

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Eli Jeremy Richardson

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

United States District Judge for the Middle District of Tennessee

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

Office: Bass, Berry & Sims PLC  
150 Third Avenue South, Suite 2800  
Nashville, Tennessee 37201

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

1967; Summit, New Jersey

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1989 – 1992, Vanderbilt University Law School (formerly known as Vanderbilt University School of Law); J.D. (*Order of the Coif*), 1992

1985 – 1989, Duke University; B.S.E. (*cum laude*), 1989

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.

2010 – present  
Bass, Berry & Sims PLC  
150 Third Avenue South, Suite 2800  
Nashville, Tennessee 37201

Member

2016 – present  
Vanderbilt University Law School  
131 21st Avenue South  
Nashville, Tennessee 37203  
Adjunct Professor

2016 – 2017  
Commonwealth of Kentucky  
Legislative Research Commission  
700 Capital Avenue  
Frankfort, Kentucky 40601  
Leadership Staff

2013 – 2015  
Belmont University College of Law  
1901 15th Avenue South  
Nashville, Tennessee 37212  
Adjunct Instructor

2009 – 2010  
Office of Prosecutorial Development, Assistance and Training  
United States Embassy  
Kneza Milosa 50  
Belgrade Serbia  
Resident Legal Advisor (On Detail from the United States Attorney's Office for the Middle District of Tennessee)

2004 – 2010  
United States Attorney's Office for the Middle District of Tennessee  
110 Ninth Avenue South, Suite A-961  
Nashville, Tennessee 37203  
Assistant United States Attorney

2002 – 2004  
United States Attorney's Office for the District of New Jersey  
970 Broad Street, Seventh Floor  
Newark, New Jersey 07102  
Assistant United States Attorney

1998 – 2002  
Federal Bureau of Investigation  
One Gateway Center  
Newark, New Jersey 07102  
Special Agent

1995 – 1998

Richardson & Associates

Solo Practitioner

*Richardson & Associates no longer has a physical address.*

1993 – 1995

Rogers & Hardin LLP

229 Peachtree Street NE, Suite 2700

Atlanta, Georgia 30303

Associate

1992 – 1993; Summer 1990

Warner, Norcross & Judd LLP

111 Lyon Street NW, Suite 900

Grand Rapids, Michigan 49503

Associate (1992 – 1993)

Summer Associate (Summer 1990)

Summer 1991

Winston & Strawn LLP

35 West Wacker Drive

Chicago, Illinois 60601

Summer Associate

Summer 1989

Illinois Department of Transportation

819 Depot Avenue

Dixon, Illinois 61021

Surveyor

Affiliations (Uncompensated)

1994 – 1996

Care for Romania, Inc.

7606 Baymeadows Circle West

Jacksonville, Florida 32256

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 not served in the military. I registered for the selective service upon turning 18.

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.

“Nashville’s 101 Top Lawyers,” *Nashville Post*, 2011

Director’s Award for Superior Performance as an Assistant United States Attorney, 2009

“Top 40 Under 40,” *The Tennessean*, 2005

Federal Bureau of Investigation Outstanding Academic Achievement Award, 1998

Vanderbilt University School of Law — Order of the Coif, 1992; Dean’s List, 1990 – 1991

Articles Editor, *Vanderbilt Law Review*, 1990 – 1992

*Vanderbilt Law Review* Myron Penn Laughlin Award, 1992

Duke University – Graduated *cum laude*, 1989

Strath Haven High School – Edmund Jones Scholarship, 1985

While serving as a prosecutor, I was recognized by numerous federal law enforcement agencies for my prosecutorial activities.

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 (1992 – 1995, 2011-2013)  
Member, Global Anti-Corruption Committee (2012)

American Health Lawyers Association (2012 – present)

Belmont College of Law American Inn of Court (2015 – present)

Criminal Justice Act Panel, Middle District of Tennessee (2011 – present)

State Bar of Georgia (1994 – present)

State Bar of Michigan (1992 – 2004)

State Bar of New York (2001 – present)

State Bar of Tennessee (2004 – 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.

Michigan, 1992  
Georgia, 1994  
New York, 2001  
Tennessee, 2004

Although I ceased practicing law in Michigan in August 1993, I retained my membership in the Michigan Bar on inactive status. On March 1, 2004, my membership was suspended for non-payment of dues. On April 1, 2004, I resigned my membership as I realized that it was unlikely that I would practice in Michigan again.

I have occasionally placed my membership in the Georgia Bar on inactive status.

There have been no other lapses in membership.

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

United States Court of Appeals for the Second Circuit, 2013  
United States Court of Appeals for the Sixth Circuit, 2012  
United States District Court for the Northern District of Georgia, 1994  
United States District Court for the Western District of Michigan, 1992  
United States District Court for Eastern District of Tennessee, 2014  
United States District Court for the Middle District of Tennessee, 2004  
Court of Appeals of New York, 2001  
Court of Appeals of Georgia, 1994  
Supreme Court of Michigan, 1992

As noted above, I resigned my membership in the Michigan Bar effective April 1, 2004. This terminated my membership in the bar of the Michigan Supreme Court.

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.

Care for Romania, Inc. (1994 – 1996)

Board Member (1994 – 1996)

National Commodore Club (2011 – 2017)

Seven Hills Swim Club (2004 – 2009; 2011 – 2012)

- 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 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.

With John Kelly, Thad McBride, and Cheryl Palmeri, *Proposed Legislation Would Combat Terrorist Financing, Money Laundering*, Bass, Berry & Sims PLC, June 8, 2017. Copy supplied.

With Zachary Greene, *Internal-Investigative Interviews: A Matter for Corporate Counsel, Not Cops* (May 2015) (presented in connection with DRI Commercial Litigation seminar). Copy supplied.

*When Your Corporate Client Plays Federal Agent*, Law360, Mar. 20, 2015. Copy supplied.

*DOJ Focus on Corporate Crimes: Turn Risk Into Opportunity*, Law360, Dec. 23, 2014. Copy supplied.

*A Rose by "Any" "Other" Name: The Eleventh Circuit Provides the First Appellate Opinion Defining "Foreign Official" Under the FCPA*, Bloomberg BNA, June 2, 2014. Copy supplied.

With Taylor Phillips, *International Anti-Corruption Efforts Are Here to Stay*, Law 360, Nov. 21, 2013. Copy supplied.

*The Forgotten Art: Advocacy on Behalf of Corporate Victims of Federal Crimes*, Bloomberg BNA Criminal Law Reporter, Aug. 28, 2013. Copy supplied.

*4 UK Bribery Act Myths – Debunked*, Law360, May 20, 2013. Copy supplied.

*Serbia's Pursuit of European Integration via Anti-corruption Measures*, ABA Criminal Justice Section Global Anti-Corruption Initiatives Task Force, Feb. 2, 2012. Copy supplied.

*Patterns in Parallel Proceedings: SEC Actions, DOJ Tools*, Law360, Jan. 17, 2012. Copy supplied.

*Prioritizing Your Strategies in Defending Civil and Criminal White Collar Cases*, in *Managing White Collar Legal Issues: "Inside the Minds"* (2012 ed.). Copy supplied.

With Robert Echols, *White-Collar Defense*, Tennessee Bar Journal, Dec. 2011. Copy supplied.

*So You Want to Become a Whistleblower? 5 Things to Consider Before Doing So*, Corporate Compliance Insights, Apr. 11, 2011. Copy supplied.

*Factoring in the Factors: Preparing Your Company to Minimize Federal Criminal Liability*, Bloomberg Law White Collar Crime Report and Corporate Counsel Law Report, Mar. 2011. Copy supplied.

*When the Whistle Blows: A Framework for Companies to Recognize and Handle Whistleblower Allegations*, Bloomberg Law Risk & Compliance Law Report, Jan. 2011. Copy supplied.

With Ross Booher and Taylor Phillips, *Is That a Crime? Understanding Risks and Obligations in the Foreign Corrupt Practices Act*, Tennessee Bar Journal, Apr. 2009. Copy supplied.

*Eliminating the Limitations of Limitations Law*, 29 Ariz. St. L.J. 1015 (1998). Copy supplied.

*Taking Issue with Issue Preclusion: Reinventing Collateral Estoppel*, 65 Miss. L.J. 41 (1995). Copy supplied.

*Demystifying the Federal Law of Attorney Ethics*, 29 Ga. L. Rev. 137 (1994). Copy supplied.

*Eliminating Double Talk from the Law of Double Jeopardy*, 22 Fla. St. U. L. Rev. 119 (1994). Copy supplied.

*Matching Tests for Double Jeopardy Violations with Constitutional Interests*, 45 Vand. L. Rev. 273 (1992). Copy supplied.

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

“Final Report of House Investigatory Committee on Executive Actions,” Kentucky House Investigatory Committee on Executive Actions, Dec. 30, 2016. Copy supplied.

“Second Round of Monitoring, Ukraine Monitoring Report,” Organisation for Economic Cooperation and Development, December 8, 2010. Copy supplied.

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

December 8, 2016: Meeting of Kentucky House Investigatory Committee on Executive Actions, Frankfort, Kentucky. Notes supplied.

October 28, 2016: Meeting of Kentucky House Investigatory Committee on Executive Actions, Frankfort, Kentucky. Representative press report 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.



August 31, 2017: Speaker, "Detecting and Responding to Accounts Payable Fraud," ComplianceOnline Webinar. Presentation supplied.

July 21, 2017: Speaker, "Evidence Gathering in a Fraud Investigation," ComplianceOnline Webinar. Presentation supplied.

March 17, 2017: Speaker, "Detecting and Responding to Accounts Payable Fraud," ComplianceOnline Webinar. Presentation supplied.

January 20, 2017: Speaker, "Evidence Gathering in a Fraud Investigation," ComplianceOnline Webinar. My presentation was substantially similar to my July 21, 2017 presentation, a copy of which is supplied.

December 1, 2016: Panelist, "Fraud and Corruption Controls for Your Domestic and International Business Partners in the Health Care Industry," Nashville Healthcare Fraud Conference, Tennessee Hospital Association and Bass, Berry & Sims PLC, Nashville, Tennessee. Presentation supplied.

November 17, 2016: Speaker, "Detecting and Responding to Accounts Payable Fraud," ComplianceOnline Webinar. My presentation was substantially similar to my March 17, 2017 presentation, a copy of which is supplied.

September 19, 2016: Guest Lecturer, White Collar Crime, Belmont University College of Law, Nashville, Tennessee. Notes supplied.

September 8, 2016: Moderator, "The Company as the Victim of White-Collar Crime," 3rd Annual Compliance & Government Investigations Update, KPMG and Bass, Beery & Sims PLC, Nashville, Tennessee. Presentation and notes supplied.

August 11, 2016: Presenter, "Accounts Payable Fraud," Forensic Accounting Conference, Kentucky Society of Certified Public Accountants, Louisville, Kentucky. Presentation supplied.

July 29, 2016: Speaker, "Detecting and Responding to Accounts Payable Fraud," ComplianceOnline Webinar. Presentation supplied.

May 13, 2016: Presenter, "White Collar Enforcement Trends in the Healthcare Industry," Nashville Council of Health Care Attorneys, Nashville, Tennessee. Presentation supplied.

May 5, 2016: Panelist, "Internal Investigations: What Young Lawyers Need to Know," Business Litigation Seminar, DRI Commercial Litigation Committee, Nashville, Tennessee. Presentation supplied.

September 10, 2015: Moderator, "Financial Crimes," 2nd Annual Compliance & Government Investigations Update, Berkeley Research Group (BRG) and Bass, Berry & Sims PLC, Nashville, Tennessee. I have no notes, transcript or recording. The address of BRG is 2200 Powell Street, Suite 1200, Emeryville, California 94608. The address of Bass, Berry & Sims is 150 Third Avenue South, Suite 2800, Nashville, Tennessee 37201.

September 30, 2014: Panelist, "Financial Crimes, AML/BSA, RICO," From Backroom to Boardroom: Strategies for Responding to Government Investigations, PwC and Bass, Berry & Sims PLC, Nashville Tennessee. Presentation supplied.

September 30, 2014: Moderator, "Negotiating a Deal with the Government," From Backroom to Boardroom: Strategies for Responding to Government Investigations, PwC and Bass, Berry & Sims PLC, Nashville Tennessee. Notes supplied.

September 16, 2014: Guest Lecturer, "Criminal Liability Concerns," Corporate Governance & Internal Control, Lipscomb University, Nashville, Tennessee. Presentation supplied.

July 29, 2014: Speaker, "Evidence Gathering in a Fraud Investigation," ComplianceOnline Webinar. Presentation supplied.

June 27, 2014: Speaker, "Detecting and Responding to Accounts Payable Fraud," ComplianceOnline Webinar. Presentation supplied.

February 17, 2014: Guest Lecturer, "Criminal Liability Concerns," Corporate Governance & Internal Control, Lipscomb University, Nashville, Tennessee. Presentation supplied.

December 12, 2013: Presenter, "Recognizing and Responding to Criminal Fraud in Today's Operational and Enforcement Environment," HCA, Inc., Nashville, Tennessee. Presentation and notes supplied.

February 18, 2013: Guest Lecturer, "Criminal Liability Concerns," Corporate Governance & Internal Control, Lipscomb University, Nashville, Tennessee. Presentation supplied.

November 29, 2012: Co-Presenter, "Practical Anti-Corruption Compliance," at 2012 SEC & Accounting Developments Seminar, PwC, Franklin, Tennessee. Notes supplied.

November 16, 2012: Presenter, Columbus International Program. I spoke to visiting Serbian officials regarding asset forfeiture. Notes supplied.

October 9, 2012: Presenter, "Foreign Anti-Corruption Enforcement," 2nd Annual Fraud Seminar, Institute of Internal Auditors, Nashville, Tennessee. Presentation

supplied.

August 5, 2012: Co-Presenter, "Anti-Corruption Compliance," Annual Meeting, Mergers & Acquisitions Committee of American Bar Association, Chicago, Illinois. Presentation supplied.

July 17, 2012: Presenter, "Corporate Criminal Liability: An Overview of Federal Law, Practice and Recent Developments," Knowledge Congress Webinar. Presentation supplied.

May 17, 2012: Panelist, "A New Focus of the Feds: Using the Travel Act, Federal Fraud and State Public-Corruption Statutes to Prosecute Domestic Corruption by Corporations," Association of Corporate Counsel and Navigant Consulting, Chicago, Illinois. Notes supplied.

December 9, 2011: Co-Panelist, "Selected Recent Changes, Health Care Fraud Law," "What's Up Doc?: The Latest in Healthcare Fraud Prosecutions and False Claims Litigation" CLE, Tennessee Bar Association, Nashville, Tennessee. Presentation supplied.

December 2, 2011: Moderator, "Whistleblower Provisions of Dodd-Frank Act Section 922(a)," Health Care Compliance Association South Central Regional Annual Conference, Nashville, Tennessee. Presentation supplied.

October 18, 2011: Panelist, "Corporate Criminal Liability in Theory and Practice," "Corporate Criminal Liability in the 21st Century: Understanding and Mitigating the Growing Risks to Your Corporate Clients" CLE, Tennessee Bar Association and Bass, Berry & Sims PLC. Nashville, Tennessee. I have no notes, transcript or recording. The address of the Tennessee Bar Association is 221 Fourth Avenue North, Nashville, Tennessee 37219. The address of Bass, Berry & Sims PLC is 150 Third Avenue South, Suite 2800, Nashville, Tennessee 37201.

July 26, 2011: Co-Presenter, "Rewards and Protection Under Dodd-Frank Act," Compliance 360 Webinar. Presentation supplied.

May 3, 2011: Co-Presenter, "Understanding and Responding to Whistleblower Reports," Association of Corporate Counsel Webinar. Presentation supplied.

April 26, 2011: Co-Presenter, "Understanding and Responding to Whistleblower Reports," Raymond James, Tampa, Florida. Presentation supplied.

December 2, 2010: Panelist, National Black Caucus of State Legislators Annual Conference. Atlanta, Georgia. I spoke regarding ethics and compliance issues. Notes supplied.

October 21, 2010: Co-Presenter, "2010 Anti-Corruption Policy and Practice Update," Lex Mundi Webinar. Presentation supplied.

October 2, 2008: Panelist, "Minimizing Antitrust Risk: Perspectives on Compliance Programs," Fulton County Daily Report and Bass, Berry Sims PLC, Nashville, Tennessee. Transcript supplied.

In approximately 2007, I spoke on a panel about federal government enforcement actions at a conference sponsored by State Capital Group in Nashville, Tennessee. I have no notes, transcript or recording. The address of the State Capital Group is 1717 Pennsylvania Avenue NW, Suite 1200, Washington, D.C. 20006.

In approximately late 2004, in my capacity as an Assistant U.S. Attorney, I spoke on a panel regarding the PATRIOT Act at an event sponsored by the American Civil Liberties Union of Tennessee in Nashville, Tennessee. I have no notes, transcript or recording. The address of the American Civil Liberties Union of Tennessee is Post Office Box 120160 Nashville, Tennessee 37212.

From 2000 to 2002, while serving with the FBI on the Joint Terrorism Task Force in Newark, New Jersey, I made remarks on a number of occasions regarding weapons of mass destruction (WMD) and the FBI's role in preventing and responding to a possible or actual WMD attack. I have no notes, transcripts, or recordings. The address of the FBI is 935 Pennsylvania Avenue NW, Washington D.C. 20535.

- 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.

*Father Donates to Casey Moreland's Election Days after Daughter Leigh Terry in Court in DUI Case*, The Tennessean, May 8, 2017. Copy supplied.

*Prosecutors Can't Push Back Philly DA's Trial*, Law 360, Apr. 12, 2017. Copy supplied.

*Search for Conflicts May Widen Atlanta Bribery Probe*, Atlanta Journal-Constitution, Mar. 27, 2017. Copy supplied.

*Feds Could Skirt McDonnell in Charges Against Philly DA*, Law360, Mar. 23, 2017. Copy supplied.

*Ex-NJ AG Spared Prison Based on Reputation, Attys Say*, Law360, Mar. 8, 2017. Copy supplied.

*Amid Ongoing Durham Scandal, Probe Shows Problems with Law*, The Tennessean, Feb. 11, 2017. Copy supplied.

*Feds May Look At Bribery In Durham Case*, Knoxville News Sentinel, Jan. 29, 2017. Copy supplied.

On October 28, 2016, I made comments to the press pool following a meeting of the House Investigatory Committee on Executive Actions formed by the Speaker of the Kentucky House of Representatives. Videos of these comments are available at: <http://www.wlky.com/article/gov-bevin-releases-road-project-emails-after-speaker-stumbo-sues-to-get-them/7792869>; and <http://mycn2.com/politics/bevin-releases-disputed-emails-after-stumbo-sues-house-panel-investigating-jessamine-county-road-project-s-delay-meets>.

*GWB Defense May Have Opening in Conspirator's Shady Past*, Law360, Oct. 26, 2016. Copy supplied.

*Attorney Spotlight: Eli Richardson*, Bass, Berry & Sims, September 8, 2016. Copy supplied.

*Prosecutors Must Disclose More than Brady, NYC Bar Says*, Law360, Sept. 6, 2016. Copy supplied.

*Emails Hover Over Ex-NJ DOT Chief in Airline Bribery Case*, Law360, July 18, 2016. Copy supplied.

*Attorneys React to High Court's Political Bribery Ruling*, Law360, June 27, 2016. Copy supplied.

*Attorneys React to High Court's Speedy Trial Ruling*, Law360, May 19, 2016. Copy supplied.

*What's Behind Those Facebook Posts, Highway Billboards Slamming Dallas' Diamond Doctor?*, Dallas Morning News, May 19, 2016. Copy supplied.

*NOVA Bank Leaders May Have Path to Nix TARP Fraud Verdict*, Law360, Apr. 28, 2016. Copy supplied.

*Tenn. AG Reaches \$3M Settlement With Time Share Co.*, Law360, Feb. 25, 2016. Copy supplied.

*Lawyers Weigh in on Supreme Court's Newman Rejection*, Law360, Oct. 5, 2015. Copy supplied.

*Menendez Faces Tough Sell in Bid to Cut Corruption Charges*, Law360, Sept. 16, 2015. Copy supplied.

*Menendez Play for DC Trial Could Yield Friendlier Jury*, Law360, May 27, 2015.

Copy supplied.

*Novel Charges in NJ Bridge Scandal Will Be Put to the Test*, Law360, May 1, 2015. Copy supplied.

*One Lawsuit Over EGL Reports Is Settled*, National Jeweler, Oct. 6, 2014. Copy supplied.

*Lawyers Weigh in on SEC's Record Whistleblower Award*, Law360, Sept. 22, 2014. Copy supplied.

*2nd Circ. Revives NYC's RICO Suit Against Cigarette Dealers*, Law 360, Sept. 9, 2014. Copy supplied.

*Retailer Faces More Lawsuits Over EGL Int'l Reports*, jckonline.com, Aug. 20, 2014. Copy supplied.

*New Lawsuits Filed Against Genesis Diamonds*, WSMV (Nashville), Aug. 18, 2014. Copy supplied.

*Tennessee Retailer Sued Over Grading Reports*, jckonline.com, July 23, 2014. Copy supplied.

*Customer Sues Genesis Diamonds, Questions Legality of Certifications*, WSMV (Nashville), July 22, 2014. Copy supplied. Video of the interview referenced in the article is available at <http://www.wsmv.com/story/26087158/customer-sues-genesis-diamonds-questions-legality-of-certifications>.

*Gibson Dunn May Be Forced to Give Up Bridgegate Docs*, Law360, Apr. 8, 2014. Copy supplied.

*Conflicts Alone Won't Expose Wolff & Samson Atty to Charges*, Law360, Mar. 14, 2014. Copy supplied.

*Former Dewey Execs Haunted by Damning Emails*, Law360, Mar. 10, 2014. Copy supplied.

*High Court Turns Suspect Silence into Prosecutorial Tool*, Law360, June 13, 2013. Copy supplied.

*News Leak Probe May Chill Media's Use of Federal Data*, Law360, Jan. 29, 2013. Copy supplied.

*Circuit is Asked to Define Identity Theft*, National Law Journal, Jan. 21, 2013. Copy supplied.

*Another DOJ Loss Helps the Case for Discovery Reform*, Law360, Aug. 6, 2012. Copy supplied.

*Macau Government probes Sands over Document Transfer to U.S.*, Thomson Reuters, Aug. 1, 2012. Copy supplied.

*Edwards Mistrial Sinks DOJ's Novel Campaign Finance Charges*, Law360, May 31, 2012. Copy supplied.

*Edwards Defense Displays Confidence with Quick Case*, Law360, May 16, 2012. Copy supplied.

*Edwards Trial Will Test DOJ's Theory of Campaign Law*, Law360, Apr. 13, 2012. Copy supplied.

*Wynn, Okada Mud Fight May Not Stick with Officials*, Reuters, Feb, 23, 2012. Copy supplied.

*Obama Budget Seeks to Arm Regulators for Fight Against Fraud*, Law360, Feb, 13, 2012. Copy supplied.

*Mladic Arrest a Warning for Gaddafi, Bashir*, Reuters, May 31, 2011. Copy supplied.

*Passage of Time Not Likely to Hurt Case Against Mladic*, Los Angeles Times, May 26, 2011. Copy supplied.

*SEC Looks to Gain Home Court Advantage*, Law360, May 6, 2011. Copy supplied.

*Eli J. Richardson on Overseas Efforts to Curb Public Sector Corruption*, BulletProof Blog, May 2011. Available at [https://www.youtube.com/watch?v=o86yUzG8\\_8M](https://www.youtube.com/watch?v=o86yUzG8_8M).

*Today's Guidance on UK Bribery Act Launches New Enforcement Era*, Forbes.com, Mar. 30, 2011. Copy supplied.

*Special Units Put Public Corruption in Hot Seat*, Law360, Dec. 6, 2010. Copy supplied.

Interview with Pitajte Zona (Question Zone) (Serbian TV station), Nov. 19, 2009. Copy supplied.

*Sumner Sheriff, Brother Charged with Taking \$48,000 from County*, Associated Press, March 17, 2006. Copy supplied.

*Today's 6<sup>th</sup> Circuit Ruling May Lead Ganier To Trial – Court of Appeals Rejects*

*Argument to Exclude Testimony; U.S. Attorney Here Is Prepared To Resume Prosecution of Sundquist Ally*, Nashville Post, November 15, 2006. Copy supplied.

*Bombs, Poison Lead to Indictment – Ricin, Explosives, Gun Silencers Discovered*. The Commercial Appeal, July 21, 2006. Copy supplied.

*Judge Says Sundquist was Reason for Federal Probe*, The Tennessean, July 10, 2005. Copy supplied.

*Trial of Sundquist's Friend Delayed Again After Judge Recusals* Associated Press, May 11, 2005. Copy supplied.

I recall giving a television interview to a reporter in approximately 2005 while an Assistant U.S. Attorney for the Middle District of Tennessee. The interview was conducted together with a Supervisory Special Agent of the FBI and dealt with the subject of terrorism. I do not recall anything else about the interview, including the date and who it was with, and have been unable to locate a copy of it or press reports based on it.

In the Fall of 2004, while an Assistant U.S. Attorney for the Middle District of Tennessee, I was a guest on "The Teddy Bart Show," a Nashville morning radio talk show that has since been discontinued. The show dealt with the subject of homeland security. I do not recall anything else about the interview, including the exact date, nor have I been unable to locate a copy of the interview or press reports based on it.

*Ex-trader is Charged With Fraud*, The Chicago Tribune, April 2, 2003. Copy supplied.

*Man Convicted in Jersey City Armored Truck Heists*, The Waterfront Journal, March 27, 2003. Copy supplied.

*Man Charged with Mall Robbery Indicted*, The Waterfront Journal, December 26, 2002. Copy supplied.

*2 Suspects Indicted in Armored Truck Holdups*, The Jersey Journal, December 18, 2002. 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 not held public office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held any office in or rendered any services to a political party or election committee.

**16. Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
  - i. whether you served as clerk to a judge, and if so, the name of the judge, the

court and the dates of the period you were a clerk;

I have not served as a clerk to a judge.

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

From 1995 to 1998, I practiced law alone. I was the sole proprietor of Richardson & Associates.

116 East Howard Avenue  
Decatur, Georgia 30030 (1995 – 1996)

874 North Main Street  
Conyers, Georgia 30012 (1996 – 1997)

912 Commercial Street  
Conyers, Georgia 30012 (1997 – 1998)

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

1992 – 1993  
Warner, Norcross & Judd LLP  
900 Fifth Third Center  
111 Lyon Street, NW  
Grand Rapids, Michigan 49503  
Associate

1993 – 1995  
Rogers & Hardin LLP  
229 Peachtree Street, Suite 2700  
Atlanta, Georgia 30303  
Associate

1998 – 2002  
Federal Bureau of Investigation  
One Gateway Center  
Newark, New Jersey 07102  
Special Agent

2002 – 2004  
United States Attorney's Office for the District of New Jersey  
970 Broad Street, Seventh Floor  
Newark, New Jersey 07102  
Assistant United States Attorney

2004 – 2010

United States Attorney's Office for the Middle District of Tennessee  
110 Ninth Avenue South, Suite A-961  
Nashville, Tennessee 37203  
Assistant United States Attorney

2009 – 2010

Office of Prosecutorial Development, Assistance and Training  
United States Embassy  
Kneza Milosa 50  
Belgrade Serbia  
Resident Legal Advisor (On Detail from the United States Attorney's  
Office for the Middle District of Tennessee)

2010 – Present

Bass, Berry & Sims PLC  
150 Third Avenue South, Suite 2800  
Nashville, Tennessee 37201  
Member

2016 – 2017

Commonwealth of Kentucky  
Legislative Research Commission  
700 Capital Avenue  
Frankfort, Kentucky 40601  
Leadership Staff

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

I have not served as a mediator or arbitrator.

b. Describe:

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

For most if not all of my career as an attorney, I have been primarily a litigator. In my first position out of law school (1992 – 1993), at the law firm of Warner, Norcross & Judd, I handled litigation and intellectual property matters, learning the basics of these areas as appropriate for a newly-minted attorney. In my next position (1993 – 1995), at the law firm of Rogers & Hardin, I practiced exclusively in litigation.

When I had my own law practice (1995 – 1998), I worked primarily in litigation, mostly commercial litigation but also in three small personal injury cases. I tried two cases to a jury verdict and also had a bench trial. On the other hand, for the only time in my career, as is typical for many lawyers who are on their own, I was more of a generalist. I handled a wide variety of matters I was competent to handle, although I did not attempt to handle “everything.” For example, I did not handle criminal or family law matters. I did, however, handle less complicated commercial transactions and corporate governance and formation issues.

In 1998, I joined the FBI as a Special Agent and worked for approximately two years on a public corruption squad, and approximately two years on the Joint Terrorism Task Force. In that capacity, I did not practice law, but worked on various cases that, as is typical, wound up in criminal litigation. In addition to conducting investigations, I had a variety of liaison, speaking and instructing duties as FBI Newark Field Office’s Weapons of Mass Destruction Coordinator.

In 2002, I joined the United States Attorney’s Office in the District of New Jersey and returned to the practice of law and to litigating. As is typical for an AUSA assigned to criminal cases, I conducted investigations and prosecutions involving federal criminal statutes. I also tried two cases to a jury verdict.

In 2004, I moved to the U.S. Attorney’s Office in the Middle District of Tennessee. I continued these core duties of a criminal AUSA, which took up the great majority of my time until I became the office’s Criminal Chief. For several years, I was also the district’s Antiterrorism Advisory Council Coordinator, which entailed a variety of liaison and monitoring activities with various law enforcement agencies. Also, in 2006, I became head of the office’s Terrorism and Official Corruption Unit, which entailed new duties in terms of supervising the unit’s other AUSAs and their cases but still left me able to spend most of my time investigating and prosecuting my own cases. Then, at the very end of 2007, I became the office’s Chief of the Criminal Division, which entailed supervising all of the office’s criminal prosecutors and their cases as well as various policy-related functions and special projects. This diminished, but did not eliminate, the amount of time I had available for my own investigations and prosecutions, which I continued to pursue. While in Nashville, I tried five cases to a jury verdict. I also prepared, as lead counsel, two major corruption cases for trial right up to the day trial was set to begin, before the cases ultimately resulted in a guilty plea. During this time, I also briefed numerous appeals and argued four times before the Sixth Circuit.

In 2009, I was detailed by the Justice Department to the U.S. Embassy in

Serbia to serve as Resident Legal Advisor, where I performed a variety of training, liaison, and case-related activities as described elsewhere herein. During this time, I did not serve as a litigator, though I did help Justice Department attorneys with various pieces of litigation having some connection to Serbia.

In 2010 I joined my current law firm, Bass, Berry & Sims, where I am still practicing as a member of the firm's Litigation Department. During my time at the firm, approximately half of my time has been spent conducting litigation. Another approximately one-eighth of my time has been spent in litigation-relation activities, such as representing victims in ongoing criminal litigation or witnesses who have been subpoenaed in other parties' litigation. Another approximately one-quarter of my time has been spent addressing circumstances that might end up in litigation but have not yet done so; this includes conducting internal investigations and defending subjects or targets on ongoing and uncompleted government investigations. The final approximately one-eighth of my time has been spent in other activities, including compliance activities such as policy drafting and advice.

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

1992 – 1993: My clients at the law firm of Warner, Norcross & Judd, Warner, Norcross & Judd were almost all business enterprises, ranging from small startups created by inventors to large banks and furniture manufacturers.

1993 – 1995: My clients at the law firm of Rogers & Hardin were, with the exception of my pro bono client David Cargill, almost all business enterprises, ranging from small, closely-held family businesses to major entertainment companies and carpet manufacturers.

1995 – 1998: When I had my own law practice, my clientele was split roughly equally between individuals and business enterprises, most of which were fairly small. From time to time, I also assisted other lawyers with matters for their clients, which were primarily business enterprises, including, for example, logistics companies and carpet manufacturers.

1998 – 2002: as an FBI Special Agent, I was not practicing law.

2002 – 2009: As an AUSA at the United States Attorney's Office for the District of New Jersey, and then for the Middle District of Tennessee, my sole client was the United States Government.

2009 – 2010: While working as the Resident Legal Advisor (RLA) to

Serbia, to the extent that I was working as an attorney (as opposed to working as a diplomat), my sole client was the United States Government.

2010 – present: At Bass, Berry & Sims, I have represented primarily individuals and business enterprises. The individuals have almost all been either: (a) under investigation or prosecution by the federal government and/or state governments for alleged civil and/or criminal infractions; (b) victims of crime; or (c) document custodians or witnesses from whom the state or federal government sought information. The business enterprises have been of all sizes, from just a couple of employees to the world's largest companies. For them, I have performed a variety of services—from internal investigations, to civil litigation, to crime victim advocacy, to defense in government investigations. My clientele also has included a special committee of the Kentucky House of Representatives, for whom I drafted a report I have provided herewith in Appendix 12(b).

- 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.

Generally, excluding my time overseas serving as Resident Legal Advisor, I estimate that 70 percent of my practice throughout my career has been in litigation. If, however, one includes investigative work (both for the government and on behalf of private clients) that tends to be associated with and/or precede litigation, I would estimate the figure at 90 percent over the course of my career.

1992 – 1993: At Warner, Norcross & Judd, I estimate that 70 percent of my practice was in litigation, all of a civil nature except for pro bono representation of one client charged with a state crime. My only actual appearances in court were in connection with that pro bono representation.

1993 – 1995: At Rogers & Hardin, 100 percent of my practice was in litigation, all of a civil nature. I do not recall any actual appearances in court during this time period.

1995 – 1998: When I had my own law practice, I estimate that 80 percent of my practice was in litigation. I was frequently in court, arguing numerous motions and trying three civil cases, two of which were in federal court. I estimate that 50 percent of my litigation was in federal court and 50 percent in state court.

2002 – 2009: As an AUSA at the United States Attorney's Office for the District of New Jersey, if one counts investigative work as litigation and excludes administrative duties, 100 percent of my practice during this period was in litigation in federal court. Most days, I was in the grand jury and/or in court, arguing motions, conducting sentencings, conducting bail or suppression hearings, attending arraignments, trying cases, or arguing appeals.

2009 – 2010. While working as the Resident Legal Advisor (RLA) for Serbia, I personally conducted no litigation, although I assisted Justice Department attorneys in certain litigation matters.

2010 – present: At Bass, Berry & Sims, I would estimate that 50 percent of my time has been spent handling litigation on behalf of clients; if one counts investigative work that tends to be associated with and/or precede litigation, I would estimate the figure at 87.5 percent (seven-eighths). I would estimate half of it as civil and half as criminal. While at Bass, Berry, & Sims, I have been in court occasionally, primarily in arguing complex motions, handling evidentiary and sentencing hearings, and, in one case, arguing once before the Sixth Circuit. As noted elsewhere, I also handled two full arbitration hearings, one referred there by a state court and the other by a federal court.

Estimates of percentages for my career, including work on government investigations in contemplation of a possible or actual court or administrative proceeding, are included below:

i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 80% |
| 2. state courts of record:  | 19% |
| 3. other courts:            | 1%  |
| 4. administrative agencies: | 0%  |

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 40% |
| 2. criminal proceedings: | 60% |

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

I have tried ten cases to verdict; three were civil and seven were criminal. I was sole counsel in one, chief counsel in six, and associate counsel in three.

i. What percentage of these trials were:

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

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

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



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

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

1. *United States v. Ford*, No. 3:06-cr-00235 (M.D. Tenn.), 639 F.3d 718 (6th Cir. 2011)

This was a criminal case I prosecuted on behalf of the United States in the United States District Court for the Middle District of Tennessee (Judge Todd Campbell). The case involved the investigation, prosecution and conviction of former Tennessee State Senator John Ford. In July 2008, after an extended jury trial, Ford was convicted of multiple counts of honest-services wire fraud and concealment of material facts in connection with receiving over \$1.4 million from two different contractors of TennCare, the State of Tennessee's version of Medicaid. On September 29, 2008, Ford was sentenced to 168 months of imprisonment on the wire fraud counts, and 60 months of imprisonment on the concealment counts, to run concurrently. He appealed thereafter.

After Ford's sentencing but prior to the disposition of his appeal, the United States Supreme Court, in *Skilling v. United States*, 130 S. Ct. 2896 (2010), held that the honest-services statute covered only bribery and kickback schemes invalidating the previously well-established honest-services theory of prosecution against Ford, *i.e.*, that he committed honest-services fraud by profiting from an undisclosed conflict of interest that he was required to disclose. The Government subsequently conceded during Ford's appeal that the wire fraud counts of conviction should be vacated in light of *Skilling*. In addition, on April 14, 2011, the United States Court of Appeals for the Sixth Circuit vacated the remaining counts of conviction. Although I was assigned to the case some time after the investigation began and was not lead counsel, upon assignment I assumed a role almost equivalent to that of lead counsel in terms of both investigating and prosecuting the case; for example, I was the primary drafter of the indictment and the Government's subsequent briefs in the district court, and at trial I gave the opening statement and handled approximately half of the witnesses. I did not handle the appeal, because I was detailed to Serbia at the time. My involvement in the case spanned from 2006 until 2009.

Co-Counsel: David Rivera (last known business address)

Bass, Berry & Sims PLC  
150 Third Avenue South, Suite 2800  
Nashville, Tennessee 37201  
615-742-6200

Opposing Counsel:

Isaiah Gant  
Office of the Federal Public Defender  
810 Broadway  
Nashville, TN 37203  
615-736-5047

2. *United States v. Al-Uqaily*, No. 3:04-cr-00191 (M.D. Tenn.)

This was a criminal case I prosecuted on behalf of the United States in the United States District Court for the Middle District of Tennessee (Judge Robert Echols). The defendant in this case was investigated after an informant told the local Joint Terrorism Task Force (“JTTF”) of recent conversations s/he had had with the defendant, an Iraqi-born Nashville resident. According to the informant, the defendant was angry about the state of affairs in Iraq, and stated that he was “going Jihad” and was going to blow up something. The defendant approached the informant on September 8, 2004, about obtaining four grenades and two handguns; he identified a particular Jewish facility as the target of the attack. The JTTF orchestrated an undercover sting, delivering weapons to the defendant and then arresting him. The defendant was indicted for illegal possession of machine guns and possession of an unregistered firearm. He thereafter pled guilty to both counts, and was sentenced to 57 months’ imprisonment. He did not appeal. I was the sole prosecutor from the outset, assisting agents in the investigation and personally handling all aspects of the prosecution. The case spanned from 2004 until 2006.

Opposing Counsel:

David Baker  
Office of the Federal Public Defender  
810 Broadway  
Nashville, TN 37203  
615-736-5047

3. *Cargill v. Turpin*, 120 F.3d 1366 (11th Cir. 1997)

This was a federal habeas corpus case in which I represented the petitioner, David Cargill, in an appeal to the U.S. Court of Appeals for the Eleventh Circuit appealing the district court’s dismissal of his federal habeas corpus petition challenging his convictions and death sentences (Judges Joseph Hatchett, Joel Dubina and Phyllis Kravitch). Cargill was a Georgia state prisoner who had been convicted of two counts of murder and two counts of armed robbery. On appeal to the Eleventh Circuit, Cargill asserted that several of his habeas claims were meritorious and should not have been dismissed; the primary claims were violation of the Confrontation Clause, several instances of prosecutorial misconduct in violation of the Due Process Clause of the

Fourteenth Amendment, and ineffective assistance of counsel at the sentencing phase. In a split decision, the Eleventh Circuit affirmed the district court's dismissal of the habeas corpus petition. The dissent asserted that the death sentences should have been set aside provisionally on the grounds of improper prosecutorial remarks at the sentencing phase in violation of due process. I did not represent Cargill in the district court, and began my representation (through my then-employer, which was handling the case pro bono) only as the appellate stage commenced. I was primarily responsible for writing the appellate brief, and I argued the appeal before the Eleventh Circuit. My involvement in the case spanned from 1994 until 1998.

Co-Counsel: Phillip S. McKinney  
Rogers & Hardin LLP  
2700 International Tower  
229 Peachtree Street NE  
Atlanta, GA 30303  
404-522-4700

Opposing Counsel: Paula K. Smith  
Georgia Department of Law  
40 Capitol Square, SW  
Atlanta, GA 30334-1330  
404-656-3351

4. *United States v. Vandercook*, No. 3:06-cr-00036 (M.D. Tenn.)

This was a criminal case I prosecuted on behalf of the United States in the United States District Court for the Middle District of Tennessee (Judge Todd Campbell). The defendants were the long-standing sheriff of a suburban Nashville county and his brother. The sheriff sought to enrich his brother by enabling him to receive the profits from building a maintenance garage for the sheriff's department. The two defendants sought to conceal such nepotism by scheming together to make it appear that the contract had been awarded to a third-party contractor, when in fact the sheriff had used his official authority to secretly award the job to his brother. After an investigation uncovered the truth, the defendants were indicted separately for wire fraud and numerous other offenses. The case against the sheriff proceeded to the eve of trial; on the day trial was to begin, the sheriff pled guilty to one count of wire fraud. Thereafter, his brother did likewise. The sheriff was subsequently sentenced to 18 months' imprisonment and his brother to 15 months' imprisonment, and neither appealed. I was the sole prosecutor from the outset. I assisted in the investigation before charges were filed, handled the case alone until trial approached, and then assumed the role of lead counsel once co-counsel was assigned to try the case with me. The case spanned from 2006 until 2007.

Co-Counsel: Paul O'Brien  
TK Holdings, Inc.  
2500 Takata Drive

Auburn Hills, MI 48326  
248-373-8040

Opposing Counsel:

Peter Strianse  
Tune, Entrekin & White, P.C.  
315 Deaderick Street  
Suite 1700  
Nashville, TN 37238  
615-244-2770

Kimberly S. Hodde  
Hodde & Associates  
40 Music Square East  
Nashville, TN 37203  
615-242-4200

5. *United States v. Miller*, 734 F.3d 530 (6th Cir. 2013)

This was a criminal case in which I represented a criminal defendant in the United States District Court for the Middle District of Tennessee (Judge Marvin Aspen) and in the United States Court of Appeals for the Sixth Circuit (Judges Eric Clay, Jeffrey Sutton, and Richard Griffin). My client, the defendant, had received a loan from a bank for the purchase of land after pledging that land as collateral. As part of the closing process, Miller submitted to the bank a resolution stating that all persons with an investment stake in the land had attended a recent meeting to discuss the potential loan, and that at that meeting those individuals voted unanimously to allow the property to be pledged as collateral for the loan. Both statements were false. The resolution also contained the handwritten names (handwritten by Miller's partner) of all individuals with an investment stake in the property. The defendant was indicted and convicted at trial on two counts of making a false statement to a bank (18 U.S.C. § 1011) and two counts of aggravated identity theft (18 U.S.C. § 1028A). Following a lengthy sentencing hearing, the defendant was sentenced to 45 months' imprisonment.

On appeal, the defendant argued that 18 U.S.C. § 1028A does not apply to his conduct because even under the prosecution's version of the facts, he only lied about what other persons did (*i.e.*, approve the pledging of the collateral), and did not "use" their names within the meaning of the statute as required for conviction. The defendant also argued that one of the false statement counts was invalid because it was based on a statement that was demonstrably true rather than false. The Sixth Circuit agreed with both of these arguments, and thus reversed three of the four counts of conviction, finding them invalid as a matter of law. The case was remanded for re-sentencing on the one remaining count of conviction (for a false statement to the bank). After a lengthy re-sentencing hearing, the defendant's sentence was reduced to 30 months' imprisonment, and he did not appeal.

I served as counsel pretrial to help advise trial counsel on some of the white-collar

criminal issues involved. I served as co-counsel at the sentencing hearing, and I handled the appeal alone. I also handled the defendant's re-sentencing hearing. My involvement in the case spanned from 2011 until 2014.

Opposing Counsel: Sandra Moses (last known address)  
United States Attorney's Office  
110 Ninth Avenue South, Suite A-961  
Nashville, TN 37203  
615-736-5151

Kathryn Ward Booth  
Vanderbilt Law School  
131 21st Avenue South  
Nashville, TN 37203  
615-875-4210

6. *United States v. Ediger*, No. 3:04-0038 (M.D. Tenn.), 166 F. App'x 218 (6th Cir. 2006)

This was a criminal case I prosecuted on behalf of the United States in the United States District Court for the Middle District of Tennessee (Judge Todd Campbell) and the United States Court of Appeals for the Sixth Circuit (Judges Ralph Guy, Jeffrey Sutton, and David McKeague). The defendant was a senior official with the Tennessee Department of Labor and Workforce Development who was charged with, among other things, honest-services mail and wire fraud, based in part on her promoting the award of certain state contracts to a particular company based on knowingly false statements about the company. The case was part of a larger state government corruption investigation that resulted in the conviction of multiple defendants. I joined the investigation/prosecution team as the case neared the indictment phase, and was co-counsel (not lead counsel) thereafter. The case proceeded to trial, where I handled approximately half of the witnesses and gave the government's closing argument. The jury convicted on the mail and wire fraud counts. The defendant was sentenced to three years' imprisonment. The defendant appealed, and I handled the briefing and oral argument before the Sixth Circuit Court of Appeals, which affirmed her conviction and sentence in an unpublished opinion (Case No. 05-5350). My involvement in the case spanned from 2004 until 2005.

Co-Counsel: Zachary Fardon (last known business address)  
United States Attorney's Office, Eastern Division  
219 S. Dearborn Street, Fifth Floor  
Chicago, IL 60604  
312-353-5300

Opposing Counsel: B.F. Jack Lowery  
Lowery, Lowery & Cherry PLLC  
Lowery Building  
150 Public Square

Lebanon, TN 37087  
615-444-7222

Kimberly S. Hodde  
Hodde & Associates  
40 Music Square East  
Nashville, TN 37203  
615-242-4200

7. *State of Tennessee v. Festiva Development Group, Inc.*, No. 2:13-cv-00343 (E.D. Tenn.)

This was a civil case in which I represented defendants in the United States District Court for the Eastern District of Tennessee (Judge Ronnie Greer). The defendants were sued by the State of Tennessee based primarily on their alleged involvement in a points-based vacation club that allegedly made fraudulent misrepresentations to consumers. The State brought claims under the Tennessee Consumer Protection Act, the federal Telemarketing and Consumer Fraud and Abuse Prevention Act, and the Telemarketing Sales Rule, 16 C.F.R. Part 310. The State's complaint named 14 defendants—11 companies and three individuals—as well as six “relief defendants.” An amended complaint added additional claims and defendants. Defendants filed a joint motion to dismiss the complaint and then the amended complaint, but the motion was never rule upon. The case proceeded to voluminous discovery, as well as various discovery motions filed by both sides. Eventually, prior to trial, the case was settled on various financial and non-financial terms, and the defendants did not admit any wrongdoing or liability. I was lead counsel from the outset for most but not all of the defendants and relief defendants. The case spanned from 2013 until 2016.

Opposing Counsel:

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P O Box 20207  
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615-532-2590

Jessica Jo Myers  
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615-741-6421

8. *City of New York v. Chavez et al* , 944 F. Supp. 2d 260 (S.D.N.Y.), 579 F. App'x 15 (2d Cir. 2014)

This was a civil case in which I represented defendants in the United States District Court for the Southern District of New York (Judge Katherine Forrest) and in the United States Court of Appeals for the Second Circuit (Judges Ralph Winter, Reena Raggi, and Susan Carney). The City of New York sued certain online cigarette sellers, those sellers'

cigarette suppliers, and several dozen of those sellers' buyers, for violations of the federal Contraband Cigarette Trafficking Act, and of the Racketeer Influenced and Corrupt Organizations Act (RICO). The City alleged a massive conspiracy among the defendants to violate RICO for the purpose of evading cigarette taxes imposed by New York City. I represented one of the suppliers, Charles Wells, who was sued only under RICO. In a reported decision, the district court granted summary judgment to Wells, agreeing with his argument that the City had failed to raise a genuine issue as to whether the alleged RICO "enterprise," necessary to sustain the RICO claim, even existed. The City appealed to the Second Circuit, which reversed the grant of summary judgment in an unpublished opinion (Case No. 13-2931) on the grounds that it could not conclude that Wells was at this stage entitled to judgment as a matter of law. Thereafter, and substantially before trial, the parties settled the case, with Wells admitting no wrongdoing or liability. I served as lead counsel from the outset in both the trial and appellate phases, although my co-counsel argued the appeal before the Second Circuit.

Opposing Counsel:

Eric Proshansky  
NYC Law Department  
100 Church Street, 3rd Floor  
New York, NY 10007  
212-356-2032

Leonard Braman  
Wofsey, Rosen, Kweskin & Kuriansky, LLP  
600 Summer Street, 7th Floor  
Stamford, CT 06901  
203-327-2300

9. *United States v. Coker*, 514 F.3d 562 (6th Cir. 2008)

This was a criminal case I prosecuted on behalf of the United States in the United States District Court for the Middle District of Tennessee (Judge Robert Echols) and the United States Court of Appeals for the Sixth Circuit (Judges Danny Boggs, Cornelia Kennedy, and R. Leon Jordan). Coker was the assistant director of a large facility of the Department of Veterans Affairs (VA). Beginning in 1999, she and the director of the facility, aided by several co-conspirators, began to exploit their public positions for personal gain in numerous ways. Ultimately, an investigation led to the arrest and suicide of the director and the conviction of multiple co-conspirators of defendant Coker. It also led to the indictment of defendant Coker on numerous counts, including negotiating for employment with a VA vendor with whom Coker had dealt closely on behalf of the VA. Coker pled guilty to this count. After a lengthy sentencing hearing, at which a wide range of Coker's abuse of her position was proven, Coker was sentenced to 46 months imprisonment. The Sixth Circuit thereafter upheld her sentence. I was the lead counsel in prosecuting one of the co-conspirator's cases. In Coker's case, I was co-counsel in the district court, and I handled the briefing and argument in the Sixth Circuit myself. My involvement in the case lasted from 2004 until 2008.

Co-Counsel: Barrett C. ("Bret") Hester  
Barclays PLC  
2001 K Street NW  
Washington, DC 20005  
202-452-4700

Opposing Counsel: Richard Braun  
501 Union Street, Suite 500  
Nashville, TN 37219  
615-259-1550

10. *United States v. Williams*, 3:02-cr-00935 (D.N.J.)

This was a criminal case I prosecuted on behalf of the United States in the United States District Court for the District of New Jersey (Judge Garrett E. Brown, Jr.). Williams and three co-conspirators conducted multiple armed robberies of armored trucks before a shootout resulted in the apprehension of two of the co-conspirators, who each pled guilty and agreed to cooperate. The remaining two conspirators, including Williams, were indicted for robbery and conspiracy to commit robbery in violation of the Hobbs Act and for using a firearm during and in relation to a crime of violence. While his co-defendant eventually pled guilty, Williams proceeded to trial alone. He was convicted on all counts and sentenced to 224 months' imprisonment. On appeal, the Third Circuit affirmed the conviction but remanded for sentencing in light of *United States v. Booker*, 543 U.S. 220 (2005). On remand, the district court again sentenced Williams to 224 months. I did not handle the appeal. I also did not handle any proceedings on remand in Williams' case, but otherwise I handled all of these cases alone in the district court from the outset, except that co-counsel was assigned as the trial approached and assisted in the trial by providing advice and handling a few witnesses. My involvement in the case lasted from 2002 until 2003.

Co-Counsel: Scott Christie  
McCarter & English LLP  
Four Gateway Center  
100 Mulberry St.  
Newark, NJ 07102  
973-848-5388

Opposing Counsel: R. Louis Gallagher, II  
Camden County Board of Social Services  
600 Market Street  
Camden, NJ 08102  
856-225-8800

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any



client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have handled many significant litigation matters that did not progress to trial (beyond those identified and discussed immediately above), both as an Assistant U.S. Attorney and in private practice. For example, since joining Bass, Berry & Sims, I was lead counsel on two different civil cases that each ultimately resulted in a plenary arbitration hearing, filed a complex civil RICO action that survived a motion to dismiss before being settled, defended a series of locally high-profile consumer protection lawsuits, and have assisted in my firm's representation of a defendant in a major white-collar criminal case.

On the other hand, a substantial percentage of my work at Bass, Berry & Sims has not involved litigation per se. For instance, I have defended many clients under civil and/or criminal investigation based on alleged submission of false claims to the government. Likewise, I have represented numerous witnesses in federal investigations who are unlikely ever to be a party to civil or criminal litigation. As another example, I have conducted numerous internal investigations, both for corporations who have been victimized by their own employees and/or third parties, and for companies whose employees allegedly may have harmed third parties or otherwise engaged in wrongdoing. As for victim companies, in many instances I have referred cases to federal authorities for investigation and prosecution, resulting in many federal investigations, including to date several felony convictions of those harming my client. I also have assisted numerous clients with compliance issues, including compliance training and policy drafting.

Similarly, during my tenure at the U.S. Attorney's Office in Nashville, I worked on numerous matters not involving litigation. For example, I served as the Anti-terrorism Advisory Council Coordinator, then Chief of the Terrorism and Official Corruption Unit, and then Chief of the Criminal Division, I. In that capacity, I participated in Joint Terrorism Task Force meetings and case review; worked with the FBI on intelligence investigations; served as the Confidential Human Source Coordinator for my office; devised and implemented certain policy initiatives within the office with respect to the initiation and handling of criminal cases; created and coordinated the district's Suspicious Activity Review Team; and conducted a periodic review of the office's criminal cases.

Furthermore, as the Justice Department's Resident Legal Advisor to Serbia, I was involved in working to reform Serbian law and helping execute numerous requests for legal assistance flowing between the United States and Serbia.

I also have been involved in numerous activities outside my primary employment that are intended to improve the legal profession. These include teaching law on an adjunct basis at two different law schools, participating in a local chapter of the American Inns of Court, speaking regularly at continuing legal education programs, continuing to write articles for legal publications, and meeting frequently with law students and newly-minted attorneys who have sought me out for career advice.

I have never performed lobbying activities.

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

“Corporate Compliance and Government Investigations,” Vanderbilt University Law School, spring semester 2016 and 2017. This course, which I conceived of myself and designed with my co-teacher, introduces students to the expanding and inter-related practices areas of corporate compliance and internal investigations. My co-teacher focuses on the compliance aspect of the course, while I focus on internal investigations. In the course, students become familiar with the core elements of an effective compliance program, then explore more fully some of these elements, such as appropriate reporting, oversight, and governance mechanisms and factors to consider in structuring a centralized compliance function. With respect to corporate internal investigations; students study corporate goals, investigative strategies and tactics, communicative techniques, and ethical issues that shape internal investigations; Students also learn how corporate compliance efforts and internal investigations impact the resolution of potential or actual government enforcement actions against a company. Copies of the syllabus for each semester are attached to this Questionnaire.

“Trial Advocacy,” Belmont University College of Law, Spring semester 2013 through 2015. This course, in which I served as the instructor for a subsection of the class comprised of approximately eight students, exposes students to the basic strategic considerations and tactics for the conduct of jury trials, and allows them to practice these skills via structured exercises and, ultimately, mock trials graded by the instructors. Copies of the syllabus, which I had no role in preparing, for each semester are attached to this Questionnaire.

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

None.

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

I have no current plans, commitments or agreements to pursue outside employment, although it is possible that I might seek in the future to teach law on an adjunct basis, either with or without compensation.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

My wife is the founder and head of the Special Education Advocacy Center of Tennessee, Inc., which helps families understand and assert their rights under the Individuals with Disabilities Education Act (IDEA). In addition, my 17-year son has significant disabilities that trigger certain rights for him under the IDEA. For these reasons, I would recuse myself from any case involving a claim under the IDEA.

If confirmed, I would recuse myself from any case involving my current law firm, Bass, Berry & Sims, for at least the first five years on the bench and would thereafter adhere to the Code of Conduct for United States Judges and other applicable authority in considering whether to recuse myself from cases involving the firm, including by considering extending the five-year recusal period a specific amount of time.

I have a close friendship with two persons who were my former colleagues at the United States Attorney's Office in Nashville and who are still Assistant U.S. Attorneys there. One is Mark Wildasin, and the other is Brent Hannafan. I am confident that I could adjudicate their cases fairly and impartially, but I would want to avoid even the potential appearance of partiality. Therefore, I would recuse myself from any case in which either were counsel of record.

I would of course recuse myself from any matter in which I have a financial interest.

Should any other conflict come to my attention, I will adhere to the Code of Conduct for United States Judges and other applicable authority regarding their

resolution.

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

In each such case, if confirmed, I would follow the Code of Conduct for United States Judges, the Ethics Reform Act of 1989, 28 U.S.C. § 455, and other relevant recusal rules or guidelines.

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

Since returning to private practice in late 2010, I have devoted a substantial amount of time to (uncompensated) pro bono representation as a member of the Criminal Justice Act Panel of the Middle District of Tennessee. I have completed the representation of two indigent persons entitled to counsel under the Criminal Justice Act. I recorded a total of 171.5 hours working on these two matters combined.

In addition, at the request of the Federal Public Defender's Office earlier this year, I organized a team of Bass, Berry & Sims attorneys to assist (together with outside co-counsel) a federal habeas corpus petitioner, and have begun doing substantive work on the case. Going forward, although I do not anticipate entering a notice of appearance, I do plan on working on one or more substantive claims implicated by the petition. Thus far, I have recorded approximately 145 hours working on this matter.

26. **Selection Process:**

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

In December 2016, one of my partners in my law firm contacted me to suggest that I consider applying to fill the recently created vacancy on the federal bench in Nashville. After considering this new potential opportunity, I decided to apply. In this district, there is no selection commission to recommend candidates for nomination to the federal courts. In accordance with what I understood to be the custom in Tennessee for commencing the application process, on January 9, 2017

I sent a cover letter and resume to the staffs of both Senator Alexander and Senator Corker. On February 21, 2017, at my suggestion, I met in Washington, D.C. with a staff member of Senator Alexander and a staff member of Senator Corker to discuss my candidacy. Since March 16, 2017, I have been in contact with officials from the White House Counsel's Office. On March 20, 2017, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, DC. On April 17, 2017, I spoke with Senator Alexander and Senator Corker via teleconference. On July 13, 2017, President Trump submitted my nomination to the Senate.

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

No.