

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

McGregor William Scott

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

United States Attorney for the Eastern District of California

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.

400 Capitol Mall
Suite 3000
Sacramento, CA 95814

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

1962; Mountain View, CA

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.

Hastings College of Law, University of California, 1986 – 1989
Juris Doctorate, May 22, 1989

Santa Clara University, 1981 – 1985
Bachelor of Arts, June 15, 1985

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.

Orrick, Herrington, & Sutcliffe, LLC
400 Capitol Mall, Suite 3000
Sacramento, CA 95814

Partner
January 2009 – present

McGeorge School of Law, University of the Pacific
3200 5th Avenue
Sacramento, CA 95817
Adjunct Professor (uncompensated)
August 2009 – December 2013

United States Attorney's Office for the Eastern District of California
501 I Street, Suite 10-100
Sacramento, CA 95814
United States Attorney
March 2003 – January 2009

Shasta County (CA) District Attorney's Office
1525 Court Street, 3rd Floor
Redding, CA 96001
District Attorney
April 1997 – March 2003

Contra Costa County District Attorney's Office
900 Ward Street
Martinez, CA 94553
Deputy District Attorney
December 1989 – April 1997

California Army National Guard/United States Army Reserve
Infantry Officer
June 1985 – September 2008 (lieutenant colonel, retired)

United States Army
Armor Officers' Advanced Course
Armor School
Fort Knox, KY 40121
Student/1LT
July 1989 – October 1989

California State Senate Fellows Program
State Capitol
Sacramento, CA 95814
Fellow
November 1985 – August 1986

United States Army
Infantry Officers' Basic Course

Infantry School
Fort Benning, GA 31905
Student/2LT
June 1985 – November 1985

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.

California Army National Guard/United States Army Reserve
1985 – 2008
Lieutenant Colonel, Retired
I registered for the selective service.

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

McGeorge School of Law Military Law Society, 2017, recognized for helping veterans transition to legal careers

Sacramento Business Journal Best of the Bar 2015, 2016, and 2017

Chambers recognized as a top California top white collar criminal lawyer 2014, 2015, 2016, and 2017

During my tenure as U.S. Attorney I received several awards from federal, state, and local law enforcement agencies

During my tenure as district attorney I received multiple awards from state and local law enforcement agencies

Army Commendation Medal, 1993

California Commendation Medal, 1991

Army Reserve Components Achievement Medal, 1989

California State Senate Fellowship, 1985 – 1986

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

Federal Bar Association (Eastern District of California Chapter), 2014 (est.) to present

National Association of Former United States Attorneys

Member, 2009 – present

Member, Board of Directors, 2016 – 2017

United States Department of Justice

Various Committees and Working Groups (2003 – 2009)

Attorney General's Advisory Committee (2004 – 2007)

Controlled Substances Subcommittee (2003 – 2009, Chair 2004 – 2007)

Cybercrime & Intellectual Property Subcommittee (Chair 2006 – 2008)

Native American Issues Subcommittee (2003 – 2009)

Central Valley High Intensity Drug Trafficking Area Executive Board

Board Member, Ex Officio (2003 – 2009, Chair 2005)

California District Attorneys' Association

Member (1989 – 2003)

Member, Board of Directors (1999 – 2001)

Chair, Rural Counties Committee (1998 – 2002)

Member, Ethics Committee (1999 – 2003, est.)

National District Attorneys' Association

Member (1999 – 2003, est.)

Shasta/Trinity Counties Bar Association

Member (1998 – 2003, est.)

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.

State Bar of California

December 11, 1989 – present (no membership lapses)

- 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.

State Bar of California, December 11, 1989 (no membership lapses)

U.S. Court of Appeals for the Ninth Circuit, December 11, 1989 (no membership lapses)

U.S. District Court for the Northern District of California, December 11, 1989 (no membership lapses)

U.S. District Court for the Eastern District of California, March, 2003 (no

membership lapses)

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.

Justice Kennedy Learning Center, Board of Directors (2015 – present)

Boy Scouts of America, Adult Leader (2005 – present)

Serrano Country Club (2003 – present)

Federalist Society for Law & Public Policy (1995 (est.) – present)

Institute for the Advancement of Criminal Justice Board of Directors (2009 – 2015, est.)

Sacramento Chapter, FBI INFRAGARD Program
Chair (2010 – 2014, est.)

National Guard Association of the United States (1990 – 2004, est.)

National Guard Association of California (1990 – 2004, est.)

Mercy Foundation North Board of Directors (1998 – 2003, est.)

Riverview Golf & Country Club (1999 – 2003, est.)

Greater Redding Chamber of Commerce (1999 – 2003, est.)

Shasta Celtic Society (1999 – 2003, est.)

Shasta County Methamphetamine Task Force
Chair (1999 – 2003, est.)

Shasta YMCA Board of Directors (2000 – 2003, est.)

Rotary Club of Redding (1997 – 2003)

Redding Republican Women Federated (1997 – 2003, est.)

Shasta County Womens' Refuge (1997 – 2003, est.)

The Retired Officers' Association (2000, est.)

Tierra Oaks Golf Club (1997 – 1998, est.)

Justice Anthony Kennedy Inn of Court (2003 – 2004)

Rotary Club of Sacramento (2010 – 2015, est.)

Northern California Golf Association (on and off over the course of several years)

United States Golf Association (on and off over the course of several years)

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organizations to which I gave funds and did not otherwise participate in programmatic activities.

- b. 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 these organizations discriminate 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 done my best to identify all books, articles, reports, letters to the editor, editorial pieces and other published material, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

In early, 2009, I co-wrote with Courtney Linn an article for the *Sacramento Bee* in which we advocated that criminal prosecution of wrongdoers should be a focus of governmental action arising from the Great Recession. Copy not available.

In 1998, I wrote an article for the *Redding Record Searchlight* opposing Proposition 36, which was a statewide proposition involving drug treatment and the criminal justice system. Copy not available.

- 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.

I have authored no such reports, memoranda, or policy statements.

- 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.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including a thorough review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

On April 16, 2008, I testified before the U.S. Senate Judiciary Committee Subcommittee on Crime and Drugs concerning “[C]hallenges and Solutions for Protecting our Children from Violence and Exploitation in the 21st Century.” Copy supplied.

On March 6, 2000, I testified before the U.S. House Subcommittee on Criminal Justice, Drug Policy, and Human Resources in Woodland, CA. The topic of the hearing was the methamphetamine problem in California. Copy not available.

- 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.

Over the past decades, I have given scores of speeches and talks. Most of these

involved talks regarding the district attorney's office and the U.S. Attorney's office when I led those operations in which I described the office, our mission, our successes, and our challenges. The audiences for these talks were typically community service organizations like Rotary clubs. During my previous tenure as U.S. Attorney, I gave several talks in public settings regarding the PATRIOT Act. I have spoken to several law enforcement organizations over the years, typically about our shared efforts and to motivate. I have given three or four commencement addresses over the past 20 years. I have appeared on a number of panels over the years on criminal justice issues. I do not have a list of the groups, dates, or a summary of subject matters.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of personal files and searches of publicly available electronic databases. I frequently use the text of a speech from a prior event, speak without notes, or speak from a handwritten outline. I did not retain the majority of the handwritten outlines and have attached all that I could find. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

May 1997
Commencement address
Shasta College
Redding, California
Copy supplied.

May 26, 1997
Memorial Day speech
Shasta County Veterans' Affiliated
Redding, California
Copy supplied.

May 2004
Memorial Day Speech
Shasta County Veterans' Affiliated
Redding, California
Copy supplied.

August 2005
Priorities of U.S. Attorney's Office
Capitol Press Club
Sacramento, California
Copy supplied.

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

they are available to you.

I have done my best to identify all interviews given, including through a review of personal files and searches of publicly available electronic databases. Despite my searches, there may be other material I have been unable to identify, find or remember. I have located the following:

October 4, 2016
CBS News; The Associated Press
California judge throws out \$4M suit against rape victim
Copy supplied.

October 1, 2016
The Sacramento Bee
Is this sex offender really suing his victim because she called him a rapist on Facebook?
Copy supplied.

April 19, 2013
Mrs. Shipley's Ghost: The Right to Travel and Terrorist Watchlists
Copy supplied.

October 24, 2012
KCRW Radio Station
California Death Penalty Repeal or Reform
Radio broadcast found at: <http://www.kcrw.com/people/mcgregor-scott>

October 3, 2009
Times Standard News
Eureka native representing Jaycee Dugard and her family
Copy supplied.

September 25, 2009
CNN.com
Lawyer: Jaycee Dugard would testify against captors
Copy supplied.

December 19, 2008
KCRA Television Station
Reflections of outgoing U.S. attorney
Television broadcast found at: <https://www.youtube.com/watch?v=Xi9shsn18Fk>

October 31, 2008
Record Searchlight
Scott to resign as US attorney next year to join private law firm
Copy supplied.

August 27, 2008
ChicoER News
U.S. attorney: Patriot Act 'essential tool'
Copy supplied.

August 6, 2008
The Fresno Bee
Drug Czar Visits Tulare Pot Site
Copy supplied.

May 17, 2008
The Modesto Bee
U.S. attorney praises verdict in Modesto marijuana store case
Copy supplied.

September 11, 2007
The New York Times
24-Year Term for Californian in Terrorism Training Case
Copy supplied.

November 17, 2006
Lodi News-Sentinel
Federal agents address concerns of Lodi Muslims
Copy supplied.

July 24, 2006
PBS Frontline Interview "The Enemy Within"
Investigation of a possible network of Al Qaeda operatives in Lodi, California.
Copy supplied.

April 29, 2006
Los Angeles Times
Lodi Case Juror Alleges Bullying
Copy supplied.

December 29, 2005
NBC News
Red Cross scandals tarnish relief efforts
Interview found at: <http://www.nbcnews.com/id/10640252/ns/msnbc-momingjoe/t/red-cross-scandals-tarnish-relief-#.We8ixUyZNGM>

December 29, 2005
CNN
Dozens indicted in alleged Katrina scam
Copy supplied.

September 23, 2003

Sacramento Bee; Baha'i Library Online

Brothers face uncertain future: Ahmad and Hassan Amin, brothers from Pakistan
Copy supplied.

During my time as district attorney and U.S. attorney, I had extensive media contact regarding the cases my offices were handling.

During my 8.5 years at Orrick, I have served as a legal commentator for local print, radio, and television media. I do not have clips or transcripts of any of these interviews.

13. 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.

Shasta County District Attorney

Initially appointed to fill a vacancy by the Shasta County Board of Supervisors (1997)

Elected to full terms in 1998 and 2002

United States Attorney for the Eastern District of California

Appointed by President George W. Bush and confirmed by the Senate, 2003 – 2009

- 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.

Member, Contra Costa County Republican Central Committee

Elected, 1996 – 1997 (uncompensated)

Alternate Delegate

Republican National Convention, 1996 (uncompensated)

Delegate

Republican National Convention, 2012 (uncompensated)

Principal
Californians for Death Penalty Reform and Savings
2012 – 2017 (uncompensated)

14. **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 judicial law clerk.

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

I have not practiced 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.

Orrick, Herrington, & Sutcliffe, LLC
400 Capitol Mall, Suite 3000
Sacramento, CA 95814
Partner
January 2009 – present

United States Attorney's Office for the Eastern District of California
501 I Street, Suite 10-100
Sacramento, CA 95814
United States Attorney
March 2003 – January 2009

Shasta County (CA) District Attorney's Office
1525 Court Street, 3rd Floor
Redding, CA 96001
District Attorney
April 1997 – March 2003

Contra Costa County District Attorney's Office
900 Ward Street
Martinez, CA 94553
Deputy District Attorney
December 1989 – April 1997

- 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.

My legal career has had essentially four phases. My first work out of law school was as a deputy district attorney for approximately 7.5 years, in which I handled all facets of criminal prosecution from misdemeanors to murders. I appeared in court on a nearly daily basis, conducted hundreds of preliminary hearings and bench trials, and tried approximately 100 cases to jury verdict.

Next, I worked as an elected district attorney for approximately six years where I managed an office of approximately 25 attorneys and approximately 50 support staff. In that position I was ultimately responsible for all aspects of the office's operations in discharging its duties to enforce the criminal laws and child support collection in a California county.

After that, I worked as a Presidentially-appointed, Senate confirmed U.S. Attorney where for approximately six years I managed an office of approximately 75 attorneys and approximately 100 support staff. In that position I was ultimately responsible for all aspects of the office's operations in discharging its duties to represent the United States Government in criminal and civil matters in a district comprised of 34 of California's 58 counties and approximately 7 million people.

Most recently, for the past 8.5 years, I have worked in private practice as a partner with Orrick, where I have been a member of the firm's White Collar and Corporate Investigations practice group. My practice has involved principally the conduct of internal investigations for entities that have come under some form of governmental inquiry. Internal investigations involve interviewing witnesses, reviewing documents, and building a factual and legal record of what occurred that has triggered governmental interest. In this role I have led a team of approximately 50 lawyers in conducting internal investigations in North America, Europe, Africa, South America, and Asia. In addition, I have represented a number of companies being investigated by California district attorneys involving industrial accident deaths and serious injuries. I have also represented a limited number of individuals who were the subject of

Department of Justice investigations. Finally, I have represented a number of companies in civil matters, namely unfair business practices investigations by district attorneys in California and False Claims Act investigation by DOJ.

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

For the first 20 years of my career, as a prosecutor, my clients were the People of the State of California and the United States Government. For the past 8.5 years, my clients have been individuals and entities in white collar criminal and civil cases.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

While working as a deputy district attorney, I appeared in court nearly every day handling all aspects of the prosecution of criminal cases. As district attorney, I appeared on occasion in court and handled some cases, but the bulk of my time was spent managing the office. While U.S. Attorney, I rarely appeared in court as my daily responsibilities were to manage the office and be an active member of the broader DOJ community (i.e., serving as a member of the Attorney General's Advisory Committee). In private practice at Orrick, I have appeared in court approximately once per quarter. I tried an extended civil jury trial in the Eastern District of California in 2014.

- i. Indicate the percentage of your practice in:

- 1. federal courts;
75%
- 2. state courts of record;
25%
- 3. other courts;
0%
- 4. administrative agencies
0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings;
25%
- 2. criminal proceedings.
75%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision

(rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried approximately 100 jury trials to verdict as a prosecutor. I was the sole counsel on each.

I have tried one civil jury trial to verdict. I was chief counsel.

I have tried dozens of bench trials as a prosecutor. I was sole counsel on each.

i. What percentage of these trials were:

1. jury;
75%
2. non-jury.
25%

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.

15. **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:

1. *Patriot Railroad Corp. v. Sierra Railroad Company*
Case No. 2:09-cv-0009-LTN-AC, Eastern District of California
The Honorable Troy Nunley, Eastern District of California
2013 – 2016

Co-counsel: Michael Weed
Orrick, Herrington, & Sutcliffe, LLP
400 Capitol Mall, Suite 3000
Sacramento, CA 95814
(916) 329-7952

Opposing Counsel: Mary-Olga Lovett
Greenberg Traurig, LLC
1000 Louisiana Street
Houston, TX 77002

(713) 374-3541

I led an Orrick trial team and was principal courtroom advocate in a civil theft of trade secrets jury trial in federal court in Sacramento. We started the trial as defendants and cross-complainants. At the end of the trial, the jury and judge had found our client not liable in any way, had found the plaintiff liable, and awarded our client more than \$50 million in compensatory and punitive damages. I gave all opening and closing statements to the jury and conducted direct and cross examination of all key witnesses, and represent the client in oral arguments regarding evidentiary and other issues to the court.

2. *Her v. Xiong, et al.*

Case No. YCSSCVCV16-0000441, Yuba County (CA) Superior Court
The Honorable Stephen Berrier, Yuba County Superior Court Judge
2016 – 2017

Co-Counsel:

Martin Ruano
Orrick, Herrington, & Sutcliffe, LLP
400 Capitol Mall, Suite 3000
Sacramento, CA 95814
(916) 439-7955

Eric Olah
Orrick, Herrington, & Sutcliffe, LLP
400 Capitol Mall, Suite 3000
Sacramento, CA 95814
(916) 329-7925

Opposing Counsel:

David Collins
321 D Street, Suite A
Marysville, CA 95901
(530) 749-9161

This case was a *pro bono* matter in which we represented a young female student at UC Davis who was raped by a fellow student. After the assailant's conviction for felony sexual assault, he sued his victim and her siblings for defamation. After I was contacted by the deputy district attorney who had prosecuted the rape case, we accepted representation of the victim and her siblings on a *pro bono* basis. After extensive motion practice, we were successful in getting the defamation lawsuit dismissed. This involved extensive legal analysis of California's anti-SLAPP statute and drafting of pleadings which led to the dismissal of the defamation lawsuit.

3. *People v. Skilled Healthcare Group, Inc., et al*

Case No. CR1205039, Humboldt County Superior Court
The Honorable Chris Wilson, Humboldt County Superior Court

2012 – 2013

Co-Counsel: Martin Ruano
Orrick, Herrington, & Sutcliffe, LLP
400 Capitol Mall, Suite 3000
Sacramento, CA 95814
(916) 329-7955

Opposing Counsel: Alan Robison
California Attorney General's Office
1425 River Park Drive, Suite 300
Sacramento, CA 95815
(916) 274-2931

This case involved a multiple felony count prosecution by the state Attorney General of a company operating several senior assisted living facilities for elder abuse. I was lead counsel in defending the company. The deputy attorney general filed felony charges and took the position that my client would have to plead guilty to a felony. Through thorough preparation and a refusal to waive time by my client for preliminary hearing on my recommendation, the deputy attorney general in quick order abandoned his felony only position. My client pled no contest to one misdemeanor and a \$400 fine.

4. *People v. Williams & Williams*
Case no. F99-4923, Shasta County (CA) Superior Court
The Honorable William Gallagher, Shasta County Superior Court
1999 – 2003

Co-Counsel: Michael Bartram
1525 Court Street
Redding, CA 96001
(530) 245-6300

Opposing Counsel: John Webster
1458 Marigold Way
Redding, CA 96001
(530) 515-6517

Frank O'Connor
898 Cardiff Street
Redding, CA 96001
(530) 241-8940

In the summer of 1999, the defendants committed arsons at three synagogues and a reproduction clinic in Sacramento and murdered a gay couple in Shasta County all in the name of their religion. The crimes brought national attention at the time

and I spent considerable time dealing with the media. The United States Attorney's office in Sacramento prosecuted the arsons and the Shasta County District Attorney's office prosecuted the murders and sought the death penalty. I personally handled the murder case and was the lead prosecutor. I conducted the preliminary hearing for both defendants and they were ordered to stand trial. We then conducted thorough trial preparation. Ultimately, one of the two defendants committed suicide in the county jail. The other subsequently pled guilty to two counts of first degree murder with multiple enhancements and was sentenced to 55 years to life. He remains incarcerated.

5. *People v. Miranda*

Case No. 97F3073, Shasta County (CA) Superior Court

The Honorable Brad Boeckman, Shasta County Superior Court

1997

Co-Counsel: None

Opposing Counsel: Jeffrey Jens
1574 West Street
Redding, CA 96001
(530) 243-3071

This case involved the attempted murder of a police officer, in which, during a domestic disturbance call, the defendant shot several times at two Redding police officers. I was the sole prosecutor on the case, conducting opening statement and closing arguments, and examining all witnesses. After a contentious jury trial, during which the defendant was ordered removed from the courtroom by the judge for constantly interrupting the proceedings, the defendant was found guilty of all charges and is serving a sentence of 31 years to life.

6. *People v. Williams*

Case No. 960380-4, Contra Costa County Superior Court

The Honorable Peter Spinetta, Contra Costa County Superior Court

1996

Co-Counsel: None

Opposing Counsel: Winifred Gin
800 Ferry Street
Martinez, CA 94553
(925) 335-8000

This case involved a gang-related murder of a Sureno gang member by a Norteno gang member. I was the sole prosecutor, conducting opening statement and closing arguments, and examining all witnesses. I called several gang members in my case in chief as prosecution witnesses. They were not pleased to be put in that

position, which made the examinations very contentious. The defendant was found guilty by a jury of first degree murder, the use of a firearm, and the gang enhancement and is serving a life sentence.

7. *People v. Roberson*
Case No. 961696-2, Contra Costa County Superior Court
The Honorable Wayne Westover, Contra Costa County Superior Court
1997

Co-Counsel: None

Opposing Counsel: Teri Mockler
800 Ferry Street
Martinez, CA 94553
(925) 335-8000

This case involved a gang-related murder and wounding of several persons. I was the sole prosecutor, conducting opening statement and closing arguments, and examining all witnesses. The case involved a retaliatory shooting by Norteno gang members against Sureno gang members at the quinceanera of a 13 year old girl. It was a circumstantial evidence case involving several different gang members on each side. The jury hung 11-1 for guilt on all counts. The case was later retried after I moved to Shasta County and the defendant was found guilty of first degree murder, attempted murder, and use of a firearm.

8. *People v. Henry*
Case No. 950548-8, Contra Costa County Superior Court
The Honorable Richard Patsey, Contra Costa County Superior Court
1995

Co-Counsel: None

Opposing Counsel: Dan Clark
800 Ferry Street
Martinez, CA 94553
Work: 925-335-8000

This case involved an armed robbery with the use of a sawed-off shotgun. I was the sole prosecutor, conducting opening statements and closing arguments, and examining all witnesses. Through thorough legal research and preparation, I was able to have entered into evidence a multi-level hearsay statement by the defendant admitting his crime. The case was complicated by the fact that the victim of the crime was a gang member and a felon. The defendant was found guilty of armed robbery and being a felon in possession of a firearm.

9. *People v. Vroubel*

Case No. 950135, Contra Costa County Superior Court
The Honorable Wayne Westover, Contra Costa County Superior Court
1995

Co-Counsel: None

Opposing Counsel: Dan Clark
800 Ferry Street
Martinez, CA 94553
Work: 925-335-8000

This case involved an assault with a knife and the infliction of great bodily injury. I was the sole prosecutor, conducting opening statements and closing arguments, and examining all witnesses. The defendant claimed self-defense, which I rebutted through a thorough description through witnesses of the crime scene in which no other weapon besides the defendant's was found. The victim of the crime has a criminal record and was not a particularly sympathetic victim. The defendant was found guilty.

10. *People v. Malik*
Case No. 941881-5, Contra Costa County Superior Court
The Honorable James Marchiano, Contra Costa County Superior Court
1995

Co-Counsel: None

Opposing Counsel: Stan Casper
2121 North California Blvd
Walnut Creek, CA 94598
Work: 925-947-1147

This case involved a businessman who set up an arson in his business to collect the insurance proceeds, but lost control of the fire and burned down an entire strip mall of small businesses. I was the sole prosecutor, conducting opening statement and closing arguments, and examining all witnesses. As with most arson cases, this was a circumstantial evidence case, and I argued opportunity and motive. The prosecution witnesses including an arson expert and I had to quickly get up to speed on his area of expertise. The defendant denied his guilt. The jury found him guilty on all counts.

16. **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.)

The great majority of my work at Orrick has involved major internal investigations which never arose to the level of litigation. This internal investigation work has involved work devoted to allegations involving ethics, the Foreign Corrupt Practices Act, and financial irregularities. I have led large-scale legal teams in this work around the globe for major American companies. This work is all confidential and protected by the attorney-client privilege.

I have never performed work as a lobbyist.

17. **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.

National Security Law
McGeorge School of Law, University of the Pacific
2009 – 2013
Syllabus not available.

18. **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.

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

None.

20. **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 my SF-278 as provided by the Office of Government Ethics

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

See attached net worth statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with Department's designated agency ethics official.

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

In the event of a potential conflict of interest, I will consult with the ethics officials in the Executive Office for United States Attorneys, Department of Justice.

23. **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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

During my time at Orrick, I have handled a number of *pro bono* matters. I represented Jaycee Dugard when she was first recovered from her kidnapper. Additionally, I represented a husband and wife with the legal adoption of their six nephews and nieces for whom they had been legal guardians. As mentioned above, I represented a young woman who was raped and then sued for defamation by her assailant. Lastly, I represented a veteran in an appeal of a denial of benefits by the Veterans' Administration.

The first 20 years of my legal career involved public service in which nearly all of my work involved representing victims of crime and ensuring the rights of criminal defendants were respected. Furthermore, I have devoted time to mentor young and aspiring lawyers. I worked for five years without compensation as an adjunct law professor. I have also devoted much of my time at Orrick to providing mentoring, advice, and counseling to other lawyers partaking in or considering public service.

Additionally, I have worked extensively to mentor military veterans in law school or starting their legal careers.

AFFIDAVIT

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

Nov. 6, 2017
(DATE)

McGregor W. Scott
(NAME)



[Signature]
(NOTARY)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Sacramento

Subscribed and sworn to (or affirmed) before me on this 6th
day of November, 2017, by McGregor W. Scott

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



Signature

A handwritten signature in blue ink, appearing to read "McGregor W. Scott", written over a horizontal line.