleged Pyramid Scheme*, Wilmington Star-News (July 13, 1995). Copy supplied.

Richard Myers, *Front Street; Griffith's Art Evokes the Sea*, Wilmington Star-News (July 12, 1995). Copy supplied.

Richard Myers, *Wilmington; Cartoon Store Opens*, Wilmington Star-News (July 11, 1995). Copy supplied.

Richard Myers, *Wilmington Roasters; Pair Finds Coffee Trend is Their Bag*, Wilmington Star-News (July 9, 1995). Copy supplied.

Richard Myers, *Coastal Business Index; Area Economy Cools a Bit, but Still Strong*, Wilmington Star-News (July 7, 1995). Copy supplied.

Richard Myers, *Port Gains; State Exports Jump Sharply Over Past Year*, Wilmington Star-News (July 4, 1995). Copy supplied.

Richard Myers, *Commercial Real Estate; Dealmaker Likes Math, Land*, Wilmington Star-News (July 2, 1995). Copy supplied.

Richard Myers, *Beer Meister; Importer Drinks to Beer Craze*, Wilmington Star-News (July 1, 1995). Copy supplied.

Richard Myers, *Rainy Day Shoppers; Merchants Dancing in the Rain*, Wilmington Star-News (June 30, 1995). Copy supplied.

Richard Myers, *Japanese Cars/Tariff Deadline Nears; Local Dealers Expecting to Absorb Sales Losses*, Wilmington Star-News (June 28, 1995). Copy supplied.

Richard Myers, *New Hanover Airport/Officials Happy with Aggressive' Strategy; State Oks Jet Fuel Cleanup*, Wilmington Star-News (June 27, 1995). Copy supplied.

Richard Myers, *Industry Fund/Change to Prevent Losses; State Won't Pay Unless Companies Create Jobs*, Wilmington Star-News (June 27, 1995). Copy supplied.

Richard Myers, *Exec Knows the Ropes at Ports*, Wilmington Star-News (June 25, 1995). Copy supplied.

Richard Myers, *South African Seeks Business*, Wilmington Star-News (June 24, 1995). Copy supplied.

Richard Myers, *Officials' Garage Business Burned 2 Weeks Ago; Sellers and Greer, Hit by Arson, Is Open for Business*, Wilmington Star-News (June 23, 1995). Copy supplied.

Richard Myers, *Harbour Associates; Firm's Emphasis Turns from Property to Food*, Wilmington Star-News (June 22, 1995). Copy supplied.

Richard Myers, *South Africans, Turks in Town to Talk Business*, Wilmington Star-News (June 22, 1995). Copy supplied.

Richard Myers, *Book Will Give Firms a Look at Port City*, Wilmington Star-News (June 21, 1995). Copy supplied.

Richard Myers & Scott Gold, *Heavy Rain Drowns Yards, Crops; Sewage Flow Forces Day Care to Close Doors*, Wilmington Star-News (June 20, 1995). Copy supplied.

Richard Myers, *Navigating Tricky Currents; Program's Leader Helps Marinas Cope with Regulations*, Wilmington Star-News (June 18, 1995). Copy supplied.

Richard Myers, *Away We Go; High-Flying Signs Taking Off*, Wilmington Star-News (June 17, 1995). Copy supplied.

Richard Myers, *Whittington to Lead Dare; 10 Honored for Efforts to Revitalize Downtown*, Wilmington Star-News (June 16, 1995). Copy supplied.

Richard Myers, *Moore Art Inc.; Artist, Salesman Craft a Business*, Wilmington Star-News (June 4, 1995). Copy supplied.

Richard Myers, *N.C. Film Industry at a Crossroads; Competition for Films Has Own Drama*, Wilmington Star-News (June 4, 1995). Copy supplied.

Richard Myers, *The Future of Film; Will N.C. Cities Join to Form an Established Film Industry or Will Infighting Hinder Growth*, Wilmington Star-News (June 4, 1995). Copy supplied.

Richard Myers, *Miracle on Fourth Street*, Wilmington Star-News (May 28, 1995). Copy supplied.

Richard Myers, *More Job Seekers; Regional Unemployment Rates Show Slight Monthly Increase*, Wilmington Star-News (May 27, 1995). Copy supplied.

Richard Myers, *New Device Protects Health Care Workers*, Wilmington Star-News (May 26, 1995). Copy supplied.

Richard Myers, *South Africa, Yemen; Local Businessman Linked to Arms-Trading Operation*, Wilmington Star-News (May 23, 1995). Copy supplied.

Richard Myers, *Steenberg's Father Accused of Trying to Ship to Iran*, Wilmington Star-News (May 23, 1995). Copy supplied.

Richard Myers, *ISO 9000 A Quality Standard*, Wilmington Star-News (May 21, 1995). Copy supplied.

Richard Myers, *SAS Has Ford Quality Award*, Wilmington Star-News (May 21, 1995). Copy supplied.

Richard Myers, *Controlling Costs; Health Group Exploring Its Options*, Wilmington Star-News (May 18, 1995). Copy supplied.

Richard Myers, *Cape Fear Coast; McColl Gets Tourism Award*, Wilmington Star-News (May 17, 1995). Copy supplied.

From Staff and Wire Reports, *National Gypsum Agrees to Buyout by Longtime Suitor Delcor*, Wilmington Star-News (May 17, 1995). Copy supplied.

N.Y. Times News Service, *Dow Corning in Bankruptcy*, Wilmington Star-News (May 16, 1995). Copy supplied.

Richard Myers, *3 Planned; Downtown Area to Get Grocery Stores*, Wilmington Star-News (May 16, 1995). Copy supplied.

Richard Myers, *Greater Wilmington Chamber of Commerce; Business Expo '95 Draws a Crowd*, Wilmington Star-News (May 12, 1995). Copy supplied.

Richard Myers, *Seeking Destinations; German Tour Promoters Make Stop in Wilmington*, Wilmington Star-News (May 12, 1995). Copy supplied.

Richard Myers, *Committee of 100; Company Recruiters Tout Area Labor Pool*, Wilmington Star-News (May 11, 1995). Copy supplied.

Richard Myers and Hartman Slate, *Ex-Employee Charged with Embezzling from Company*, Wilmington Star-News (May 11, 1995). Copy supplied.

Richard Myers, *Wilmington; Photo Blimp is Eye in Sky*, Wilmington Star-News (May 9, 1995). Copy supplied.

Richard Myers, *Air Traffic Control; Air Force Launched FAA Chief*, Wilmington Star-News (May 7, 1995). Copy supplied.

Richard Myers, *American Process Design; Process Cleans Coal Emissions; Local Man to Market System*, Wilmington Star-News (May 7, 1995). Copy supplied.

Richard Myers, *Jacobi Warehouse; Building to Bustle with Life; Shopkeepers Prepare for Riverfront Opening*, Wilmington Star-News C (May 6, 1995). Copy supplied.

Richard Myers, *Recruiters Selling Area on Internet*, Wilmington Star-News (May 6, 1995). Copy supplied.

Richard Myers, *Piece Goods; New Store Will Merge Old Shops, Add Stock*, Wilmington Star-News (May 5, 1995). Copy supplied.

Richard Myers, *Vision Cable Gets New Ownership*, Wilmington Star-News (May 4, 1995). Copy supplied.

Richard Myers, *Waste Management; Potter Septic Service Sold*, Wilmington Star-News (May 3, 1995). Copy supplied.

Richard Myers, *Tenants Share Facilities; Executive Center Finds Place to Grow*, Wilmington Star-News (May 2, 1995). Copy supplied.

Richard Myers, *District Manager/Former Teacher in a Whole New Class; Woman Takes Reins of Power at CP&L*, Wilmington Star-News (Apr. 30, 1995). Copy supplied.

Richard Myers, *Downtown Revitalization; Dare Liked '94, Worries About 1995*, Wilmington Star-News (Apr. 30, 1995). Copy supplied.

Richard Myers, *Riverfront Building May House Eatery*, Wilmington Star-News (Apr. 30, 1995). Copy supplied.

Richard Myers, *Scott & Stringfellow/Has Seen Increase in Local Investing; Stockbroker to Oversee Regional Brokerage House*, Wilmington Star-News (Apr. 29, 1995). Copy supplied.

Richard Myers, *Coastal Building; Techniques Help Homes Resist Wind*, Wilmington Star-News (Apr. 28, 1995). Copy supplied.

Richard Myers, *Done in by Chain Stores; Venerable Shoe Store Comes to Fitting End*, Wilmington Star-News (Apr. 27, 1995). Copy supplied.

Richard Myers, *Awards Program; Small Businesses Are Honored*, Wilmington Star-News (Apr. 26, 1995). Copy supplied.

Richard Myers, *Cape Fear Rivers; Owner of Boat Rental Business Seeks Explorers for Riverfront*, Wilmington Star-News (Apr. 26, 1995). Copy supplied.

Richard Myers, *Progress Board; Group Pushes Public-Private Cooperation*, Wilmington Star-News (Apr. 26, 1995). Copy supplied.

Richard Myers, *Companies Receive Safety Awards*, Wilmington Star-News (Apr. 25, 1995). Copy supplied.

Richard Myers, *Riverfront Development; Wright to Add Eatery to Downtown Cache*, Wilmington Star-News (Apr. 25, 1995). Copy supplied.

Richard Myers, *Greenevers/SBA Named Him Year's Best Minority Advocate; Duplin Man Returns to Run Business, and Town*, Wilmington Star-News (Apr. 23, 1995). Copy supplied.

Richard Myers, *Carolco Studios; Film Company's Woes Not Seen Hurting Studio*, Wilmington Star-News (Apr. 19, 1995). Copy supplied.

Richard Myers, *Business Buyers Look to Franchises*, Wilmington Star-News (Apr. 16, 1995). Copy supplied.

Richard Myers, *President of Ports Association/Cities Need for Dredging; Wilmington Port Gets High Marks from Expert*, Wilmington Star-News (Apr. 14, 1995). Copy supplied.

Richard Myers, *New Bern; Review Panel Meets on New Building Code; Changes Put Off Until January 1996*, Wilmington Star-News (Apr. 13, 1995). Copy supplied.

Richard Myers, *Stricter Building Codes Might Appease Insurers*, Wilmington Star-News (Apr. 13, 1995). Copy supplied.

Richard Myers, *Merchants Cool to Hot Fest*, Wilmington Star-News (Apr. 11, 1995). Copy supplied.

Richard Myers, *1 Queen Nearly Got Left Ashore*, Wilmington Star-News (Apr. 9, 1995). Copy supplied.

Richard Myers, *Past Comes Alive on Henrietta*, Wilmington Star-News (Apr. 9, 1995). Copy supplied.

Richard Myers, *Report: N.C. Exports Up; Trade Center Shows Locals Its Services*, Wilmington Star-News (Apr. 9, 1995). Copy supplied.

Richard Myers, *Justifying Tax Dollars; Officials Hope Study Leads to More Money for Ports*, Wilmington Star-News (Apr. 6, 1995). Copy supplied.

Richard Myers, *Flower Power; Festival Rated Good Business*, Wilmington Star-News (Apr. 4, 1995). Copy supplied.

Richard Myers, *Partnership to Help Tap Foreign Markets*, Wilmington Star-News (Apr. 5, 1995). Copy supplied.

Richard Myers, *Fairbanks Replaced; WECT Manager Ousted After Recent Acquisition*, Wilmington Star-News (Apr. 5, 1995). Copy supplied.

Richard Myers, *N.C. Looking Across Atlantic for Tourists*, Wilmington Star-News (Apr. 2, 1995). Copy supplied.

Richard Myers, *Nell' Latest Marketing Tool; N.C. Movies Help Promote State as Tourist Attraction*, Wilmington Star-News (Apr. 2, 1995). Copy supplied.

Richard Myers, *Unemployment; Jobless Rate Inches Upward In 7 Counties*, Wilmington Star-News (Apr. 1, 1995). Copy supplied.

Richard Myers, *Off Course; Fickle Winds Land Brits in Wilmington*, Wilmington Star-News (Apr. 1, 1995). Copy supplied.

Richard Myers, *6-Station Package; Ellis Completes WECT Buy*, Wilmington Star-News (Apr. 1, 1995). Copy supplied.

Richard Myers, *James Scott Jr./More Than 40 Years in Business; Director of Ports Authority Announces Plans to Retire*, Wilmington Star-News (Mar. 31, 1995). Copy supplied.

Richard Myers, *New Hanover, Brunswick, Pender; Local Economy Grew Rapidly During 1994*, Wilmington Star-News (Mar. 29, 1995). Copy supplied.

Richard Myers, *Welcome Home; Growth Gives Retailer New Challenges*, Wilmington Star-News (Mar. 19, 1995). Copy supplied.

Richard Myers, *Neal Walker/From Big Accounting Firm to Welcome Home; Stock Issue Makes Financial Officer a Key Man*, Wilmington Star-News (Mar. 19, 1995). Copy supplied.

Richard Myers, *Big Green Machine; Wilmington Machinery Outdoes Itself*, Wilmington Star-News (Mar. 19, 1995). Copy supplied.

Richard Myers, *Entrepreneurs Share Tips on Making Businesses Grow*, Wilmington Star-News (Mar. 16, 1995). Copy supplied.

Richard Myers, *Hurricane Regulations for Homes Blowing in Too Fast, Builders Say*, Wilmington Star-News (Mar. 13, 1995). Copy supplied.

Richard Myers, *Hurricane Protection; Building Code Council Delays Start of Wind-Load Standards*, Wilmington Star-News (Mar. 15, 1995). Copy supplied.

Richard Myers, *Bennett Brothers Yachts; Boatmaker Skirts Shoals of Luxury Tax*, Wilmington Star-News (Mar. 12, 1995). Copy supplied.

Richard Myers, *America's Cup; Yacht Designer Has History of Winning*, Wilmington Star-News (Mar. 12, 1995). Copy supplied.

Richard Myers, *Airpark Inc.; Airport's Fees for Parking Site Debated*, Wilmington Star-News (Mar. 10, 1995). Copy supplied.

Richard Myers, *Smith Creek Parkway; State Picks Northern Path for Road*, Wilmington Star-News (Mar. 9, 1995). Copy supplied.

Richard Myers, *Cost-Cutting' USAIR Dropping Onslow Flights*, Wilmington Star-News (Mar. 9, 1995). Copy supplied.

Richard Myers, *First Union Economist; New Homes, Retail Sales Lift Economy*, Wilmington Star-News (Mar. 8, 1995). Copy supplied.

Richard Myers, *Coastal Coalition; Business Group Still Exploring Health Options; Affordable Care for Workers is Group's AIM, Official Says*, Wilmington Star-News (Mar. 7, 1995). Copy supplied.

Richard Myers, *J.D. Walsh Computer Consulting/7-Man Staff; Corporate Refugee Turns Computer Consultant*, Wilmington Star-News (Mar. 5, 1995). Copy supplied.

Richard Myers, *Incoming Flights; New Carrier Promises No Drops in Fare*, Wilmington Star-News (Mar. 4, 1995). Copy supplied.

Richard Myers, *Trade Shows/Seek Companies that Make Such Products; Group Promoting State's Image-Graphics Firms*, Wilmington Star-News (Mar. 3, 1995). Copy supplied.

Richard Myers, *Southeastern N.C.; Post-Holiday Letdown Fuels Jobless Rate*, Wilmington Star-News (Mar. 2, 1995). Copy supplied.

Richard Myers, *Compensation; Area Cable Companies Ready for Guarantees*, Wilmington Star-News (Mar. 1, 1995). Copy supplied.

Richard Myers, *A Success Story; Hunt Touts Small Businesses During Visit to Wilmington*, Wilmington Star-News (Feb. 28, 1995). Copy supplied.

Tricia Vance & Richard Myers, *Subsidized' by Federal Government; Middle Class Benefits Face Cuts Under Balanced Budget*, Wilmington Star-News (Feb. 26, 1995). Copy supplied.

Richard Myers, *Evergreen Rooms Pure Profits for Pair*, Wilmington Star-News (Feb. 26, 1995). Copy supplied.

Richard Myers, *New Hanover; Airport Plans to Purchase Nearby Land*, Wilmington Star-News (Feb. 25, 1995). Copy supplied.

Richard Myers, *Midway, Continental Sought; Airport Board Hopes to Woo Broader Service*, Wilmington Star-News (Feb. 25, 1995). Copy supplied.

Richard Myers, *Porters Neck; Developers Promoting Windproof Foam Homes*, Wilmington Star-News (Feb. 24, 1995). Copy supplied.

Richard Myers & Frank Maley, *Building Costs Jump; Hike Affects Home, School Construction*, Wilmington Star-News (Feb. 22, 1995). Copy supplied.

From Staff and Wire Reports, *Local Agencies Not Following; Travel Industry Giants Announce Service Fees*, Wilmington Star-News (Feb. 18, 1995). Copy supplied.

Richard Myers, *Abracadabra; Magician Sets Up Fun Shop*, Wilmington Star-News (Feb. 18, 1995). Copy supplied.

Richard Myers, *Hunt Dedicates Trade Office*, Wilmington Star-News (Feb. 17, 1995). Copy supplied.

Richard Myers, *Sarah Gaillard; Ports Get New Marketing Chief*, Wilmington Star-News (Feb. 16, 1995). Copy supplied.

Richard Myers, *Airlines Limit Commissions; Businesses, Public Likely to Feel Pinch*, Wilmington Star-News (Feb. 15, 1995). Copy supplied.

Richard Myers, *Wieland Plant in Pender; German Firm Has Burgaw Connection*, Wilmington Star-News (Feb. 12, 1995). Copy supplied.

Richard Myers, *Urban Affairs Opens House*, Wilmington Star-News (Feb. 11, 1995). Copy supplied.

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****I have provided electronic copies of all of the electronically-indexed newspaper stories I wrote while a staff writer at the Wilmington Morning Star starting when the newspaper was indexed on Nexis in 2004. I do not have available to me the articles I wrote before that. I spoke with the staff at the newspaper and the newsroom relocated after a hurricane flooded their offices, damaging archived materials. To the best of my knowledge, the hard-copy indexed system of clippings files at the newspaper is no longer available, and there are also no**

electronically indexed archives of the newspaper available. I worked with the archivist in the local history room at the New Hanover County Public Library to locate the additional materials that have been provided as .pdfs. I wrote hard news only, covering the police beat as a junior reporter, and the city hall beat after I became more experienced. The articles provided via Nexis are exemplary of the nature and scope of my reporting and, to the best of my knowledge, are comprehensive for the time period they cover. I never wrote editorials or opinion essays.

- 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.

Faculty Council, *Resolution 2018-3 On Principles for the Promotion and Protection of Free Speech* (Mar. 28, 2018). Copy supplied.

To the extent responsive, while I was a board member of the North Carolina Bar Association, a subcommittee commissioned the following video on judicial independence: <https://www.ncbar.org/public-resources/judicial-independence/>

- 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.

Letter to Sens. Grassley and Feinstein, *Former Sentelle Clerks Letter on the Nomination of the Hon. Neil Gorsuch to the United States Supreme Court* (Mar. 17, 2017). Copy supplied.

Letter to Sens. Grassley and Feinstein, *Law Professors Letter on the Nomination of the Hon. Neil Gorsuch to the United States Supreme Court* (Mar. 14, 2017). Copy 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.

July 9, 2019: Presentation: "US Constitutional Law for the Warrior-Scholar"; Warrior-Scholar Project lecture, University of North Carolina, June 5, 2018. I spoke about the Federalist Papers, the Declaration of Independence, and the text of the Constitution as critical elements in understanding the role of the Constitution in the 21st century. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

April 5, 2019: Presenter (with Sara Sun Beale), "Trade Secret Prosecutions: Protecting Technology Secrets in the U.S. Adversarial System," Workshop on Data, Technology and Criminal Law, Duke University, Durham, North Carolina. PowerPoint supplied.

February 8, 2019: Presenter, "Search and Seizure in the Digital Age, Riley, Carpenter, Microsoft and Beyond," UNC Festival of Legal Learning, Chapel Hill, North Carolina. PowerPoint supplied.

February 8, 2019: Presenter, "The Future of the U.S. Supreme Court," UNC Festival of Legal Learning, Chapel Hill, North Carolina. I spoke about electronic materials, cyberspace and the Fourth Amendment. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

November 6, 2018: Presenter: "The Art of Closing Argument – Building Trials Backwards," UNC School of Law Trial Law Academy, Chapel Hill, North Carolina. I spoke about crafting closing arguments. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

September 17, 2018: Panelist, "Silent Sam – The Effect of a Confederate Statue on a Southern Campus," National Lawyers Guild UNC Student Chapter, Chapel Hill, North Carolina. I spoke about the effect that the statue and the controversy surrounding it had on me as a faculty member and student. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

August 6, 2018: Presenter, "Miranda v. Arizona As Judicial Overreach," Southeast Association of Law Schools Annual Meeting, UNC School of Law, Fort Lauderdale, Florida. I spoke about the relationship between judicial rulemaking and congressional intent. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

August 9, 2018: Presenter, "White House-Department of Justice Relations: Executive Control or Independence?" Southeast Association of Law Schools Annual Meeting, UNC School of Law, Fort Lauderdale Florida. I spoke about the

importance of goal-setting and oversight by elected leaders. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

July 30, 2018, Presenter, WCHL Appearance: Focus Carolina "Reflections on a Career as a Carolina Lawyer," UNC School of Law, Chapel Hill, North Carolina. Partial transcript supplied. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

June 5, 2018, Presentation: "US Constitutional Law for the Warrior-Scholar"; Warrior-Scholar Project lecture, University of North Carolina. I spoke about the Federalist Papers, the Declaration of Independence, and the text of the Constitution as critical elements in understanding the role of the Constitution in the 21st century. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

May 5, 2018: Presenter: "Extraterritorial Application of the US Constitution in Mutual Legal Assistance Cases," ECLAN Conference, Queen Mary University of London. I spoke about the extent to which judges should consider national legal regimes and procedural fairness in applying the terms of Mutual Legal Assistance Treaties. I have no notes, transcript, or recording. The address of Queen Mary University London Law School is Queen Mary University of London, Mile End Road, London E1 4NS.

February 21, 2018: Presenter, "EU-UK criminal justice cooperation and access to evidence across the Atlantic: Current challenges and possible options after BREXIT," UNC School of Law, Brussels, Belgium. I spoke about the extent to which the longstanding relationship between the United States and the United Kingdom has created relationships among criminal justice actors, and how BREXIT might hinder or delay cases that rely on that conduit. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

February 9, 2018: Presenter, "Selecting and Preparing Expert Witnesses," UNC Festival of Legal Learning, Chapel Hill, North Carolina. I spoke about best practices in selecting and preparing expert witnesses for litigation, including trial. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

November 5, 2017: Presenter, "Serving As an Election Law Expert: What Lawyers and Courts Expect," Duke University School of Law, 11/5/2017. I spoke to statisticians, mathematicians and modelers who were interested in becoming expert witnesses, about the Federal Rules of Evidence, the Federal Rules of Civil Procedure, and trial practices. I have no notes, transcript, or

recording. The address of the Duke University School of Law is 210 Science Drive, Durham, North Carolina 27708.

November 3, 2017: Symposium presenter, "*Police-Generated Digital Video: Five Key Questions, Multiple Audiences, and a Range of Answers*," North Carolina Law Review, Chapel Hill, North Carolina. A recording is available at <https://vimeo.com/242111318>. The article on which this talk was based is also supplied.

October 26, 2017: Presenter, Polarization in Politics (Panel event with professors Mary-Rose Papandrea and Bill Marshall), UNC School of Law, Chapel Hill, North Carolina. I spoke about the role of lawyers in helping use the rule of law to ensure that political disagreements are channeled through lawful processes. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

October 18, 2017: Lecturer, Respecting the Scope of the Fourth Amendment in Military Investigations, United States Military Academy, West Point New York. I spoke about the extent of the Fourth Amendment, and considered with cadets how command authority might constitute state action, implicating the Fourth Amendment in ways that they would have to consider as officers. I have no notes, transcript, or recording. The address of the United States Military Academy is 606 Thayer Road, West Point, New York 10996.

April 24, 2017: Presenter, "Basic Firearms for Lawyers: A Primer on Guns and Federal Law," North Carolina Office of the Appellate Defender, Durham, North Carolina. I spoke about technical aspects of firearms, federal firearms laws and regulations. I have no notes, transcript, or recording. The address of the Office of the Appellate defender is 123 West Main Street, Durham, North Carolina 27701.

April 8, 2017: Presenter, "Was *Miranda v. Arizona* a Legitimate Constitutional Prophylactic Rule? A Critical Examination of the Comparative Rationale for Exclusionary Rules," Ninth Annual Conference on the Future of Adversarial and Inquisitorial Systems, UNC School of Law, Chapel Hill, North Carolina. I spoke about the use of the exclusionary rule in the United States and European criminal justice systems. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

February 22, 2017: Presenter, "When Can/Must A Lawyer Disclose Information About A Potential Wrongful Conviction? Amended Rule 3.8 and New Rule 8.6," Ethics Hot Issues 2017 Seminar, North Carolina Advocates for Justice, Raleigh, North Carolina. I spoke about changes to the ethical rules requiring disclosure of exculpatory evidence as they affect defense attorneys and prosecutors. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, NC 27599.

February 10, 2017: Presenter, *Basic Firearms for Lawyers*, UNC Festival of Legal Learning, Chapel Hill, North Carolina. PowerPoint supplied.

February 3, 2017: Presenter, "The Fourth Amendment and Government Use of UAV Technology: Digital Evidence-Gathering via Drone," Campbell University School of Law Symposium, Flying Above the Law: Legal Issues Surrounding the Domestic Use of Drones, Raleigh, North Carolina. I spoke about the Fourth Amendment and Federal Rules of Evidence as they apply to evidence gathered via drone. I have no notes, transcript, or recording. The address of the Campbell University School of Law is 225 Hillsborough Street, Raleigh, North Carolina 27603.

January 13, 2017: Presenter, "Police-Generated Digital Video, From Policy Considerations to Boots on the Ground," Arkansas Municipal Lawyers Association, Fayetteville, Arkansas. The article on which this talk is based is supplied. I have no notes, transcript, or recording. The address of the Arkansas Municipal Lawyers Association is 301 West 2nd Street, North Little Rock, Arkansas 72114.

November 19, 2016: Discussant, "The Effects of DNA Databases on the Deterrence and Detection of Offenders," by Jennifer Doleac et al., Duke Conference on Empirical Legal Studies, Duke University School of Law, Durham, North Carolina. I led a faculty and audience discussion on the above paper. I have no notes, transcript, or recording. The address of the Duke University School of Law is 210 Science Drive, Durham, North Carolina 27708.

November 12, 2016: Commentator, "Jury Selection Patterns as a Political Issue," (presented by Ronald Wright, of Wake Forest University) Vanderbilt Criminal Justice Roundtable, Nashville, Tennessee. I led a round table discussion by criminal law and criminal procedure professors. I have no notes, transcript, or recording. The address of the Vanderbilt University Law School is 131 21st Avenue South, Nashville, Tennessee 37203.

November 6, 2016: Presenter, "Amendments to the Local Rules of the E.D.N.C.," N.C. Federal Bar Association training, Raleigh, North Carolina. I spoke on amendments to the local rules of court in the Eastern District of North Carolina. I have no notes, transcript, or recording. The address of the United States Federal Court for the Eastern District of North Carolina is United States Courthouse, 310 New Bern Avenue, Raleigh, North Carolina 27601.

November 5, 2016: Lecturer, Judicial Training Short Course, *Detector Dogs and Probable Cause*, UNC School of Government, Chapel Hill, North Carolina. I spoke on recent cases regarding the use of detector dogs, and discussed the science of canine alerts and their evidentiary use. I have no notes, transcript, or

recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

October 28, 2016: Moderator, "The First Amendment Legacy of Justice Antonin Scalia," U.N.C. First Amendment Law Review Symposium, Chapel Hill, North Carolina. Recording available at <https://vimeo.com/189872299>.

October 20, 2016: Lecturer, "In the Criminal Courts of North Carolina," Middle Temple Inn of Court, London, England. I gave a lecture to English barristers and pupils on my experiences as a federal prosecutor in the Eastern District of North Carolina. I have no notes, transcript, or recording. The address of the Middle Temple Inn of Court is Middle Temple Ln, Temple, London EC4Y 9BT, United Kingdom.

October 4, 2016: Lecturer, "Justice Scalia's Missing Voice in Criminal Procedure," The Supreme Court October Term 2015 Review, American Constitution Society UNC student chapter, UNC School of Law, Chapel Hill, North Carolina. I spoke about the thematic coherence of Justice Antonin Scalia's approach to Criminal Procedure cases, and the extent to which his vision had shaped doctrine during his time as a justice. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

October 1, 2016: Presentation: "Body Worn Cameras, From Policy Considerations to Boots on the Ground," International Municipal Lawyers Association Annual Conference, San Diego California. The article on which this talk is based is supplied. I have no notes, transcript, or recording. The address of the International Municipal Lawyers Association is 51 Monroe Street, Suite 404, Rockville, Maryland 20850.

September 22, 2016, Presenter, Are Prophylactic Rules Legitimate Constitutional Rules?, Federalist Society Debate, UNC Chapel Hill, Chapel Hill, North Carolina. I debated Professor Arnold Loewy on the extent to which Congress or the courts should create prophylactic rules, and whether a court should be able to overturn a case where there has been no violation of law or the Constitution, but there has been a violation of a prophylactic rule. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

August 18, 2016: Podcast presenter, "Mathis v. United States, Post-decision ScotusCast," Federalist Society, Raleigh, North Carolina. Recording available at <https://fedsoc.org/commentary/podcasts/mathis-v-united-states-post-decision-scotuscast>.

August 6, 2016: Presenter, "Why Prophylactic Rules Are Not Legitimate Constitutional Rules," Southeastern Association of Law Schools Annual

Conference, UNC School of Law, Amelia Island, Florida. I discussed the extent to which Congress or the courts should create prophylactic rules, and whether a court should be able to overturn a case where there has been no violation of law or the Constitution, but there has been a violation of a prophylactic rule. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

July 25, 2016: Presenter, "Police-Generated Digital Video: Crafting Effective Policy," International Society for the Reform of Criminal Law Annual 29th International Conference, UNC School of Law, Halifax, Nova Scotia, Canada. The article on which this talk is based is supplied. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

July 20, 2016: Presenter, Reforming Rule 3.8, North Carolina Bar Ethics Committee: Subcommittee on Rule 3.8., Asheville, North Carolina. I participated in discussions regarding prosecutors' duties in cases of wrongful convictions and presented a preliminary draft of the article *The Attorney-Client Privilege, Client Confessions and Wrongful Convictions: Immunity as a Statutory Solution*, 104 Cornell Law Review Online 1 (2018). A copy of the article is supplied under 12a.

July 13, 2016: Presenter, "My Client Did It: Immunity as a Solution to the Problem of Client Confessions, Wrongful Convictions, and the Attorney-Client Privilege," University of North Carolina School of Law, Chapel Hill, North Carolina. The Article from which the talk was derived is supplied. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

May 19, 2016: Lecturer, The Exclusionary Rule in the United States: University of Basel/Strasbourg University/Bonn University Law Graduate Student Training, Trinationales Eucor-Seminar, Beuggen Germany. I lectured to law students from the United Kingdom, France and Germany on the history and scope of the exclusionary rule in the United States. I have no notes, transcripts or recordings. The address of the University of Basel faculty of law is Peter Merian-Strasse 84, 4052 Basel, Switzerland.

May 13, 2016: Presenter, "Access to Police-Generated Digital Videos: Who, What, Where, When, Why and How," 8th Conference on the Future of Adversarial and Inquisitorial Systems: Criminal Investigations in the Age of Smart Data, (Jointly sponsored by the European Union, the University of Warwick, UNC School of Law, University of Basel, and Universita Di Bologna), Bologna, Italy. I lectured on the creation and use of police-generated digital video. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

April 5, 2016: Podcast presenter: "Welch v. United States, Post-decision ScotusCast," Federalist Society, Chapel Hill, North Carolina. Recording available at <https://fedsoc.org/commentary/podcasts/welch-v-united-states-post-decision-scotuscast>.

February 24, 2016: Presenter, Ethics in Criminal Practice, North Carolina Advocates for Justice Annual Training, UNC School of Law, Raleigh, North Carolina. I used a mock problem to facilitate group discussion regarding the ethical obligations of attorneys under the North Carolina Rules of Professional Conduct. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

February 13, 2016: Presenter, "Detector Dogs and Probable Cause," UNC Festival of Legal Learning, UNC School of Law, Chapel Hill, North Carolina. I spoke on recent cases regarding the use of detector dogs, and discussed the science of canine alerts and their evidentiary use. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

October 5, 2015: Debate moderator, "Is Inequality Unfair?" A Joint Presentation of the UNC Federalist Society and the UNC American Constitution Society, Chapel Hill, North Carolina. I moderated a debate between two law professors. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

October 2, 2016: Presenter, "A Jury of One's Peers: From Magna Carta to the Sixth Amendment," North Carolina Law Review Symposium, 800 Years of Magna Carta, Chapel Hill, North Carolina. I discussed the evolution of the right to jury trial from English common law to modern American constitutional requirements. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

September 11, 2015, Presenter, "Interlocking Constitutional Watchdogs, The Free Press, an Independent Judiciary, the Jury and the Grand Jury; the U.S. Approach to Combatting Public Corruption," at the 3rd (Annual) Renmin-Queen Mary University Criminal Justice Forum, Academic Conference on Anti-Corruption and International Cooperation, Renmin School of Law, Beijing, China. I spoke about the way the press, the judiciary, the jury and the grand jury interact to further the U.S. commitment to the rule of law. I have no notes, transcript, or recording. The address of the Renmin School of Law is Huixian Road, Haidian Qu, Beijing Shi, China

July 28, 2015: Presenter, The Supreme Court and Criminal Procedure, October Term 2014, UNC School of Law, Chapel Hill, North Carolina. I summarized the

Supreme Court's Criminal Procedure cases in the October Term 2014. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

May 20, 2015: Presenter, "The Constitution v. the Convention: The Evolution of the Court-mandated Right to Counsel in the United States and Europe," Seventh Conference on the Future of Adversarial and Inquisitorial Systems, (Jointly funded by the European Union, the University of Warwick, UNC School of Law University of Basel, and Universita Di Bologna), Warwick School of Law, Warwick England. I spoke about the right to counsel under the U.S. Constitution and the European Convention on Human rights. I have no notes, transcript, or recording. The address of the Warwick School of Law is School of Law, University of Warwick, Coventry CV4 7AL, United Kingdom.

February 20, 2015: Panelist: "Racial Minorities and the Police," in *50th Anniversary of the Civil Rights Act of 1964 & Voting Rights Act of 1965: An Interdisciplinary Dialogue*, Washington and Lee Journal of Civil Rights and Social Justice Symposium. I spoke about the extent to which the Court has explicitly discussed the rights of minorities, and when they have been implicit, in cases decided under the Fourth, Fifth and Sixth Amendments. I have no notes, transcript, or recording. The address of Washington and Lee University School of Law is 1 Denny Circle, Lexington, Virginia 24450.

November 10, 2014: Podcast presenter, An analysis of oral arguments in *Johnson V. United States*, Federalist Society, Chapel Hill, North Carolina. Recording available at <https://fedsoc.org/commentary/podcasts/johnson-v-united-states-post-argument-scotuscast-1>.

September 23, 2014: Presenter, Ethical Issues in Client Representation for the Bench, Bar and UNC Law, Witt Professionalism Dinner, University of North Carolina School of Law, Chapel Hill, North Carolina. I led a moderated discussion of a scenario involving issues of privilege and client identity for judges, lawyers and law students. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

September 23, 2014: Presenter, *Police Shootings and Citizen Violence, A Critical Look at the Events in Ferguson MO*, UNC School of Law, Chapel Hill, North Carolina. I discussed the legal and constitutional structure around police use of force that the prosecutor and the grand jury would be considering in Ferguson, Missouri. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

September 23, 2014: Presenter: Ethical Issues in Client Representation, Charlotte Professionalism Dinner, UNC School of Law, Charlotte, North Carolina. I

discussed a practical scenario involving privilege and the Rules of Professional Conduct. This presentation was given under the auspices of the alumni association of the University of North Carolina School of Law. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

August 5, 2014: Panelist, "Responses to THE NEW JIM CROW," Southeastern Association of Law Schools Annual Meeting, UNC School of Law, Amelia Island, Florida. I discussed aspects of this book by Michelle Alexander. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

May 18, 2014: Presenter, "Crafting Effective Closing Arguments," National Institute for Trial Advocacy, UNC School of Law, Chapel Hill, North Carolina. I discussed the strategy and psychology of effective closing arguments. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

May 17, 2014: Presenter, "Crafting Effective Opening Statements," National Institute for Trial Advocacy, UNC School of Law, Chapel Hill, North Carolina. I discussed the strategy and psychology of effective opening statements. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

March 13, 2014: Presenter: "Client Confessions, Wrongful Convictions, and the Attorney Client Privilege," Savannah Law School, Savannah, Georgia. A copy of the article on which this talk is based is supplied. I have no notes, transcript, or recording. The address of the Savannah Law School is 7426 Hodgson Memorial Drive, Savannah, Georgia 31406.

February 25, 2014: Presenter, Trial Skills, Opening Statements and Closing Arguments, UNC School of Law, Chapel Hill, North Carolina. I discussed the strategy and psychology of effective opening statements and closing arguments. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

February 6, 2014: Presenter, "Evidentiary Issues in Film: The Case of My Cousin Vinny," UNC School of Law, Chapel Hill, North Carolina. I used examples from the movie My Cousin Vinny to demonstrate effective courtroom techniques for cross-examination and the use of lay and expert witnesses. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

November 12, 2013: Presenter, Trial Skills: Direct and Cross Examination and Real Evidence, UNC School of Law, Chapel Hill, North Carolina. I discussed trial skills. I have no notes, transcript, or recording. The address of the University

of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

July 16, 2013: Commenter, NPR, State of Things, legal developments. UNC School of Law, Chapel Hill, North Carolina. Story and recording available at <https://www.wunc.org/post/governor-vetoes-and-signs-controversial-laws>.

May 18, 2013: Commentator, "Discretion and Procedural Sanctions," Fifth Conference on the Future of Adversarial and Inquisitorial Systems, (Jointly funded by the European Union, the University of Warwick, UNC School of Law and Universita Di Bologna), Universita di Bologna, Facolta di Giurisprudenza, Ravenna, Italy. I led a discussion panel on the extent to which courts may choose among procedural sanctions for misconduct by participants in adversarial criminal justice systems. This presentation was given under the auspices of the University of North Carolina School of Law. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

May 17, 2013: Commentator, "Investigative and Prosecutorial Discretion," Fifth Conference on the Future of Adversarial and Inquisitorial Systems, (Jointly funded by the European Union, the University of Warwick, UNC School of Law and Universita Di Bologna), Universita Di Bologna, Ravenna, Italy. I led a discussion panel on mandatory and discretionary practices in criminal investigation and prosecution. This presentation was given under the auspices of the University of North Carolina School of Law. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

March 14, 2013: Podcast presenter, "*Chaidez v. United States* - Post-Decision SCOTUScast," Federalist Society For Law and Public Policy Studies, Chapel Hill, North Carolina. Recording available at <https://fedsoc.org/commentary/podcasts/chaidez-v-united-states-post-decision-scotuscast>.

February 28, 2013: Presenter, "Trial Skills: Direct and Cross Examination and Real Evidence," UNC School of Law, Chapel Hill, North Carolina. I lectured on trial skills. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, NC 27599.

February 25, 2013: Presenter, *Trial Skills, Opening Statements and Closing Arguments*, UNC School of Law, Chapel Hill, North Carolina. I lectured on trial skills. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

January 30, 2013: Presenter, "Fourth Amendment Small Claims Court," UNC School of Law, Chapel Hill, North Carolina. The Law Review Article on which this talk is based is supplied. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

January 25, 2013: Moderator, "*United States v. Jones*: Technology and the Fourth Amendment," UNC School of Law Journal of Law and Technology Symposium, Chapel Hill, North Carolina. I moderated a panel discussion on the emerging standards in Fourth Amendment law related to GPS tracking. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

November 14, 2012: Presenter, "Advanced Topics in Evidence," Workshop for Judges of the Fourth Circuit, UNC School of Government, Chapel Hill, North Carolina. I taught Fourth Circuit Judges on a variety of evidentiary matters related to scientific evidence and experts. I have no notes, transcript, or recording. The address of the University of North Carolina School of Government is 400 South Road, Chapel Hill, North Carolina 27599.

October 29, 2012: Presenter, "Working Effectively with Witnesses and Real Evidence," Workshop for Trial Team Participants, UNC School of Law, Chapel Hill, North Carolina. This was a practical workshop on introducing evidence in trials. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

October 23, 2012: Presenter, Crafting Excellent Opening and Closing Statements, Workshop for Trial Team Participants, UNC School of Law, Chapel Hill, North Carolina. I led a practical workshop on opening statements and closing arguments. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

May 10, 2012: Presenter, *Lafler and Frye* and the Future of the Right to Counsel, Federal Defender's Retreat, Eastern District of North Carolina, UNC School of Law, Wrightsville Beach, North Carolina. This presentation was based on the article *The Future of Effective Assistance of Counsel: Rereading Cronin and Strickland in Light of Padilla, Frye and Lafler*. A copy is supplied under 12a.

May 30, 2012: Symposium Presenter: "The Future of Effective Assistance of Counsel: Rereading Cronin and Strickland in Light of *Padilla, Frye* and *Lafler*," Texas Tech University, Lubbock, Texas. This presentation was based on the article *The Future of Effective Assistance of Counsel: Rereading Cronin and Strickland in Light of Padilla, Frye and Lafler*. A copy is supplied under 12a.

April 4, 2012: Presenter, "Use of Force in 'Self-Defense': The Trayvon Martin Case," UNC School of Law, Chapel Hill, North Carolina. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, NC 27599.

March 16, 2012: Moderator, Assessing Police Use of Force, Federalist Society Presentation, UNC School of Law, Chapel Hill, North Carolina. I served as a moderator for a panel discussion on police use of force. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

March 9, 2012: Presenter, "Challenges to Terry for the Twenty-First Century," American University Washington College of Law, Washington, D.C. A copy of the Article on which this presentation was based is supplied. I have no notes, transcript, or recording. The address of the American University Washington College of Law is 4300 Nebraska Avenue NW, Washington, DC 20016.

November 4, 2011: Symposium Presenter, "Who Watches the Watchers in Public Corruption Cases?" The University of Chicago Legal Forum, Combating Corruption (Co-sponsored by the ABA Global Anti -Corruption Task Force), Chicago, Illinois. A copy of the Article on which this presentation was based is supplied. I have no notes, transcript, or recording. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637.

April 2, 2011: Symposium Presenter, "Challenges to Terry for the Twenty-First Century, The Future of the Fourth Amendment," University of Mississippi College of Law, Oxford, Mississippi. A copy of the Article on which this presentation was based is supplied. I have no notes, transcript, or recording. The address of the University of Mississippi College of Law is 151 East Griffith Street, Jackson, Mississippi 39201

April 1, 2011: Symposium Presenter, "Adversarial Counsel in an Inquisitorial System," Conference on the Future of the Adversarial System, UNC School of Law, Chapel Hill, North Carolina. A copy of the Article on which this presentation was based is supplied. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

February 23, 2011: Presenter: "Rethinking Reasonable and Articulable Suspicion: The Future of the Terry Paradigm," NC Bar Association CLE, UNC School of Law, Raleigh, North Carolina. A copy of the Article on which this presentation was based is supplied. I have no notes, transcript, or recording. The address of the North Carolina Bar Association is 8000 Weston Parkway, Cary, North Carolina 27513.

February 5, 2011: Presenter, "Metacognition in Trial Courts: Getting what we know about how we know in front of the jury," UNC School of Law Festival of Legal Learning, Chapel Hill, North Carolina. I considered the science of metacognition, and the ways in which certain practices might introduce error into the trial system. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

November 10, 2010: Moderator, "Guantanamo Bay and Legal Ethics," Federalist Society, UNC School of Law, Chapel Hill, North Carolina. I served as a moderator for a presentation on the extent to which legal ethics would affect the practice of prosecutors and defense attorneys assigned to cases at Guantanamo Bay. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

October 27, 2010: Presenter: Ethical Problems for Lawyers, Comments From the Drafters, Charlotte Professionalism Dinner, UNC School of Law, Charlotte, North Carolina. I spoke as the drafter of a practical problem used by group participants on issues of privilege and the application of the North Carolina Rules of Professional Responsibility. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

October 8, 2010: Moderator, "The Constitution in 2020, The Future of Criminal Justice, Citizenship and Community, Florida State University, Tallahassee, Florida. I moderated a panel on punishment and the constitution. I have no notes, transcript, or recording. The address of the Florida State University School of Law is 425 West Jefferson Street, Tallahassee, Florida 32301.

October 15, 2010: Presenter: "Complex Times Don't Call for Complex Crimes," N.C. Law Review Symposium, Chapel Hill, North Carolina. A copy of the Article on which this presentation was based is supplied. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

August 4, 2010: Presenter: Criminal Justice and The Family, Southeast Association of Law Schools Annual Meeting, UNC School of Law, West Palm Beach, Florida. I spoke on the role of victim impact statements and familial testimony regarding defendants at sentencing. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

June 23, 2010: Presenter, "Lessons Learned for Litigators from the Duke Lacrosse Case," Wilmington, NC; UNC Law Alumni Association, Wilmington, North Carolina. I used the Duke lacrosse case and the subsequent examination of

investigative failures as a case study in professional ethics. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

May 27, 2010: Presenter, "Rethinking Reasonable and Articulable Suspicion: The Future of the Terry Paradigm," Law and Society Conference, Chicago, Illinois. A copy of the Article on which this presentation was based is supplied. I have no notes, transcript, or recording. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637.

May 4, 2010: Presenter, "The American Criminal Adjudication System: Prosecution; a presentation to the Pakistani Delegation from the State Department, UNC School of Law, Chapel Hill, North Carolina. I explained the role of prosecutors in federal criminal practice. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

April 7, 2010: Commentator, Chip Mellor's THE DIRTY DOZEN, UNC School of Law UNC student chapter of the Federalist Society, Chapel Hill, North Carolina. I led a discussion of the author's presentation regarding 12 cases that he believed shaped the American political framework to its detriment. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

April 5, 2010: Presenter, "Lessons Learned for Litigators from the Duke Lacrosse Case," UNC School of Law Alumni Association, Asheville, North Carolina. I spoke on the ethical lessons drawn from the Duke lacrosse investigation and prosecution. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

March 9, 2010: Presenter, "Constructed Memory and Courtroom Practice," UNC School of Law, Atlanta Georgia. I discussed the dangers of exposing non-percipient witnesses to information about an event and discussed the ways that modern science supports longstanding sequestration rules. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

March 3, 2010: Presenter: The Value of a Federal Judicial Clerkship, UNC School of Law, Chapel Hill, North Carolina. I spoke regarding the role of a judicial clerk, and how doing the job benefits the clerk and the justice system. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

February 16, 2010: Presenter, New Methods in Classroom Teaching – Student-Led Seminar Teaching, UNC School of Law, Chapel Hill, North Carolina.

I discussed my experience in having students team-teach topics in a seminar classroom. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

February 11, 2010: Commentator, "Why the Government Should Sell Drugs," A Federalist Society Presentation by Arnold Loewy, Chapel Hill, North Carolina. I served as a moderator for the post-presentation discussion on Professor Loewy's talk. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

February 2, 2010: Presenter, "Lessons Learned for Lawyers From the Duke Lacrosse Investigation," UNC School of Law Festival of Legal Learning, Chapel Hill, North Carolina. I used the Duke lacrosse case and the subsequent examination of investigative failures as a case study in professional ethics. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

November 5, 2009: Presenter, *Theme and Theory in the Presentation of a Criminal Trial*, Broun National Trial Team training, UNC School of Law Chapel Hill, North Carolina. I discussed developing a coherent theme and theory as part of trial strategy. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

November 4, 2009: Commentator: Paul Butler's LET'S GET FREE: A HIP-HOP THEORY OF JUSTICE, American Constitutional Society, UNC student chapter, Chapel Hill, North Carolina. I moderated a discussion after Professor Butler presented his new book. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

October 26, 2009: Presenter, The Intersection of Ethics and Attorney-Client Privilege, Charlotte Professionalism Dinner, UNC School of Law, Charlotte, North Carolina. I led a discussion of the relationship between the rules of privilege and the rules of professional conduct, and the extent to which they overlap and diverge on client confidentiality issues. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

April 8, 2009: Presenter, "Does the Attorney-Client Privilege Help or Harm the Innocent Defendant," Future of The Adversary System Conference, UNC Center for European Studies/UNC School of Law, Chapel Hill, North Carolina. I presented the comparative law approaches to the attorney-client privilege and the way that U.S., German and Italian legal cultures have answered the question. I

have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

February 14, 2009: Presenter, "Metacognition in Trial Courts: Getting what we know about how we know in front of the jury," UNC School of Law Festival of Legal Learning, Chapel Hill, North Carolina. I considered the science of metacognition, and the ways in which certain practices might introduce error into the trial system. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

January 23, 2009: Presenter, "Requiring a Jury Finding of Censure to Convict," Florida State University School of Law, Tallahassee, Florida. A copy of the article on which this talk was based is supplied. I have no notes, transcript, or recording. The address of the Florida State University College of Law is 425 West Jefferson Street, Tallahassee, Florida 32301.

November 21, 2008: Presenter, "Criminal Litigation in the Electronic Age," North Carolina Bar Association, Criminal Justice Section Annual Meeting, Wrightsville Beach, North Carolina. I discussed how to use discovery tools, expert witnesses and the rules of evidence to enhance access to electronic evidence in criminal cases. I have no notes, transcript, or recording. The address of the North Carolina Bar Association is 8000 Weston Parkway, Cary, North Carolina 27513.

October 19, 2008: Presenter, "Requiring a Jury Finding of Censure to Convict," LSU Paul M. Hebert Law Center, Baton Rouge, Louisiana. I have no notes, transcript, or recording. The article on which this presentation is based is supplied. I have no notes, transcript, or recording. The address of the LSU Paul M. Hebert Law Center is 1 East Campus Drive, Baton Rouge, Louisiana 70803.

August 1, 2008: Presenter, "Criminal Law Pedagogy: Innovative Teaching Techniques – Using Multimedia Materials in the Criminal Law and Criminal Procedure Classroom," Southeast Association of Law Schools, UNC School of Law, Amelia Island, Florida. I discussed using materials such as video recordings, dash camera material and movies and popular song lyrics as ways to engage students in casebook material. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

January 25, 2008: Presenter, "Time-Based Failures of the Criminal Law," Wake Forest University School of Law, Winston-Salem, North Carolina. I have no notes, transcript, or recording. The article on which this presentation is based is supplied. I have no notes, transcript, or recording. The address of the Wake Forest University School of Law is 1834 Wake Forest Road, Winston-Salem, North Carolina 27109.

August 10, 2007: Presenter, "Time-Based Failures of the Criminal Law," George Washington University School of Law, Washington, D.C. The article on which this presentation is based is supplied. I have no notes, transcript, or recording. The address of the George Washington University School of Law is 2000 H Street NW, Washington, DC 20052.

August 4, 2007: Presenter, Metacognition and the Jury System, Southeast Association of Law Schools Annual Conference, UNC School of Law, Amelia Island, Florida. I considered the science of metacognition, and the ways in which certain practices might introduce error into the trial system. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

June 19, 2007: Presenter, Presenter, "Time-Based Failures of the Criminal Law," Jurisgenesis Workshop, Washington University St. Louis School of Law, Saint Louis, Missouri. The article on which this presentation is based is supplied. I have no notes, transcript, or recording. The address of the Washington University School of Law is 1 Brookings Drive, St. Louis, Missouri 63130.

April 6, 2007: Symposium Commentator, "Citizen Ignorance, Police Deception, and the Constitution," Texas Tech Law School, Lubbock, Texas. I led a discussion of an article by Professor Arnold Loewy. I have no notes, transcript, or recording. The address of the Texas Tech University School of Law is 3311 18th St, Lubbock, Texas 79409.

October 12, 2006: Presenter, "The Criminal Sunset Amendment," University of North Carolina School of Law, Chapel Hill, North Carolina. I have no notes, transcript, or recording. The article on which this presentation is based is supplied. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

September 22, 2006: Presenter, "The Criminal Sunset Amendment," University of Georgia School of Law, Athens, Georgia. I have no notes, transcript, or recording. The article on which this presentation is based is supplied under 12a.

September 21, 2006: Presenter, "Judicial Restraint, Jurisdiction-Stripping and *Hamdan v. Rumsfeld*," University of North Carolina Chapter, American Constitutional Society, Chapel Hill, North Carolina. I reviewed the arguments before the U.S. Supreme Court in the case of *Hamdan v. Rumsfeld*. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

August 25, 2006: Commentator, Christine Hurt's article: *The Undercivilization of Corporate Law*, Duke University, Durham, North Carolina. I have no notes,

transcript, or recording. The address of the Duke University School of Law is 210 Science Drive, Durham, North Carolina 27708.

July 17, 2006: Presenter, "Stops Making Scents: Detector Dogs and Probable Cause," Southeast Association of Law Schools Annual Meeting, Amelia Island, Florida. The article on which this presentation is based is supplied. I have no notes, transcript, or recording. The address of the University of Georgia School of Law is 225 Herty Drive, Athens, Georgia 30602.

March 30, 2006: Presenter, Federal Sentencing after *Blakely* and *Booker*, UNC School of Law, Chapel Hill North Carolina. I discussed the results of the Supreme Court declaring mandatory sentencing guidelines unconstitutional in the absence of jury factfinding. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

March 3, 2006: Moderator, Orin Kerr presentations of *Four Models of Fourth Amendment Analysis*, UNC School of Law Chapel Hill, North Carolina. Professor Kerr presented his paper and I moderated the audience discussion. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, NC 27599.

February 16, 2005: Presenter, "Detector Dogs and Probable Cause," Wake Forest University School of Law, Winston-Salem, North Carolina. The article on which this presentation is based is supplied. The address of the Wake Forest University School of Law is 1834 Wake Forest Road, Winston-Salem, North Carolina 27109.

February 2005 (approximate): Presenter, Detector Dogs and Probable Cause, UNC School of Law. The article on which this presentation is based is supplied. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

February 11, 2006, Presenter, *Detector Dogs and Probable Cause: New Directions for Litigators After Illinois v. Caballes*, CLE, Festival of Legal Learning. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

January 27, 2006: Presenter, "Prosecutors as Public Servants," Carolina Public Interest Law Organization, Chapel Hill, North Carolina. I discussed the role prosecutors have in investigations, charging, and sentencing and their duty to fairly represent all segments of the community. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

October 7, 2005: Presenter, "Federal Charging Decisions for Corporate Actors: The Thompson Memorandum and the Federal Sentencing Guidelines" UNC School of Law Dan K. Moore Program in Ethics, Chapel Hill, North Carolina. I discussed the expectations for prosecutors in making charging decisions and working with corporate counsel. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

October 7, 2005: Presenter, "What to Do Before the Wolf is At The Door: Preparing for Investigations Into Corporate Misconduct," UNC School of Law Dan K. Moore Program in Ethics, Chapel Hill, North Carolina. I discussed best practices to establish a sound corporate culture of legal compliance. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

February 2005: Presenter, "*Blakely v. Washington*, *United States v. Booker*, and the Federal Sentencing Guidelines," CLE, UNC School of Law Festival of Legal Learning, Chapel Hill, North Carolina. I discussed the results of the Supreme Court declaring mandatory sentencing guidelines unconstitutional in the absence of jury factfinding. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

November 10, 2004: Presenter, "*Blakely v. Washington* and its Impact on Federal Sentencing," Sharp Inn of Court, Raleigh, NC. I discussed the results of the Supreme Court declaring mandatory sentencing guidelines unconstitutional in the absence of jury factfinding. I have no notes, transcript, or recording. The address of the University of North Carolina School of Law is 160 Ridge Road, Chapel Hill, North Carolina 27599.

- 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.

Robert Richardson, *UNC Campus Safety Commission Has 1st Meeting Day After Deadly UNC-Charlotte Shooting*, NBC-17 WNCN (May 1, 2019). Copy supplied.

Brian Keyes, *Here's What Happened at the First Meeting of the New Campus Safety Commission*, Daily Tar Heel: University of North Carolina at Chapel Hill (May 1, 2019). Copy supplied.

Emily Holler, *Who's Serving on the Campus Safety Commission?*, Daily Tar Heel: University of North Carolina at Chapel Hill (Apr. 24, 2019). Copy supplied.

Martha Quillin, *UNC Safety Commission Named, Faculty Joins Push for Scrutiny of Campus Police*, The Fayetteville Observer: Web Edition Articles (Apr. 23, 2019). Copy supplied.

Stephanie Mayer, *Here's What You Missed at Wednesday's Chancellor Advisory Committee Meeting*, Daily Tar Heel: University of North Carolina at Chapel Hill (Mar. 28, 2019). Copy supplied.

Focus On: Richard Myers II, University Gazette (Feb. 27, 2019), available at <https://gazette.unc.edu/2019/02/27/focus-on-richard-myers-ii/>.

Jennifer Bowman, *Corrupt County Officials Face Serious Prison Time*, The Asheville Citizen-Times (Jan. 10, 2019). Copy supplied.

Giselle Pagunuran, *UNC School of Law Holds Annual Auction to Fund Students Working in Public Interest*, Daily Tar Heel: University of North Carolina at Chapel Hill (Jan. 22, 2018). Copy supplied.

Giselle Pagunuran, *UNC School of Law Holds Annual Auction to Fund Students Working in Public Interest*, Daily Tar Heel (Jan. 21, 2018). Copy supplied.

NC Wagner Adam, *Overdose*, Star-News (Sept. 20, 2016). Copy supplied.

Sara Kiley Watson, *Chandler Kania Defense Lawyers Move to Delay Trial Date And Suppress iPhone Evidence*, The Daily Tar Heel (Aug. 23, 2016). Copy supplied.

Virginia Bridges, *Attorney Disagree on Whether it Was Legal for Officers to Enter Home Without Warrant*, The Durham News (Apr. 17, 2016). Copy supplied.

Alison Dirr & Andy Thompson, *Avery a Hot Topic in Classrooms, Courtrooms*, Central Wisconsin Sunday (Jan. 24, 2016). Copy supplied.

Washington: University of North Carolina Votes to Remove Controversial Anti-Harassment Rule, US Official News (May 6, 2015). Copy supplied.

Washington: University of North Carolina Votes to Remove Controversial Anti-Harassment Rule, US Official News (May 5, 2015). Copy supplied.

Washington: University of North Carolina Votes to Remove Controversial Anti-Harassment Rule, US Official News (May 4, 2015). Copy supplied.

Washington: University of North Carolina Votes to Remove Controversial Anti-Harassment Rule, US Official News (May 2, 2015). Copy supplied.

Symposium on the 50th Anniversary of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 to be held at Washington and Lee University School of Law, Targeted News Service (Feb. 13, 2015). Copy supplied.

Bradley Saacks, *Folt: Sexual Assault Report Coming This Week*, The Daily Tar Heel (Aug. 25, 2014). Copy supplied.

Michael Gordon, *No Headline in Original*, Star-News (Apr. 1, 2014). Copy supplied.

Daniel Schere, *UNC Faculty Council Votes for Transcript Changes*, The Daily Tar Heel (Mar. 30, 2014). Copy supplied.

SHG, *Snitches, for the Win!*, Simple Justice (Mar. 22, 2014). Copy supplied.

Emily Bazelon, *Who Killed Gonzalo Ramirez?; In 1995, Ramirez Allegedly Raped Patricia Esparza. He Was Tortured and Killed Weeks Later. Now She's Charged with His Murder. Is She Responsible? – Correction Appended*. Slate Magazine. (Feb. 10, 2014). Copy supplied.

N.C. Attorneys Criticize Volume of Grand Jury Cases, High Point Enterprise (Feb. 3, 2014). Copy supplied.

NC Attorneys Criticize Volume of Grand Jury Cases, Associated Press State & Local (Feb. 2, 2014). Copy supplied.

UNC 'Intimidation' Charge Against Student Alleging Sexual Assault Raises Free Speech Concerns, The Huffington Post (June 13, 2013). Copy supplied.

Josh Flory, *Guilty Pleas in Pilot Investigation May Lead to New Targets*, Knoxville News-Sentinel (May 30, 2013). Copy supplied.

Katharine Mcanarney, *Law Firm Offers Students Criminal, Honor Court Counsel*, The Daily Tar Heel (Apr. 23, 2013). Copy supplied.

Ta-Nehisi Coates, *The Collapse of American Criminal Justice*, Atlantic Online (Sept. 26, 2011). Copy supplied.

So What's New?, Simple Justice (Sept. 26, 2011), available at <https://blog.simplejustice.us/2011/09/26/so-whats-new/>.

Clarke Morrison, *Hilton May Face 2 Death Penalties*, The Asheville Citizen-Times (July 24, 2011). Copy supplied.

Nicole Comparato, *Law Student Will Be Missed*, The Daily Tar Heel (Jan. 12, 2011). Copy supplied.

Clarke Morrison, *Edwardo Wong Jury Progressing in Trooper David Shawn Blanton Trial, Judge Claims*, The Asheville Citizen-Times (Nov. 5, 2010). Copy supplied.

Clarke Morrison, *Wong Trial Jury Progressing, Judge Claims*, The Asheville Citizen-Times (Nov. 5, 2010). Copy supplied.

Jon Ostendorff, *Wong Considers Taking Stand*, The Asheville Citizen-Times (Sept. 28, 2010). Copy supplied.

Dan Markel, *FSU and ACS Criminal Justice in 2020 Conference: Updated Schedule and Registration*, PrawfsBlawg (Sept. 27, 2010). Copy supplied.

JB, *The Constitution in 2020: The Future of Criminal Justice*, Balkinization (Sept. 21, 2010). Copy supplied.

Chapel Hill Police Dash Camera Usage Doubles, The Daily Tar Heel (Aug. 29, 2010). Copy supplied.

Dan Markel, *Criminal Justice and the Constitution in 2020: An ACS Conference at FSU*, PrawfsBlawg (Aug. 26, 2010). Copy supplied.

Atwater Faces Likely Plea Bargain Monday, The Daily Tar Heel (May 20, 2010). Copy supplied.

Gareth McGrath, *No Headline in Original*, Star-News (May 8, 2010). Copy supplied.

Gareth McGrath, *Coastal Resources Official Mentioned in Easley Indictment Won't Seek Another Term*, Morning Star (May 7, 2010).

Sarah Ovaska & Joseph Nell, *No Headline in Original*, Star-News (Apr. 22, 2010). Copy supplied.

From Staff and Wire Reports, *City Briefs for Jan. 22, 2010*, The Daily Tar Heel (Jan. 22, 2010). Copy supplied.

Editorial Board, *Don't Move Trial*, The Daily Tar Heel (Jan. 13, 2010). Copy supplied.

Shelby Sebens, *Fear Factor Key in Soles Case*, Morning Star (Aug. 26, 2009). Copy supplied.

David Reynolds, *Castle Hayne Man Frustrated with Court Delays*, Morning Star (July 31, 2009). Copy supplied.

David Reynolds, *2 Years, 4 Months*, Star-News (July 31, 2009). Copy supplied.

Dan Galindo, *Death Penalty Route Doubtful*, Winston-Salem Journal (May 30, 2009). Copy supplied.

Greg Barnes, *Maynor Decision May Affect 2 Others*, The Fayetteville Observer (Feb. 11, 2009). Copy supplied.

Jay Price & Joseph Neff, *ATF Seizes Weapons from Blackwater: Investigation Concerns How They Were Obtained*, News & Observer (June 27, 2008). Copy supplied.

Associated Press, *No Headline in Original*, Star-News (June 23, 2008). Copy supplied.

Moyock N.C., *Blackwater Deal Allows Company to Have AK-47s*, The Associated Press State & Local Wire (June 22, 2008). Copy supplied.

Shannon Bowen, *No Headline in Original*, Star-News (May 13, 2008). Copy supplied.

Andrew Dunn, *Indictments May Come Today*, The Daily Tar Heel (Mar. 31, 2008). Copy supplied.

Devin Rooney, *Wright Denies Ethics Charges*, The Daily Tar Heel (Jan. 30, 2008). Copy supplied.

Roger Van Der Horst, *Marion Jones' Judge May Get Tough: Prison Sentence of More Than 6 Months Possible*, News & Observer (Jan. 10, 2008). Copy supplied.

Samiha Khanna, *Christine Mumma-Tar Heel of the Year: The Director of the N.C. Center on Actual Innocence Works to Free Those Who are Wrongly Convicted -- and Pushes for Laws to Prevent Such Mistakes*, News & Observer (Dec. 30, 2007). Copy supplied.

Sarah Donovan, *Faculty Dish Out Law Career Advice*, The Daily Tar Heel (Sept. 11, 2007). Copy supplied.

Sara Ovaska, *Murder-For-Hire Plea Nets Man 21 Years: Cary Man Tried to Hire a Hit Man to Kill his Wife and 14-Year-Old Victim of His Sex Crimes*, News & Observer (Aug. 25, 2007). Copy supplied.

Clarke Morrison, *McDowell Law Officer's Day in Court Comes for Fatal Pursuit*, The Asheville Citizen-Times (Aug. 9, 2007). Copy supplied.

Clarke Morrison, *McDowell Law Officer's Day in Court Comes for Fatal Pursuit; McDowell Law Officer's Day in Court Comes for Fatal Pursuit by Clarke Morrison*, The Asheville Citizen-Times (Aug. 19, 2007). Copy supplied.

Zak Kazzaz, *Defense Questions Lax Investigator; Lawyers Challenge Wilson's Tactics, Interview Findings*, The Chronicle (Feb. 28, 2007). Copy supplied.

Zak Kazzaz & The Chronicle, *Defense Questions Duke Lacrosse Case Investigator*, University Wire (Feb. 28, 2007). Copy supplied.

Black Looking to Make Deal; Lawyer Says He's Ready to Talk, The Robesonian (Feb. 17, 2007). Copy supplied.

Dan Kane & J. Andrew Curliss, *Black to Deal After Pleading Guilty, But Are Prosecutors?*, The Sampson Independent (Feb. 17, 2007). Copy supplied.

Dan Kane & J. Andrew Curliss, *Black Took Payoffs: Former Speaker Got \$29,000 to Support Laws Favoring Chiropractors*, News & Observer (Feb. 16, 2007). Copy supplied.

Joseph Neff, Anne Blythe & Benjamin Niolet, *DA's Critics Ask Bar, Feds to Intervene: Mike Nifong's Detractors in the Duke Lacrosse Case Want Him Punished for Forcefully Pursing Charges*, News & Observer (Dec. 3, 2006). Copy supplied.

Dan Kane & J. Andrew Curliss, *Decker: I Conspired with Black: The House Speaker Said in a Statement that the Accusation Was Untrue*, News & Observer (Nov. 2, 2006). Copy supplied.

Kristin Pratt, *N.C. Contractor Convicted*, The Daily Tar Heel (Aug. 23, 2006). Copy supplied.

Andrea Weighl, *Raleigh is Stage as U.S. Prosecutes Detainee Abuse*, News & Observer (Aug. 7, 2006). Copy supplied.

Joseph Neff, *DA's Statements, Record at Odds: Facts Appear to Contradict Some of Nifong's Words in the Duke Lacrosse Case*, News & Observer (June 15, 2006). Copy supplied.

Benjamin Niolet & Joseph Neff, *Lacrosse Players Face Old Charges: The Durham District Attorney Says He Will Reinstate Misdemeanor Charges in Some Cases*, News & Observer (Apr. 25, 2006). Copy supplied.

Jessica Jones, *Prosecutor Refuses to End Duke Lacrosse Probe*, NPR Morning Edition (Apr. 12, 2006). Copy supplied.

Steve Inskip, *Prosecutor Refuses to End Duke Lacrosse Probe*, NPR Morning Edition (Apr. 12, 2006). Copy supplied.

Kristin Pratt, *Felons to Receive Second Chance*, The Daily Tar Heel (Mar. 21, 2005). Copy supplied.

Radio Appearance: WCHL -- The Duke Lacrosse Investigation. I gave a telephone interview, but I do not know the time or date. I have no notes, transcript, or recording.

Television Appearance: NBC-17 -- The Duke Lacrosse Investigation. I gave a telephone interview. I do not know the time or date. I have no notes, transcript, or recording.

Cheryl Welch, *Hospital Close to Naming New Chief Executive Officer*, Star News (Nov. 26, 2003). Copy supplied.

Robert Scheer, *So Many Failed Lee*, The Denver Post (Sept. 21, 2000). Copy supplied.

Robert Scheer, *Now They're Outraged!; It Took a Judge to Get the Media to Recognize the Persecution of Wen Ho Lee*, Pittsburgh Post-Gazette (Sept. 21, 2000). Copy supplied.

Kristen Davenport, *Party Welcomes Lee Back Home in White Rock*, Santa Fe New Mexican (Sept. 14, 2000). Copy supplied.

Sue Major Holmes, *Lee Defense Team 'Turned a Battleship'*, Santa Fe New Mexican (Sept. 14, 2000). Copy supplied.

Sue Major Holmes, *Lee Defense Team Crumbles Government's Case*, The Associated Press State & Local Wire (Sept. 13, 2000). Copy supplied.

James Sterngold, *Lee's Dream Team High on Case, Low on Compensation; The Lawyers, Largely Unpaid, Say They've Become Fond of Los Alamos Scientist*, Contra Costa Times (Sept. 11, 2000). Copy supplied.

James Sterngold, *In Defense, Small but Dedicated Team*, The New York Times (Sept. 11, 2000). Copy supplied.

Scott Whisnant, *The \$27,401 Question: Hospital Workers Miffed by Timing of Raise*, Wilmington Star-News (Mar. 3, 1996). Copy supplied.

Midland Daily News, *Dow Corning Execs Reassure Workers*, Wilmington Star-News (May 19, 1995). Copy supplied.

Brunswick; Star-News Wins Spelling Bee, Wilmington Star-News (Sept. 23, 1994). 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 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 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 never sought or held 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 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 1998 to 1999, I served as a law clerk to the Honorable David B. Sentelle on the United States Court of Appeals for the District of Columbia Circuit.

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

I have never practiced law alone.

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

1999 – 2001
O'Melveny & Myers LLP
300 South Hope Street
Los Angeles, California 90071
Associate

2001
United States Attorney's Office, Central District of California
312 North Spring Street
Suite 1200
Los Angeles, California 90012
Assistant United States Attorney

2001 – 2004
United States Attorney's Office, Eastern District of North Carolina
310 New Bern Avenue
Federal Building, Suite 800
Raleigh, North Carolina 27601
Assistant United States Attorney

2004 – Present
University of North Carolina at Chapel Hill, School of Law
Van Hecke-Wettach Hall, CB #3380
160 Ridge Road
Chapel Hill, North Carolina 27599
Henry Brandis Distinguished Professor of Law and Director of Trial

Advocacy (2014 – present)
Associate Dean and Henry Brandis Distinguished Professor of Law July
(2013 – 2014)
Associate Dean and George R. Ward Term Research Associate Professor
(2010 – 2013)
Assistant Professor (2004 – 2010)

- 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.

My law practice has had three phases. I started as member of the White Collar Defense and Regulatory Investigations Practice Group at O'Melveny & Myers LLP in the Los Angeles office. While there I worked principally on criminal cases and internal investigations for individuals and corporate clients. I also worked on some civil matters involving intellectual property, environmental regulations, and health care. My pro bono practice included more than 1,000 hours of pro bono defense work. I also participated in the Trial Advocacy Prosecutors Program as a volunteer in Redondo Beach, California.

I left O'Melveny & Myers to become an Assistant United States Attorney in the Criminal Division in the Central District of California in January of 2001. I was assigned to the downtown Los Angeles office. I transferred to the Eastern District of North Carolina later that year, where I handled complex white collar investigations and oversaw a violent crimes task force for the southeastern portion of the state. Other matters included bank robbery, identity theft, Project Safe Neighborhoods meetings and prosecutions. I handled hundreds of additional indictments and sentencings as the Wilmington, North Carolina duty officer for the U.S. Attorney's office.

During my tenure as an Assistant United States Attorney in California and North Carolina, I regularly appeared in court for everything from arraignments and bail hearings to guilty pleas to sentencing hearings. I briefed appeals before the Ninth and Fourth Circuit Courts of Appeal and argued one case before the Ninth Circuit.

In July 2004, I left the U.S. Attorney's office to become a full-time law

professor at the University of North Carolina School of Law. Although I did not take cases for individual clients after entering the academy, I did volunteer many hours to the Innocence Project, working with students on matters, and conferring routinely with the North Carolina Center on Actual Innocence on case-specific legal questions. I have also provided pro bono mooted for appellate matters formally and informally while at the school of law.

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

As an associate at O'Melveny and Myers I represented corporations, individuals and government agencies. Approximately 80 percent of my practice was on criminal matters and internal investigations. The remainder was civil litigation involving intellectual property and environmental matters.

As an Assistant United States working exclusively on criminal matters, my client was the United States.

- 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.

Almost all of my private practice and government service involved litigation. From 1999 to 2001, as an associate at O'Melveny & Myers, I appeared in court occasionally, most notably as second chair in the Wen Ho Lee defense and as prosecution counsel in the Redondo Beach TAPP program. As an Assistant United States Attorney I appeared in court and before the grand jury on multiple matters every week, often on multiple matters in a single day. I engaged in criminal trials and pretrial litigation, including bail hearings, arraignments, guilty pleas, trials and sentencings. I tried eight cases to verdict.

Since entering academia, I have not appeared in court. I have participated in multiple matters as a pro bono advisor, and mooted dozens of appellate matters pro bono through UNC School of Law appellate programs. I am the director of Trial Advocacy for the UNC School of Law, an instructor for the National Institute for Trial Advocacy, and a Criminal Procedure and Evidence teacher.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 95 %
 - 2. state courts of record: 5 %
 - 3. other courts: %
 - 4. administrative agencies: %

- ii. Indicate the percentage of your practice in:

1. civil proceedings: 2 %
2. criminal proceedings: 98 %

- 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 tried eight criminal cases to verdict as an Assistant United States Attorney. I was chief counsel on one, sole counsel on six, and joint lead counsel on one.

- i. What percentage of these trials were:
 1. jury: 100 %
 2. non-jury: %

- 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. Wen Ho Lee*, No. 1:99-cr-01417-JAP.

I was part of the defense team representing Wen Ho Lee. Dr. Lee was a nuclear scientist from Los Alamos National Laboratory who was facing 39 counts under the Atomic Energy Act. He ultimately pled guilty to a single count of mishandling classified information and was sentenced to time served. The details of the investigation and case are classified. There are two books written about the case: MY COUNTRY VS. ME and A CONVENIENT SPY.

Court: United States District Court for the District of New Mexico
Judge: Honorable Robert Parker
Dates of representation: 1999 – 2000

Co-counsel:

Mark Holscher
Kirkland & Ellis LLP
333 South Hope Street
29th Floor
Los Angeles, California 90071
(213) 680-8190

John Cline
Law Office of John D. Cline
One Embarcadero Center, Suite 500
San Francisco California 94111
(415) 662-2260

Opposing counsel:

George Stamboulidis
[then with the United States Department of Justice]
Baker & Hostetler
45 Rockefeller Plaza
New York, New York 10111
(212) 589-4211

2. *United States v. James F. Weber*, Docket No. 2:99-cr-00423-RT (C.D. Cal.).

This case rose from an accidental explosion at the Santa Susana Field Facility of the Rocketdyne division that killed two people. Three employees were indicted by a federal grand jury in 1999, three years after Rockwell International Corp's Rocketdyne Division pleaded guilty to three felony counts of mishandling hazardous chemicals in the same incident and paid a \$6.5-million fine, the largest penalty ever assessed in California at the time. Our client in this multi-defendant case was James F. Weber, the group's hazardous waste coordinator. Dr. Weber was not present when the explosion occurred. He was charged with three felonies related to the illegal storage and treatment of hazardous waste at the lab. He pleaded guilty to one count of illegally storing explosive materials, a misdemeanor.

Court: United States District Court for the Central District of California
Judge: Honorable Robert Timlin
Dates 1999 – 2001

Co-Counsel:

Mark C. Holscher
Kirkland and Ellis LLP
333 South Hope Street
29th Floor
Los Angeles, California 90071
(213) 680-8400

Michael C. Camuñez
515 South Flower Street
Suite 1800
Los Angeles, California 90071
(310) 889-0180

Opposing counsel:

William Wesley Carter
Musick Peeler & Garrett LLP
624 South Grand Avenue
Suite 2100
Los Angeles, California 90017
(213) 629-7863

3. *United States v. Hoppe*, 46 F. App'x 888 (9th Cir. 2002).

I represented the United States as appellate counsel before the 9th Circuit Court of Appeals. While posing as a United States Postal Inspector, Hoppe conned two victims out of several thousand dollars by offering to sell property which he claimed had been seized by the United States Postal Service. Hoppe pleaded guilty to two counts of demanding or obtaining money while impersonating a federal officer, in violation of 18 U.S.C. § 912. At sentencing, Hoppe received a four-level enhancement under U.S.S.G. 2B1.1(b)(7)(A) (2001) for misrepresenting that he acted "on behalf of a . . . government agency." He appealed the enhancement and lost. The 9th Circuit held that the enhancement for "acting on behalf of" a government agency did not require a claim that the defendant was acting "for the benefit of" the government agency.

Court: 9th Circuit Court of Appeals
Judges: Honorable Stephen Trott, Honorable Edward Leavy, Honorable Stephen Reinhardt (dissenting)
Dates of Representation: 2002

Co-counsel:

Miriam A. Krinsky, Assistant U.S. Attorney

Judicial Council of California
2255 North Ontario Street
Burbank, California 91504
(818) 558-3011

Opposing counsel:

Elizabeth A. Newman
Office of the Public Defender
321 East 2nd Street
Los Angeles, CA, 90012
(213) 894-2854

4. *United States v. Ornelas*, Docket No. 5:02-cr-00012 (C.D. Cal.).

The defendant in this case was convicted of bank robbery after a jury trial. I represented the United States as first chair, with a training AUSA present but not participating as co-counsel.

Court: United States District Court for the Central District of California
Judge: Honorable Virginia A. Phillips
Dates of Representation: 2002

Opposing counsel:

Manuel U. Araujo
Federal Public Defenders Office
3801 University Avenue, Suite 150
Riverside, California 92501
(909) 276-6346

5. *United States v. Muhammad*, No. 5:96-CR-99-BR (E.D. N.C.).

I represented the United States as a prosecutor. The defendant in this case operated an advance-fee loan scheme that resulted in hundreds of thousands of dollars in actual loss and millions of dollars in intended loss. He was convicted on multiple counts of fraud and attempted fraud.

Court: United States District Court for the Eastern District of North Carolina,
Judge: Honorable Earl Britt, District Judge
Dates of Representation: 2002

Co-counsel:

James Candelmo
[then with the U.S. Attorney's Office]

Capital One
1680 Capital One Drive
McLean, Virginia 22102
(704) 501-0636

Opposing Counsel:

Stephen Gordon
150 Fayetteville Street
Suite 450
Raleigh, North Carolina 27601
(919) 856-4236

6. *United States v. Brown*, No. 5:04-cr-00026-FL-2 (E.D. N.C.)

The defendant in this case, along with a co-conspirator, participated in an identity theft ring that resulted in hundreds of thousands of dollars of losses in stolen cash, goods and services. Victims included individuals, credit card companies, automobile dealerships, real estate agencies and telephone companies. Clarke pled guilty, and his co-conspirator was convicted in a jury trial. I represented the United States.

Court: United States District Court for the Eastern District of North Carolina
Judge: Honorable Louise Flanagan
Dates of Representation: 2003 – 2004

Opposing counsel:
Devon Donahue, Assistant Federal Public Defender
150 Fayetteville Street
Suite 450
Raleigh, North Carolina 27601
(919) 856-4236

7. *United States v. Godwin, Jr.*, No. 5:03-cr-00241-BO (E.D. N.C.).

I represented the United States. The defendant in this case ran an illegal gambling operation. The prosecution resulted in a 7-year sentence and a five million dollar forfeiture related to convictions for operating an illegal gambling business and structuring financial transaction to evade currency reporting requirements.

Court: United States District Court for the Eastern District of North Carolina
Judge: Honorable Terrence W. Boyle
Dates of Representation: 2002 – 2003

Co-counsel:

Peter Kellen (deceased)

Dennis Duffy
Office of the United States Attorney
Eastern District of North Carolina
310 New Bern Avenue
Raleigh, North Carolina 27601
(919) 856-4530

Opposing counsel:

John P. O'Hale
5400 Glenwood Avenue #201
Raleigh, North Carolina 27612
(919) 977-8018

8. *United States v. Slaninka et al.*, No. 7:02-cr-00145 (E.D. N.C.).

I represented the United States. This was a multi-defendant case. The defendants retrieved torpedoes from a U-boat that sunk off the coast of North Carolina during World War II. They were apprehended with the warheads from the torpedoes in the trunk of their car as they drove toward a meeting with U.S. agents they believed to be members of a terrorist organization. They were convicted of violations of 18 U.S.C. § 371 and 18 U.S.C. § 924(c).

Court: United States District Court for the Eastern District of North Carolina
Judge: Honorable James C. Fox
Dates of Representation: 2002

Opposing counsel:

Shea Riggsbee Denning
150 Fayetteville Street
Suite 450
Raleigh, North Carolina 27601
(919) 856-4236

9. *United States v. Griffin*, No. 7:03-cr-00103 (E.D. N.C.).

I represented the United States. This case arose out of the violent crimes task force I led in the eastern counties of the Eastern District of North Carolina. The defendant was convicted after a jury trial of armed drug distribution, possession with intent to distribute crack cocaine, possession of a firearm in furtherance of a drug trafficking offense, and possession of a firearm by a convicted felon.

Court: United States District Court for the Eastern District of North Carolina

Judge: Honorable James C. Fox
Dates of representation: 2003 – 2004

Opposing counsel:

Geoffrey Hosford
150 Fayetteville Street
Suite 450
Raleigh, North Carolina 27601
(919) 856-4236

10. *United States v. Williams*, No. 7:02-cr-00149 (E.D. N.C.).

This case involved an armed bank robbery with a machine gun in Wilmington, North Carolina. The defendant was sentenced to 204 months imprisonment. I represented the United States.

Court: United States District Court for the Eastern District of North Carolina
Judge: Hon. W. Earl Britt
Dates of Representation: 2002

Opposing counsel:

Joseph Bart Gilbert
150 Fayetteville Street
Suite 450
Raleigh, North Carolina 27601
(919) 856-4236

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.)

In addition to my litigation experience, I have, on a number of occasions, consulted ad hoc and confidentially with prosecutors, defense attorneys and law enforcement professionals seeking to understand or predict developments in evidence or criminal procedure, usually in telephone calls of an hour or less. For example, my work on detector dogs has led to numerous conversations with attorneys seeking to understand the factors that may affect the reliability of an alert by a dog trained to detect contraband, accelerants or cadavers.

I have also sought to contribute to the law through my scholarship and teaching. For the

past fifteen years, I have taught, trained, advised, and mentored many hundreds of students in classrooms, seminar rooms, externships, mock trials and moot courts, encouraging many of them to consider careers in government or public service or to represent indigent clients *pro bono*. I am the Director of Trial Advocacy at the University of North Carolina School of Law and oversee multiple adjunct instructors from the North Carolina bar in the training of our students.

I have worked with the North Carolina Bar Association on matters related to ethics, judicial election and selection, including serving as vice president of the bar association from 2017 to 2018. I have also worked with the North Carolina Bar Ethics Committee on changes to Rule 3.8, governing the special duties of prosecutors. I have trained federal judges for the Fourth Circuit, taught arson investigators trial techniques at the National Fire Academy, and teach continuing legal education annually to lawyers in the state, principally in the areas of criminal procedure, constitutional law and evidence.

I have also written extensively about criminal law, criminal procedure and evidence, including publishing a treatise on North Carolina evidence law, as well as articles and other scholarly works in leading law reviews. I strive to make my scholarship clear, accessible, and useful to practicing lawyers as well as judges, and my scholarship is frequently cited by courts, litigators, and academics.

I have not performed lobbying on behalf of any client or organization, and I am not and have never been a registered lobbyist.

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

Instructor, National Fire Academy, Courtroom Presentation of Arson Evidence: Withstanding Cross-Examination, 2008. This was a two-day seminar for arson investigators from across the country on the applicable rules of courtroom practice. My teaching included modules on direct and cross-examination practice, and I also participated in modules on report-writing and ethics. I do not have a syllabus.

From 2004 to 2011 and from 2014 to 2018, I taught Criminal Law at the University of North Carolina School of Law. That first-year course covered the nuts and bolts of criminal law, including the structure of the criminal justice system, the jury, burdens of proof and production, justifications for punishment, legality and vagueness, actus reus, mens rea, causation, attempt, complicity, conspiracy, homicide, and defenses (including necessity, self-defense, mistake, and insanity). A sample syllabus is supplied

From 2004 to 2011 and from 2014 to 2019, I taught Criminal Procedure Investigations at the University of North Carolina School of Law. That upper-level course covered policing, searches and seizures, arrests, interrogations, and identification procedures, with an emphasis on the constitutional structure created by the Fourth, Fifth, Sixth and

Fourteenth Amendments to the U.S. Constitution. A sample syllabus is supplied.

In 2004, 2005, 2015 and 2019, I taught Evidence at the University of North Carolina School of Law. That upper level course included an introduction to concepts of proof, the Federal Rules of Evidence and important state variations, the Confrontation Clause, and basic issues of trial practice related to the introduction and contestation of evidence, including the role of counsel and the allocation of burdens of proof and production. Major topics covered included relevancy, character evidence, other crimes evidence, expert and scientific evidence, judicial notice, examination of witnesses, credibility-impeachment and rehabilitation, real and demonstrative evidence, hearsay and the Confrontation Clause and privilege. A sample syllabus is supplied.

In 2003, 2004, 2006, 2007, 2009, 2012, 2014, 2018, and 2019, I taught White Collar Crime at the University of North Carolina School of Law. This upper level seminar examines state and federal efforts to enforce morality and policy in commercial activity through criminal sanctions. It explores the metamorphosis of the mail and wire fraud statutes, then examines the RICO statutes' use as the prosecutor's ultimate weapon. The seminar also considers the problems confronted by prosecutors and practitioners whose clients are the subject of investigation and prosecution for a white collar offense, focusing on the powers of the grand jury and other investigative bodies, sentencing issues under the federal guidelines, and the dilemma posed when the client is the subject of parallel civil and criminal proceedings involving the same matters. Guest lecturers were recruited from prosecutors, agents, and defense attorneys. A sample syllabus is supplied.

In 2010 and 2016, I taught Professional Responsibility: Ethics in Criminal Practice, at the University of North Carolina School of Law. In this upper level course, I covered the ABA Model Rules of Professional Responsibility, and the specialized ABA Standards for Criminal Justice for the prosecution and defense functions. The course included examination of the roles of both defense attorneys and prosecutors in the criminal justice system, with a focus on specific problems that arise as attorneys try to fulfill the obligations imposed by our unique adversarial system of justice. Special emphasis was placed on critical discussion of the various legal, ethical, and moral solutions that have been articulated in response to the constantly arising dilemmas in criminal practice. A sample syllabus is supplied.

In 2019 I taught an Expert Witness Practicum at the University of North Carolina School of Law. Law students prepared and conducted voir dire and direct and cross-examination of live expert witnesses, drawn from the participants in the expert witness training program. Students worked with the Federal Rules of Evidence applying to expert witnesses, (including Rules 401, 403, 702 and the hearsay rules), learned the state of the law on *Daubert* and *McGrady* (the leading state and federal cases applying to judicial control of expert witness admission), practiced witness preparation, and led a direct and cross-examination in the courtroom. A syllabus is supplied.

In 2016 and 2017, I taught Introduction to American Criminal Law and Procedure for visiting Australian students at the University of North Carolina School of Law. A sample

syllabus is supplied.

From 2014 to the present I have served as the Director of Trial Advocacy, supervising adjunct instructors who taught the basic trial advocacy class. I also served as instructor of record for the UNC Trial Law Academy at the University of North Carolina School of Law, which supervises the competitive trial teams and the selection of members to those teams. I do not have a syllabus for this course.

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

I have a 401K from O'Melveny & Myers, a 401K from the University of North Carolina School of Law, and a FERS account from my time as an Assistant United States Attorney.

I have a book contract for Brandis & Broun on North Carolina Evidence with LexisNexis that pays a percentage of sales as royalties.

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 I am fortunate enough to be confirmed, after acclimating to my judicial responsibilities for a period of time, I would like to explore teaching part-time, perhaps one course per year, if my judicial duties permit and if the Chief Judge of the U.S. Court of Appeals for the Fourth Circuit approves. Apart from that, I have no other plans to pursue outside employment, with or without compensation, during my service with the court. I have made no commitments or agreements to do so.

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

See attached Net Worth Statement.

24. Potential Conflicts of Interest:

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

I am unaware of any family members, other persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interest.

To address conflicts generally, I would consult 28 U.S.C. § 455(a) & (b)(3) and Canon 3C of the Code Of Conduct for United States Judges. I would also consult any judicial decisions or Judicial Conference opinions addressing similar factual circumstances as those raised in the particular case. I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and take appropriate action, including recusal where necessary.

- 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 consult applicable rules, canons, and judicial and bar authorities' decisions addressing conflicts of interest, including 28 U.S.C. § 455 and the Code of Conduct for United States Judges. I would compile a list of all cases, matters, clients, and other persons whose involvement could raise potential conflicts of interest or otherwise create the appearance of impropriety, and instruct the clerk's office and my staff to assist me by flagging any such cases. In close cases, I would consult with the Chief Judge of my court, other judges, and others designated by the court to offer impartial advice.

- 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.

From 2004 to the present, I have worked as a consultant with the North Carolina Center on Actual Innocence on a case-by-case basis. I estimate that I have devoted about 40 to 50 hours per year to my work with this organization.

From 2004 to the present, I have consulted with students handing assigned matters for the UNC Innocence Project. I estimate that I have devoted about 5 to 25 hours per year to this work.

In addition, since 2004 I have consulted on individual pro bono matters undertaken by

students through the UNC School of Law Pro Bono organization. I estimate that I have spent 5 to 20 hours per year on such informal consulting.

From 2017 to the present, I have done pro bono consulting work for the Fair Punishment Project on law-reform related matters. I estimate that I have devoted about 5 to 10 hours per month to this work.

In addition to the above, through my scholarship I have built on my experience litigating criminal cases to advocate ways to improve accuracy in and access to justice. I have advocated ways to use technology, more active judicial involvement, and more flexible, lower-cost approaches to legal education to ensure that poor and middle-class people have better access to justice. I have also mentored many students who have chosen public service careers, including prosecutors, defense attorneys and legal aid lawyers.

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.

On March 6, 2019, I was contacted by staff for Senator Richard Burr, who inquired whether I would be willing to be considered for a vacancy on the U.S. District Court for the Eastern District of North Carolina. I responded that I would and had follow-up communications with this official shortly thereafter. On April 4, 2019, I spoke with counsel for Senator Burr regarding my background and qualifications. On April 12, 2019, I spoke with Senator Burr, who told me that he and Senator Thom Tillis had forwarded my name to the White House Counsel's Office, with others, as a potential nominee. On April 23, 2019, I was interviewed by attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. Since that date, I have periodically been in contact with officials from the White House Counsel's Office and the Department of Justice.

- 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 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		95	250	Notes payable to banks-secured (auto)			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		822	918	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		87	104
Real estate owned – see schedule		581	800	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		70	000				
Cash value-life insurance							
Other assets itemize:							
				Total liabilities		87	104
				Net Worth	1	482	864
Total Assets	1	569	968	Total liabilities and net worth	1	569	968
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

NC 401K (Prudential Goalmaker Fund)	\$243,567
1982 Retirement Plan	\$41,375
Fidelity 401K Blended Investments	\$495,704
Thrift Savings Plan	\$42,272
Total Listed Securities	<u>\$822,918</u>

Real Estate Owned

Personal Residence	\$334,700
Family Residence	\$247,100
Total Real Estate Owned	<u>\$581,800</u>

Real Estate Mortgages Payable

Family Residence – Mortgage	\$88,603
Total Real Estate Mortgages Payable	<u>\$88,603</u>

AFFIDAVIT

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

August 6, 2019
(DATE)

Richard Ernest Myers II
(NAME)

Debra R Edge
(NOTARY)

