

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Trevor Neil McFadden

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

United States District Judge for the District of Columbia

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: U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Residence: Falls Church, Virginia

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

1978; Alexandria, Virginia

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.

2003 – 2006, University of Virginia School of Law; J.D. (Order of the Coif), 2006

1997 – 2001, Wheaton College; B.A. (*magna cum laude*), 2001

2000, Keble College, Oxford University; no degree conferred (semester abroad)

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.

United States Department of Justice, Criminal Division

950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Acting Principal Deputy Assistant Attorney General (February 2017 – present)
Deputy Assistant Attorney General (January 2017 – present)

Baker & McKenzie, LLP
815 Connecticut Avenue, N.W.
Washington, D.C. 20006
Partner (2015 – 2017)
Associate (2013 – 2014)

Madison County Sheriff's Office
115 Church Street
Madison, Virginia 22727
Part-Time Deputy Sheriff (2007 – 2016, 2003 – 2006)

United States Attorney's Office for the District of Columbia
555 4th Street, N.W.
Washington, D.C. 20530
Assistant United States Attorney (2009 – 2013)

United States Department of Justice, Office of the Deputy Attorney General
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Counsel to the Deputy Attorney General (2007 – 2009)

Hon. Steven M. Colloton
United States Court of Appeals to the Eighth Circuit
123 East Walnut Street
Des Moines, Iowa 50309
Law Clerk (2006 – 2007)

Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Summer Associate (Summer 2006, Summer 2005)

Fluvanna County Commonwealth's Attorney's Office
181 Main Street
Palmyra, Virginia 22963
Intern (2005 – 2006)

United States Attorney's Office for the Eastern District of Virginia
Justin W. Williams United States Attorney's Building
2100 Jamieson Avenue
Alexandria, Virginia 22314

Intern (Summer 2004)

Fairfax County Police Department
West Springfield District Police Station
6140 Rolling Road
Springfield, Virginia 22152
Police Officer (2001 – 2003)

White Sulphur Springs
Officers' Christian Fellowship
4500 Milligans Cove Road
Manns Choice, Pennsylvania 15550
Camp Counselor (June 2001 – August 2001)

Other Affiliations (Uncompensated)

The Falls Church Anglican
6565 Arlington Boulevard
Falls Church, Virginia 22042
Vestry Member (March 2017 – present)

The Federalist Society
1776 Eye Street, N.W.
Washington, D.C. 20006
Co-Chair, Washington, D.C. Chapter of the University of Virginia
Federalist Society Alumni (2010 – present)

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 did not serve 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.

Editorial Board Member, *Virginia Law Review* (2005 – 2006)
The Society of the Cincinnati Scholarship (2004 – 2006)
Public Interest Law Association Grant (2004)

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 (2013 – 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.

Virginia, 2006
District of Columbia, 2013

There have been no lapses in membership.

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

U.S. Court of Appeals for the Eighth Circuit, 2007
U.S. Court of Appeals for the D.C. Circuit, 2012
U.S. District Court, District of Columbia, 2014
District of Columbia Court of Appeals, 2013
Supreme Court of Virginia, 2006

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

The Federalist Society (2003 – present)

Co-Chair, Washington, D.C. Chapter of the University of Virginia
Federalist Society Alumni (2010 – present)

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

to change these policies and practices.

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

12. **Published Writings and Public Statements:**

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

With Charles Thomson, Henry Garfield, and Geoff Martin, *Self-Disclosure of Corruption Offenses to the U.S. and U.K. Authorities: Where Are We Now?* Bloomberg BNA Corporate Law & Accountability Report, Aug. 5, 2016. Copy supplied.

With Maria McMahon, *Reluctant Handmaidens: The Role of the Judiciary in Corporate Settlement Agreements*, The Review of Securities & Commodities Regulation, June 22, 2016. Copy supplied.

With George Clarke and Kathleen Agbayani, *Attorney-Client Privilege and a Law Firm Leak*, Law 360, April 25, 2016. Copy supplied.

With Peter Tomczak and Spencer Churchill, *FCPA Pilot Program Sheds New Light on the Value of Self-Disclosure*, Global Compliance News, April 22, 2016. Copy supplied.

With Brian Whisler, *Holding Corporate Officers Accountable: Challenges for the Justice Department's FCPA*, Global Compliance News, March 17, 2016. Copy supplied.

With Joan Meyer, *Evolving Legal Standards for Compliance Officers*, Ethisphere, March 11, 2016. Copy supplied.

With Brian Whisler, *Pharmaceutical Industry Under Anti-Corruption Regulatory Spotlight*, Global Compliance News, March 8, 2016. Copy supplied.

With Joan Meyer and Geoff Martin, *Focusing on Individual Accountability for Corporate Wrongdoing*, NACD Directorship Magazine, November 1, 2015. Copy supplied.

With Brian Whisler, *Why DOJ Struggles to Convict Individuals in FCPA Cases*, Law 360, September 8, 2015. Copy supplied.

With Brian Whisler, *U.S. Regulators' Healthcare Fraud Enforcement Efforts Continue Unabated*, Global Compliance News, July 28, 2015. Copy supplied.

With William Devaney, *How to Keep Your Internal Investigation Under Control*, Law 360, June 9, 2015. Copy supplied.

With Joan Meyer, *When a DPA is DOA: What the Increasing Judicial Disapproval of Corporate DPAs Means for Corporate Resolutions with the U.S. Government*, Bloomberg BNA Corporate Law & Accountability Report, April 24, 2015. Copy supplied.

With Joan Meyer, *Big Brother's New Friends: Implications for Corporate Investigations of the DOJ's Increasing Cooperation with Foreign Governments*, Bloomberg BNA Corporate Law & Accountability Report, February 6, 2015. Copy supplied.

With Joan Meyer, *The Scarlet Letter: Individual Prosecutions for a Corporate Benefit*, Inside Counsel, October 14, 2014. Copy supplied.

With John Cunningham, *Spotlight on FinCEN: An Increasing Focus on AML Regulation and Enforcement*, Lexology, October 2014. Copy supplied.

The U.S. Sentencing Guidelines in FCPA Matters: Understanding the True Impact on Settlement Discussions, Inside the FCPA: Spring 2014. Copy supplied.

Immigration Enforcement and the Department of Justice, U.S. Attorney's Bulletin, Volume 56, Number 7, November 2008. Copy supplied.

When to Turn to Turner? The Supreme Court's Schizophrenic Prison Jurisprudence, 22 J.L. & Pol. 135 (2006). 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.

To the best of my knowledge, I have not prepared or contributed in the preparation of any reports, memoranda or policy statements on behalf of any bar association, committee, conference, or organization of which I was or am a member.

- 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.

Not applicable.

- 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.

May 24, 2017: Keynote Speaker, ACI's 7th Annual Brazil Summit on Anti-Corruption, Sao Paulo, Brazil. Text of remarks as prepared for delivery supplied.

May 1, 2017: Panelist, Seventh Circuit Bar Association Conference Criminal Breakout Panel, Indianapolis, Indiana. This was a broad-ranging discussion on various topics of interest. I do not have a transcript of the event, but a rough outline of the issues to be discussed has been supplied.

April 21, 2017: Press Conference, Sentencing of Cyber Hacker Roman Seleznev, United States Attorney's Office for the Western District of Washington, Seattle, Washington. Text of press conference as prepared for delivery supplied.

April 20, 2017: Keynote Speaker, ACI's 19th Annual Conference on the Foreign Corrupt Practices Act, New York, New York. Text of remarks as prepared for delivery supplied.

April 18, 2017: Keynote Speaker, Anti-Corruption, Export Controls & Sanctions 10th Compliance Summit, Washington, D.C. Text of remarks as prepared for delivery supplied.

March 21, 2017: Keynote Speaker, Georgetown Anti-Corruption and Anti-Money Laundering Law Student Association Conference. I have no notes, transcript or recording. The address of Georgetown University Law Center is 600 New Jersey Avenue N.W., Washington, D.C. 20001.

February 16, 2017: Keynote Speaker, Global Investigations Review Conference, Washington, D.C. Text of remarks as prepared for delivery supplied.

December 5, 2016: Panelist, "Moving Forward During Uncertain Times: Best Practices on Foreign Correspondent Banking and Complex Structures," Florida International Bankers Association ("FIBA") Webinar. I have no notes, transcript,

or recording. The address of FIBA Miami is 80 SW 8th Street, Miami, Florida, 33130.

June 22, 2016: Moderator, "The Life and Legacy of Justice Scalia," Panel Discussion at the University of Virginia Federalist Society Alumni & Student Summer Cocktail Reception, Washington, D.C. 20006. I have no notes, transcript or recording. The address of the Federalist Society's national office is 1776 I Street, N.W. #300, Washington, D.C. 20006.

November 18, 2015: Speaker, "Implications for Tax Practitioners from the U.S Department of Justice's Program for Swiss Banks." Maryland State Bar Association Tax Controversy Group, which met at 25 South Charles Street, Baltimore, Maryland, 21201. Presentation slides supplied.

November 5, 2015, Panelist, "The Rise of Corporate Whistleblowers," Annual International Trade & Compliance Conference. I have no notes, transcript of recording. The conference was sponsored by the Amsterdam office of Baker & McKenzie LLP and the address is Claude Debussylaan 54, 1082 MD Amsterdam, Netherlands.

November 2015, Panelist, Annual U.S. Trade Compliance Review Conference. I have no notes, transcript of recording. This event was sponsored by Baker & McKenzie - Austria, Schottenring 25, 1010 Vienna, Austria.

April 2, 2015: Panelist, University of Virginia Federalist Society, Charlottesville, Virginia. I was one of several alumni panelists providing advice about careers in the public and private sector. I have no notes, transcript or recording. The address of the UVA Law Federalist Society Chapter is 580 Massie Road, Charlottesville, Virginia 22903.

December 17, 2014: Panelist, "An Evolving Calculus: Does It Still Make Sense to Self-Disclose Corporate Wrongdoing to the DOJ and SEC?" Ethisphere Webinar. Ethisphere, 6991 East Camelback Road, Scottsdale, Arizona, 85251. Presentation slides supplied.

March 30, 2012: Speaker, "Merciful Justice: What does the Lord require of Thee?" UVA Law Christian Fellowship Annual Retreat, Charlottesville, Virginia. I have no notes, transcript or recording. The address of the UVA Law Christian Fellowship is 580 Massie Road, Charlottesville, Virginia 22903.

November 19, 2009: Speaker, "'Balance' or Worship? A Christian Attempt at Life and Work." UVA Law Christian Fellowship Weekly Meeting, Charlottesville, Virginia. I have no notes, transcript or recording. The address of the UVA Law Christian Fellowship is 580 Massie Road, Charlottesville, Virginia 22903.

May 2009: Speaker, "Fraud Prosecution in the Wake of the Financial Market Crisis," Federal Bar Association Criminal Law Seminar, Salt Lake City, Utah. I have no notes, transcript or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 400, Arlington, Virginia 22201.

September 6, 2007: Speaker, "Back to the Beginning: Dominion and Fellowship in the Garden and on the Lawn." UVA Law Christian Fellowship Weekly Meeting, Charlottesville, Virginia. I have no notes, transcript or recording. The address of the UVA Law Christian Fellowship is 580 Massie Road, Charlottesville, Virginia 22903.

- 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.

April 24, 2017, *Journal of Financial Crime* [forthcoming], "Kleptocracy and Foreign Corruption Manifesting in Illicit Financial Flows." Copy supplied.

February 16, 2017, *Global Investigations Review*, "Compliance Counsel Has Been 'Very Helpful' to Fraud Section, McFadden Says." Copy supplied.

Fall 2016, *UVA Lawyer*, "How's Life? We Catch Up With What Alumni Are Doing 5, 10, 15 and 25 Years Out of Law School." Copy supplied.

March 29, 2006, *Cavalier Daily*, "Jurors Express Confusion Over Lying Charge." Copy supplied.

March 29, 2006, *Cavalier Daily*, "Open, But Not Reassuring." Copy supplied.

March 28, 2006, *Cavalier Daily*, "Jurors Speak Out About Open Honor Trial Results." Copy supplied.

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

I have never held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
- i. Of these, approximately what percent were:

jury trials: _____%

bench trials: _____% [total 100%]

civil proceedings: _____%

criminal proceedings: _____% [total 100%]

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

I have never held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

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

None.

- 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.

Prior and subsequent to Election Day on November 8, 2016, I volunteered as a vetter for President Trump's transition team.

Also, I have periodically supported Republican candidates in "get out the vote" activities since I was in high school. To the best of my recollection, these have included: volunteering for Rep. Tom Davis in 1996; assisting George W. Bush's Presidential Campaign Team as Vice President of Wheaton College's College Republicans in 2000; serving as a poll watcher for George W. Bush's Re-Election Campaign in 2004; and serving as a poll watcher for Mitt Romney's Presidential Campaign in 2012.

16. Legal Career: Answer each part separately.

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

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

From 2006 to 2007, I served as a law clerk to the Honorable Steven M. Colloton, United States Court of Appeals for the Eighth Circuit.

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

I have not practiced law alone.

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

United States Department of Justice, Office of the Deputy Attorney General
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Counsel to the Deputy Attorney General (2007 – 2009)

United States Attorney's Office for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20530
Assistant United States Attorney (2009 – 2013)

Baker & McKenzie LLP
815 Connecticut Avenue, N.W.
Washington, D.C. 20006
Associate (2013 – 2015)
Partner (2015 – 2017)

United States Department of Justice, Criminal Division
950 Pennsylvania Ave., N.W.
Washington, DC 20530
Acting Principal Deputy Assistant Attorney General (February 2017 – present)
Deputy Assistant Attorney General (January 2017 – present)

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

I have not been 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.

In my various roles at the U.S. Department of Justice, I have been focused on criminal law, both as a federal prosecutor and in policy positions. During my time in private practice (2013 – 2017), I handled a range of white collar matters, including anti-corruption work, trade compliance, and other regulatory matters.

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

During my time in private practice, my clients were typically multi-national companies seeking to comply with U.S. federal law including the Foreign Corrupt Practices Act, sanctions regulations, and anti-money laundering statutes.

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

My position at the Deputy Attorney General's Office was a policy position; I was not involved in litigation.

As an Assistant United States Attorney, 100% of my practice was in litigation and I appeared in court on an almost daily basis.

At Baker & McKenzie, approximately 20% of my practice was in litigation and I was involved in drafting legal motions and briefs, including a grand jury matter in federal district court in DC.

At the Criminal Division, approximately 10% of my practice involves overseeing litigation, although I have not appeared in court to date in my current role.

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

*This figure includes practice in the District of Columbia courts. I have not included my law school internship, during which I interned for a Commonwealth Attorney's Office and regularly appeared in state court.

- ii. Indicate the percentage of your practice in:

1. civil proceedings: 10%
2. criminal proceedings: 90%

- 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 75 trials to verdict. I was sole counsel in approximately 71 of these trials. I was chief counsel in one trial, associate counsel in one trial, and I participated in two jury trials during law school as an intern with a third-year practice certificate.

- i. What percentage of these trials were:
 1. jury: 39%
 2. non-jury: 61%

- 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 was part of a team that drafted an amicus brief on behalf of the Anglican Church of North America in support of the petition for certiorari in *The Falls Church v. The Protestant Episcopal Church in the United States of America et al*, No. 13-449. Copy supplied.

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. Harding*, 2010-CF3-023696 (D.C. 2012). Superior Court for the District of Columbia; Hon. Anthony Epstein.

I represented the United States of America in this jury trial involving an unprovoked

stabbing and beating of an unarmed security guard at a Northeast Washington D.C. drug store. The defendant stabbed the victim four times and also struck him with a stick. He was convicted of various offenses, including assault with a dangerous weapon, and sentenced to over 17 years' incarceration.

Counsel for Defendant

Jon W. Norris, Esq.
503 D Street, N.W., Suite 250
Washington, D.C. 20001
202-371-0300

2. *United States v. Ramirez, Pedro Joya, Pablo Joya, Lester Flores, and Kelvin Parada*, 2011-CF3-010322, 2011-CF3-10328 (August 10, 2012). Superior Court for the District of Columbia; Honorable Ann Keary.

This case involved an armed robbery by members and associates of MS-13. Over the course of a three-week trial, co-counsel and I put on evidence from the victim, who spoke through a translator, expert testimony regarding cell tower evidence, and law enforcement officers. There were no other eye witnesses to the robbery. The jury convicted the lead defendants of armed robbery but returned a mixed verdict as to the co-conspirators. I represented the United States of America.

Co-Counsel for the United States

Mervin Bourne, Esq.
U.S. Attorney's Office
555 Fourth Street NW
Washington, D.C. 20530
202-252-6979

Counsel for Defendants

Hugo Alfaro, Esq.
1748 Kalorama Road NW
Washington, DC 20009
202-265-2686

Matthew Davies, Esq.
Public Defenders Service
633 Indiana Avenue, N.W.
Washington, D.C. 20004
301-699-0764

Henry Escoto, Esq.
503 D Street, N.W., Suite 310
Washington, D.C. 20001
202-898-4700

Paul Kiyonaga, Esq.
910 Seventeenth Street, N.W., Suite 800
Washington, D.C. 20006
202-363-2776

Webster Knight, Esq.
419 Seventh Street, N.W., Suite 405
Washington, D.C. 20004
202-489-4580

3. *United States v. Bell*, 708 F.3d 223 (D.C. Cir. 2013). U.S. Court of Appeals for the D.C. Circuit; Hon. Karen L. Henderson, Hon. Thomas B. Griffith, and Hon. Stephen F. Williams.

I was appellate counsel for the United States of America in this appeal from a jury trial in which the defendant was convicted of conspiring to possess and distribute one kilogram or more of PCP. He had been sentenced to 235 months of imprisonment. On appeal, he raised a number of procedural and substantive claims. In an unpublished opinion, the court rejected most of his arguments, but it also issued a published opinion remanding to the trial court for consideration of a narrow ineffective assistance of counsel issue related to the sentencing.

Counsel for Bell
Richard Portale, Esq.
11 Martine Avenue, Suite 800
White Plains, New York 10606
914-772-3166

4. *United States v. Quintanilla*, 2010-CF3-23718 (D.C. 2012). Superior Court for the District of Columbia; Hon. Florence Pan.

I represented the United States of America in this jury trial regarding the violent robbery of a young woman walking home alone late at night in downtown Washington D.C. At trial, I presented evidence linking the defendant to two prior robberies and digital evidence from his cell phone contradicting his alibi defense. He was sentenced to approximately seven years' imprisonment.

Counsel for Quintanilla
Joseph Molina, Esq.
503 D Street, N.W., Suite 310
Washington, D.C. 20001
202-898-4700

5. *United States v. Brown*, 2011-CF3-016000, (D.C.2012). Superior Court for the District of Columbia; Hon. Florence Pan.

I represented the United States of America in this case involving the assault and robbery of a 78-year old man who had been shopping at a small convenience store in Northwest Washington D.C. The victim was a tracheotomy survivor. Investigation difficulties involved securing the testimony of the victim, who spoke through the use of a voice box and was on dialysis in a nursing home at the time of the scheduled trial, and convincing the only other eyewitness – the store owner – to testify despite his fears of retaliation from the defendant. The defendant pled guilty on the eve of trial when he realized that the victim would be testifying against him from a mobile hospital bed. He was ultimately sentenced to five years' incarceration.

Counsel for Brown

Kiumars Hakimzadeh, Esq.
1101 Thirtieth Street, N.W., Suite 500
Washington, D.C. 20007
202-625-4337

6. *United States v. Copeland*, 2011-CF3-008950, (D.C. 2012). Superior Court for the District of Columbia; Hon. Russell Canan.

Defendant participated in a series of armed robberies of pedestrians in May 2011, in Northwest Washington D.C. In one incident, he and an accomplice robbed a man at gunpoint in front of the man's young daughter and her friend, and they threatened to shoot the man if the children looked at them. My co-counsel and I worked over a series of weeks to prepare the young girls to testify about the encounter if necessary. Ultimately, the defendant pled guilty and was sentenced to ten years' incarceration. I represented the United States of America.

Co-Counsel for the United States

Andrew Finkelman
United States Department of Justice, Criminal Division
1301 New York Avenue, N.W.
Washington, D.C. 20005
202- 353-0572

Jonathan Kravis
United States Department of Justice, Criminal Division
1301 New York Avenue, N.W.
Washington, D.C. 20005
202-616-2840

Counsel for Copeland

James Rudasill, Esq.
717 D Street, N.W., Suite 310
Washington, D.C. 20004
202-779-0560

7. *United States v. Teneyck*, 2012-CF3-000693 (D.C. 2012). Superior Court for the District of Columbia; Hon. Heidi Pasichow.

Defendant smashed the window of a parked SUV during daylight hours in Northwest Washington D.C. and attacked and tried to rob the car's owner who had been talking on his phone inside the car. The two struggled and defendant was eventually subdued and held down until police arrived to arrest him. The victim was transported to the hospital with cuts and bruises. Defendant was convicted after a jury trial and sentenced to 11 and ½ years in prison. I represented the United States of America.

Counsel for Teneyck

Marc L. Resnick, Esq.
717 D Street, N.W.
Washington, D.C. 20004
202-628-0773

8. *United States v. Williams*, 2010-CF3-15021, (D.C. 2012). Superior Court for the District of Columbia; Hon. Ronna Beck.

Defendant committed a series of burglaries at a rooftop bar in Northwest Washington D.C. in the summer of 2010. Late one night, employees who had stayed in the area after the bar closed noticed that the lights in the bar suddenly went out. They went to investigate and discovered the defendant, who they recognized from surveillance footage from the prior break-ins. When they cornered him, defendant pulled out a filet knife and attempted to stab one of the employees. They were able to subdue him and held him until police arrived. Defendant pled guilty to two counts of burglary and was sentenced to ten years' incarceration. I represented the United States of America.

Co-Counsel for the United States

Edward O'Connell
United States Attorney's Office for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20530
202-252-7420

Counsel for Williams

Dennis Braddock, Esq.
503 D Street, N.W., Suite 330
Washington, D.C. 20001
202-347-4605

9. *United States v. King*, 2011-CF3-015348 (D.C. 2012). Superior Court for the District of Columbia, Hon. Robert Morin.

Over the course of more than a year, defendant burglarized hospitals and universities in Washington D.C. He would frequently enter the premises in various disguises to justify

his presence. For instance, in one case, he stole a laptop from a doctor's office while posing as a construction worker. He ultimately pled guilty to four separate incidents and was sentenced to eight years' incarceration. I investigated the case for the United States of America and worked with multiple law enforcement agencies to gather evidence tying the defendant to the crimes.

Counsel for King

Dorsey G. Jones, Esq.
6924 Eighth Street, N.W.
Washington, D.C. 20012
202-291-1771

10. *United States v. Brown*, 2011-CF3-007401, (D.C. 2011). D.C. Superior Court; Hon. Robert Morin.

Over the course of approximately one year, the defendant broke into a series of business and non-profits to steal computers and other electronic equipment. In one of the incidents, a security guard responded to the break-in, but the defendant was able to elude him after claiming that he had a gun. The defendant pled guilty to four different burglaries, and he was sentenced to nine years' incarceration. I represented the United States of America.

Counsel for Brown

Maneka Sinha, Esq.
Public Defender Service
633 Indiana Avenue, N.W.
Washington, D.C. 20004
202-824-2766

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.)

As a white collar attorney at Baker & McKenzie LLP, I helped lead teams that conducted sensitive internal investigations for major financial institutions and publicly traded companies regarding potential violations of U.S. anti-corruption, criminal tax, sanctions, and money-laundering laws. These matters involved numerous employee interviews, legal guidance to senior corporate executives, and cooperation and negotiations with U.S. and foreign authorities. I also represented individual subjects of federal grand jury investigations, including in the U.S. District Court for the District of Columbia.

In my current position, I am the second-in-command of the Department of Justice's

Criminal Division, which is charged with enforcing many of the Nation's most significant and complex criminal laws. I am responsible for overseeing several hundred federal prosecutors who investigate and try white-collar fraud and corruption cases, cyber and child exploitation cases, transnational gang and narcotics conspiracies, and numerous other criminal matters. I regularly advise the Department's senior leaders and help set prosecutorial policy for federal prosecutors.

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

I have not taught any courses.

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

I have a contract with Bloomberg BNA in relation to a treatise on corporate settlements with the government for which I am a co-author. An initial draft is being reviewed by the publisher. Should Bloomberg BNA choose to publish it, I will be paid \$5,000 per year that it is published.

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 plans, commitments, or agreements to pursue outside employment in the future.

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).

Please see the attached financial disclosure report.

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

Please see the attached Net Worth Statement.

24. Potential Conflicts of Interest:

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

If confirmed, I will recuse in any litigation where I have ever played a role. I will evaluate recusal in cases involving the United States Department of Justice's Criminal Division, Baker & McKenzie LLP, and any clients that I represented while at Baker & McKenzie LLP. I would also recuse myself in matters involving my family, close friends, and my own financial interests. Lastly, I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action, with the advice of parties and their counsel, including recusal where necessary.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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.

My work at the United States Department of Justice and United States Attorney's Office for the District of Columbia effectively precluded my acceptance of pro bono assignments. But I have been heavily involved in pro bono work during my time in private practice. During this period, much of my pro bono work involved international anti-corruption efforts that would benefit citizens of many of the world's poorest countries. For instance, in 2015, I was part of a team of judges, prosecutors, and private practitioners who travelled to Kenya to train local prosecutors and magistrates how to conduct corruption prosecutions. I donated at least 50 hours to that project alone. I was listed on the 2015 Capital Pro Bono Honor Roll by the D.C. Courts.

25. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so,

please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On March 2, 2017, I was contacted by the White House Counsel's Office and informed that I was one of the candidates being considered to fill a judicial vacancy on the United States District Court of the District of Columbia. Since that time, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice. On March 8, 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, D.C. On June 7, 2017, the President submitted my nomination to the Senate.

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

No.

FINANCIAL STATEMENT

NET WORTH

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

ASSETS				LIABILITIES			
Cash on hand and in banks		176	166	Notes payable to banks-secured (auto)			
U.S. Government securities		19	838	Notes payable to banks-unsecured			
Listed securities -- see schedule		275	528	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable -- see schedule		958	660
Real estate owned -- see schedule	1	150	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:		37	406
Autos and other personal property		5	636				
Cash value-life insurance							
Other assets itemize:							
				Total liabilities		996	066
				Net Worth		631	102
Total Assets	1	627	168	Total liabilities and net worth	1	627	168
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

Stock

\$

Fidelity Cash Fund (FCASH)	\$4,842.00
Fidelity Government Cash Reserves (FDRXX)	\$6,300.00
Vanguard Emerging Markets (VWO)	\$8,186.00
PowerShares QQQ (QQQ)	\$22,204.00
Vanguard Total Stock Market ETF (VTI)	\$31,583.00
Vanguard Dividend Appreciation (VIG)	\$36,448.00
SPDR S&P Dividend (SDY)	\$10,507.00
Dow Jones Industrial Average (DIA)	\$12,611.00
SPDR S&P 500 ETF Trust (SPY)	\$14,400.00
iShares Core S&P Mid-Cap (IJH)	\$12,041.00
SPDR Materials Select Sector (XLB)	\$10,555.00
Real Estate Select Sector SPDR (XLRE)	\$3,724.00
SPDR Energy Select Sector (XLE)	\$10,162.00
SPDR Consumer Discretionary Select Sector (XLY)	\$13,482.00
Shares Nasdaq Biotechnology Index (IBB)	\$5,857.00
SPDR Financial Select Sector (XLF)	\$20,100.00
SPDR Industry Select Sector (XLI)	\$11,988.00
SPDR Technology Select Sector (XLK)	\$13,943.00
SPDR Health Care Select Sector (XLV)	\$12,844.00
Shares Russell 2000 (IWM)	\$13,751.00

Total Listed Securities

\$275,528

Real Estate Owned

Personal Residence

Total Real Estate Owned

\$1,150,000

\$1,150,000

Real Estate Mortgages Payable

Personal Residence – Mortgage

\$958,660

Total Real Estate Mortgages Payable

\$958,660

Other Debts

Student Loans (spouse)

\$24,937

Student Loans (self)

\$12,469

Total Other Debts Payable

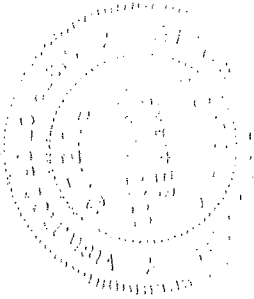
\$37,406

AFFIDAVIT

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

6/12/17
(DATE)

TN McFadden
(NAME)



Alicia G. Fadden
(NOTARY)