

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

John Michael Vazquez

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

United States District Judge for the District of New Jersey

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.

Critchley, Kinum & Vazquez, LLC
75 Livingston Avenue
Roseland, New Jersey 07068

Residence: Mendham, New Jersey

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

1970; Honolulu, Hawaii

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.

1993 – 1996, Seton Hall University School of Law, J.D. (*summa cum laude*), 1996

1988 – 1992, Rutgers College, B.A., 1992

Summer 1991, County College of Morris, summer course, no degree awarded

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.

2008 – present

Critchley, Kinum & Vazquez, LLC
75 Livingston Avenue
Roseland, New Jersey 07068
Partner

2006 – 2008
Office of the Attorney General
Department of Law and Public Safety
Richard J. Hughes Justice Complex
25 West Market Street
Trenton, New Jersey 08625
First Assistant Attorney General (2007 – 2008)
Special Assistant to the Attorney General (2006 – 2007)

Spring 1996; 2001 – 2006
United States Attorney's Office for the District of New Jersey
970 Broad Street
Newark, New Jersey 07102
Assistant United States Attorney (2001 – 2006)
Health Care Fraud Coordinator (2004 – 2006)
Legal Intern (Spring 1996)

1997 – 2001
Law Offices of Michael Critchley and Associates
354 West Main Street
West Orange, New Jersey 07052
Associate

1996 – 1997
Honorable Herman D. Michels, Presiding Judge for Administration
New Jersey Superior Court, Appellate Division
155 Morris Avenue
Springfield, New Jersey 07081
Law Clerk

Approximately 1992 – 1996
T.V. Janitorial Service, Inc.
55 Downs Avenue
Wharton, New Jersey 07885
Supervisor and Laborer

1994 – 1995; Spring 1996
Seton Hall University School of Law
1109 Raymond Boulevard
Newark, New Jersey 07102
Immigration Clinic Student Attorney (Spring 1996)

Law Tutor (1994 – 1995)

Summer 1995

Sussex County Prosecutor's Office
19-21 High Street
Newton, New Jersey 07860
Legal Intern

1992 – 1993; Summer 1995

Rick Younkers Landscaping
160 Lake Iliff Road
Andover, New Jersey 07821
Landscaper

Summer 1994

Law Offices of Joseph A. Bottitta (now defunct)
80 Main Street
West Orange, New Jersey 07052
Law Clerk

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 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.

Professional

Recognition from the New Jersey County Prosecutors' Association and the New Jersey State Police (2008)

Latino Legal Community Award, Seton Hall University School of Law's Latin American Law Students Association (2008)

Excellence in Hispanic Leadership Award, New Jersey Department of Community Affairs' Center for Hispanic Policy, Research and Development (2007)

Recognition from several law enforcement agencies, including the Federal Bureau of Investigation; the U.S. Department of Health and Human Services, Office of the Inspector General; and the Securities and Exchange Commission (2006)

Academic

Member, Seton Hall Constitutional Law Journal (1994 – 1996)

Wallace Vail Scholarship (1994 – 1996)

Centennial Scholarship (1994 – 1996)

New Jersey State Bar Foundation Scholarship (1994 – 1995)

Dean's List, Rutgers College (1990 – 1992)

National Political Science Honor Society (1992)

International History Honor Society (1992)

Masonic Tuition Scholarship (1988 – 1992)

National Honor Society, Morris Hills High School (1986 – 1988)

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

Association of Criminal Defense Lawyers of New Jersey

Association of the Federal Bar of New Jersey

C. Willard Heckel Inn of Court

Essex County Bar Association

Governor's Safe Streets and Neighborhoods Oversight Committee (2008)

Hispanic Bar Association of New Jersey

New Jersey State Bar Association

New Jersey Supreme Court Committees

Committee on the Rules of Evidence (2008 – 2009)

Joint Committee on Criminal Justice (2013 – 2014)

Special Committee on Telephonic and Electronic Search Warrants (2009 – 2010)

United States Attorney's Office for the District of New Jersey Alumni Association

United States Attorney's Office for the District of New Jersey
Defense Counsel Committee (2014 – 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.

State of New Jersey, 1996

There has been no lapse in my 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 Third Circuit, 1998

United States District Court for the District of New Jersey, 1997

There have been no lapses in my memberships.

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.

Mendham Golf and Tennis Club (2006 – present)

Class of 1996 Reunion Committee, Seton Hall University School of Law (2011)

- 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, neither the club nor the committee listed above

currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through the 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.

Note, Regional Shopping Malls Must Permit Leafletting on Societal Issues Subject to Reasonable Time, Place and Manner Constraints Created by the Mall Owners – New Jersey Coalition Against War in the Middle East v. J.M.B. Realty Corp., 650 A.2d 757 (N.J. 1994), 6 SETON HALL CONST. L.J. 389 (1995). 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.

Report of the Joint Committee on Criminal Justice, New Jersey Supreme Court Joint Committee on Criminal Justice, March 10, 2014. Copy supplied.

Report of the Supreme Court Special Committee on Telephonic and Electronic Search Warrants, New Jersey Supreme Court Special Committee on Telephonic and Electronic Search Warrants, January 22, 2010. Copy supplied.

2007 – 2009 Report of the Supreme Court Committee on the Rules of Evidence, New Jersey Supreme Committee on the Rules of Evidence, January 30, 2009. Copy supplied.

Use of Less-Lethal Impact Projectiles Pending Approval of Ammunition Specifications and Training Course, Office of the Attorney General, Department of Law and Public Safety, April 24, 2008. Although I did not prepare this document, during my tenure at the New Jersey Attorney General's Office I provided input on this memorandum, which was made available to the public. Copy supplied.

Attorney General Policy on Less-Lethal Ammunition (Less-Lethal Impact Projectiles) Directed Against Persons, Office of the Attorney General, Department of Law and Public Safety, March 19, 2008. Although I did not prepare this document, during my tenure at the New Jersey Attorney General's

Office I provided input on this memorandum, which was made available to the public. Copy supplied.

Attorney General Law Enforcement Directive No. 2007-3, Office of the Attorney General, Department of Law and Public Safety, August 22, 2007. Although I did not prepare this document, during my tenure at the New Jersey Attorney General's Office I provided input on this memorandum, which was made available to the public. 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.

September 24, 2007: Participant, Public Hearing, New Jersey Advisory Committee on Police Standards, Trenton, New Jersey. Transcript 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.

The following list reflects my best efforts to identify the speeches or talks I have delivered, but there may be other speeches or talks that I have been unable to recall. Please note that when I have supplied an outline of my remarks, I cannot say that all topics listed were covered during the panel session. In addition, other topics may have been discussed during the question and answer section of each program.

November 22, 2014: Panelist, "Bail Reform and Speedy Trial Issues," Eighth Annual Criminal Law Institute, Criminal Law Institute, New Jersey State Bar Association (Criminal Law Section), New Brunswick, New Jersey. Audio recording supplied.

June 25, 2013: Panelist, "Anatomy of a *Qui Tam* Suit," New Jersey Association of Corporate Counsel, Basking Ridge, New Jersey. Outline supplied.

April 9, 2013: Panelist, "Health Care Fraud Investigations and Prosecutions: How the Cases Are Brought, Litigated, and Defended," Rutgers School of Law – Camden, Camden, New Jersey. Outline supplied.

February 5, 2013: Panelist, "Building or Defending a Case: Social Media as a Catalyst for Tangible Employment Decisions and the Ethical Conundrum It Presents," Third Annual Seton Hall Circuit Review, Seton Hall University School of Law, Newark, New Jersey. Outline supplied.

May 16, 2012: Panelist, "The Challenge of Handling Parallel Criminal and Civil Proceedings after Citigroup," C. Willard Heckel Inn of Court, Newark, New Jersey. The panel discussed the benefits and potential pitfalls of conducting parallel civil and criminal investigations. I have no notes, transcript, or recording. The address for the C. Willard Heckel Inn of Court is S.I. Newhouse Center for Law and Justice, 123 Washington Street, Newark, New Jersey 07102.

2010 – 2012: Substitute Professor, Seton Hall University School of Law. On two to three occasions I taught a class on trial advocacy when the regular professor was unavailable. I have no notes, transcript, or recording. The address for Seton Hall University School of Law is 1109 Raymond Boulevard, Newark, New Jersey 07102.

Approximately 2003 – 2010: Panel Speaker, Seton Hall University School of Law and Rutgers University School of Law – Newark. On approximately four to five occasions I spoke on panels addressing groups of law students as to potential career paths and practical considerations in future careers. On one occasion I was invited by Seton Hall to address potential employment in government service. On two occasions, I was asked by the Hispanic Bar Association of New Jersey to address future employment considerations for minority law students, although the discussions were open to all students to attend. I have no notes, transcripts, or recordings. The address for Seton Hall University School of Law is 1109 Raymond Boulevard, Newark, New Jersey 07102. The address for Rutgers University School of Law – Newark is 123 Washington Street, Newark, New Jersey 07102.

March 12, 2008: Panelist, "From Wannabes to Youth Offenders: How Gangs are Permeating New Jersey Communities and What Intervention Efforts Can Stem the Violence," New Jersey State Bar Foundation and the New Jersey State Bar Association, New Brunswick, New Jersey. The panel was on the current state of gang membership and related violence in New Jersey and strategies on prevention. I have no notes, transcript, or recording. The address for the New Jersey State Bar Foundation and the New Jersey State Bar Association is the New Jersey Law Center, One Constitution Square, New Brunswick, New Jersey 08901.

November 18 – 20, 2007: Speaker, 65th Annual Training Institute, Probation Association of New Jersey, Atlantic City, New Jersey. I delivered the keynote address, which concerned the vital role of probation officers in the criminal justice system. I have no notes, transcript, or recording. The address for the Probation Association of New Jersey is 617 Union Avenue, Brielle, New Jersey 08730.

October 4, 2007: Speaker, Tenth Annual New Jersey Insurance Fraud Summit, New Jersey Office of the Insurance Fraud Prosecutor, Trenton, New Jersey. The speech concerned the importance of insurance fraud prevention, investigation, and prosecution. I have no notes, transcript, or recording. The address for the New Jersey Office of the Insurance Fraud Prosecutor is Richard J. Hughes Justice Complex, 25 West Market Street, Trenton, New Jersey 08625.

October 3, 2007: Participant, "Radicalization: Global Trend, Local Concern," Fifth Annual Counter-Terrorism Conference, New Jersey Office of Homeland Security and Preparedness, Trenton, New Jersey. The conference concerned counter-terrorism efforts at the local and state level in light of national and international developments and trends. I have no notes, transcript, or recording. The address for the New Jersey Office of Homeland Security and Preparedness is 1200 Negron Drive, Hamilton, New Jersey 08691.

August 24, 2007: Commencement Speaker, New Jersey State Police Academy Graduation Commencement, Toms River, New Jersey. The speech congratulated the graduates on their successful completion of the academy and discussed their future. I have no notes, transcript, or recording, but the press release is supplied. The address for the New Jersey State Police is River Road, Ewing Township, New Jersey 08628.

July 20, 2007: Commencement Speaker, New Jersey State Police Academy Graduation Commencement, Toms River, New Jersey. The speech congratulated the graduates on their successful completion of the academy and discussed their future. I have no notes, transcript, or recording, but the press release is supplied. The address for the New Jersey State Police is River Road, Ewing Township, New Jersey 08628.

Spring 1997: Moot Court Judge, Seton Hall University School of Law, Newark, New Jersey. As a moot court judge, I reviewed students' appellate briefs, heard oral argument, and then provided positive feedback along with constructive criticism. I have no notes, transcript, or recording. The address for Seton Hall University School of Law is 1109 Raymond Boulevard, Newark, New Jersey 07102.

- 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.

Seth Augenstein, "Accomplice in Alleged Sussex Boy Scout Molestation Murder to Have March Trial," *NJ.com*, October 24, 2014. Copy supplied.

Seth Augenstein, "Former Scout Leader Had Child Porn on Computer when

Stabbed to Death by Former Scout, Court Filing Says," *NJ.com*, October 23, 2014. Copy supplied.

Christopher Maag, "'Real Housewives' Judge Esther Salas Shaped by Her Own Reality," *Bergen Record*, October 5, 2014. Copy supplied (reprinted in multiple outlets).

Joe Moszczynski, "Judge Says Detective Violated Suspect's Rights in Sussex Slaying," *Star-Ledger*, June 27, 2014. Copy supplied.

Joe Moszczynski, "Man Accused in Killing of Former Sussex Sheriff's Officer Loses Bid to Have Trial in Morris," *Star-Ledger*, July 31, 2013. Copy supplied.

Ryan Hutchins, "East Orange Utility Fined for Solvents in the Water," *Star-Ledger*, March 6, 2013. Copy supplied.

"Lawyers Defend Two in New Jersey Accused of Hiding Pollutant," *Legal Monitor Worldwide*, March 5, 2013. Copy supplied.

Christopher Baxter, "East Orange Water Executives Accused of Hiding Pollutant Levels," *Star-Ledger*, February 14, 2013. Copy supplied (reprinted in multiple outlets).

David Porter, "New Jersey: Two Water Executives Rigged Samples to Hide Pollutant," *Associated Press*, February 13, 2013. Copy supplied (reprinted in multiple outlets).

Nina Youngstrom, "Hospital Settles Case over Payments for Advisors Who Allegedly Did Little Advising," *AISHealth.com*, February 4, 2013. Copy supplied.

Press Release, *Office of the Governor* (relating to nomination of Robert Hanna to Supreme Court of New Jersey), January 30, 2013. Copy supplied.

"Not a Dream, But a Nightmare," *National Journal*, December 13, 2012. Copy supplied (reprinted in multiple outlets).

Program Guest, "Let's Make a Deal: The Plea Bargain," *Due Process Television Program, Season 18*, December 9, 2012. Video available at <https://www.youtube.com/watch?v=pW6jTwpXISs>.

Martin Bricketto, "Executive Denies Bribes for New Jersey Port Terminal, Road Contracts," *Law360*, October 12, 2012. Copy supplied (reprinted in multiple outlets).

Peter J. Sampson, "Owner Indicted in Bribe Scheme," *Bergen Record*, October 5,

2012. Copy supplied.

Jason Grant, "Key Figure in 'Bid Rig III' Money-Laundering Takedown to Be Sentenced Today," *Star-Ledger*, July 3, 2012. Copy supplied.

Bruce A. Scruton, "Attorneys Chosen to Represent Murder Suspects," *Careersatquincy.com*, June 20, 2012. Copy supplied.

David Giambusso, "Essex County Freeholder to Resign and Enter PTI," *Star-Ledger*, March 9, 2011. Copy supplied.

Jonathan Stempel, "New Jersey Man Gets 14 Years for \$140 Million Mortgage Fraud," *Reuters*, February 24, 2011. Copy supplied.

David Porter, "Acquittals, Ruling Show Cracks in Corruption Case," *The Associated Press*, January 10, 2011. Copy supplied.

Peter J. Sampson, "Ridgefield Mayor Celebrates Full Acquittal: 'I Always Had Faith,'" *Bergen Record*, October 28, 2010. Copy supplied (reprinted in multiple outlets).

Aruna Viswanatha, "In Shakeup, New Jersey Appoints New Health Care Coordinator," *Mainjustice.com*, April 29, 2010. Copy supplied.

Matthew Van Dusen, "Lawyers in New Jersey Corruption Cases Won't Seek Deals," *Bergen Record*, February 14, 2010. Copy supplied.

Peter J. Sampson, "'Sting' Mayor Indicted; FBI Alleges Bribery Scheme," *Bergen Record*, December 19, 2009. Copy supplied (reprinted in multiple outlets).

Peter J. Sampson, "Indictments Begin in Federal Corruption Case," *Bergen Record*, August 20, 2009. Copy supplied (reprinted in multiple outlets).

Matt Dowling, "Governor Corzine Targets Towns with Officials in New Jersey Corruption Probe," *Times of Trenton*, August 3, 2009. Copy supplied (reprinted in multiple outlets).

"U.S. Mortgage Executive Pleads Guilty to Defrauding Customers," *States News Service*, June 12, 2009. Copy supplied.

Press Release, "Attorney General Names Ricardo Solano Jr. First Assistant Attorney General – Milgram Taps Former Federal Prosecutor to Succeed John Vazquez," *Office of the Attorney General*, September 29, 2008. Copy supplied.

Press Release, "Five Indicted in Probe by New Jersey State Police into Drug Network Linked to Farm Labor Camps," *Office of the Attorney General, Division*

of Criminal Justice, May 12, 2008. Copy supplied (reprinted in multiple outlets).

Press Release, "Fifty Attorneys General Announce Agreement with Facebook to Make Site Safer for Underage Users – Agreement Incorporates New Jersey's Report Abuse! Icon for Social Networking Sites," *Office of the Attorney General*, May 8, 2008. Copy supplied (reprinted in multiple outlets).

Press Release, "Attorney General Milgram Names John Vazquez First Assistant Attorney General, Former Federal Prosecutor Was Special Assistant to Rabner on Criminal Justice Issues," *Office of the Attorney General*, July 2, 2007. Copy supplied (reprinted in multiple outlets).

Press Release, "Attorney General Names Robert J. Gilson as Director of the Division of Law, Former Federal Prosecutor John Vazquez also Named Special Assistant to the Attorney General," *Office of the Attorney General*, October 26, 2006. Copy supplied.

Bill Bregar, "Sigma's Teo Admits Guilt in Fraud Trial," *Plastics News*, July 3, 2006. Copy supplied.

"Judge Delays Prison for VNA Embezzler," *Asbury Park Press*, January 4, 2006. Copy supplied.

Press Release, "Former Senior Manager for Non-Profit Nursing Association Sentenced to 15 Months for Health Care Fraud," *U.S. Attorney's Office*, January 3, 2006. Copy supplied.

Margaret F. Bonafide, "Dover Man Admits Scamming \$900G from Visiting Nurses, Former Staffer Could Get Ten-Year Prison Sentence," *Asbury Park Press*, September 23, 2005. Copy supplied.

Press Release, "Former Senior Manager for Non-Profit Nursing Association Admits Health Care Fraud," *U.S. Attorney's Office*, September 22, 2005. Copy supplied.

Bill Swayze, "Businessman Wants Fraud Case Dropped," *Star-Ledger*, February 11, 2005. Copy supplied.

Joseph Pryweller, "Sigma Chairman Teo Indicted Again," *Plastics News*, August 23, 2004. Copy supplied.

Kristen Alloway, "Rags-to-Riches Tale Takes Troubling Twist, Kinnelon Resident and Colleagues Indicted on Charges of Insider Trading," *Star-Ledger*, August 21, 2004. Copy supplied.

John P. Martin, "Memorabilia Dealer Sentenced in Fraud," *Star-Ledger*, June 9,

2004. Copy supplied.

John P. Martin, "Ex-Umpire Sentenced in Fraud," *Star-Ledger*, June 4, 2004. Copy supplied.

"North Carolina Man Sentenced for Posing as Agent," *Home News Tribune*, June 17, 2003. Copy supplied.

Carol Gorga Williams, "Court Closes Manzie Case; Killer, Others Could Go Free Early," *Asbury Park Press*, July 19, 2001. Copy supplied.

Carol Gorga Williams, "Manzie Ruling Issued in Error," *Asbury Park Press*, July 11, 2001. Copy supplied.

"New Jersey Seeks Tiebreaker on Manzie," *Asbury Park Press*, June 16, 2001. Copy supplied.

Kathy Barrett Carter, "Supreme Court Allows Early Parole for Manzie," *Star-Ledger*, June 14, 2001. Copy supplied.

Carol Gorga Williams, "Manzie May Go Free Early, Court Deadlocks over Killer Teen's Parole Eligibility," *Asbury Park Press*, June 14, 2001. Copy supplied.

Kathy Barrett Carter, "Justices to Decide Manzie Sentence, High Court Will Clarify Law against Early Parole," *Star-Ledger*, March 11, 2001. Copy supplied.

William Kleinknecht, "Theft Charges Dropped against Cop, A Second Newark Detective Still on Trial," *Star-Ledger*, February 16, 2001. Copy supplied.

Brian T. Murray, "Court Removes Tough Limit on Manzie Parole," *Star-Ledger*, November 30, 2000. Copy supplied.

Eugene Kiely, "Ruling Could Let New Jersey Killers Out Early, An Appeals Panel Called 'Ambiguous' a Law that Delayed Parole Eligibility for Sam Manzie and Others," *Philadelphia Inquirer*, November 30, 2000. Copy supplied (reprinted in multiple outlets).

Ralph Siegel, "Manzie Sentence Shortened, No Early Release Act Questioned," *Associated Press*, November 29, 2000. Copy supplied (reprinted in multiple outlets).

Brian T. Murray, "Manzie Appeals in Effort to Pare 70-Year Sentence," *Star-Ledger*, October 13, 2000. Copy supplied.

Elizabeth Moore, "Grand Jury Indicts West Paterson Man on Charges of Kidnapping Ex-Girlfriend," *Star-Ledger*, August 30, 2000. Copy supplied.

Brian Murray, "Manzie's Parents Lose a Battle of Wills," *Star-Ledger*, March 21, 1999. Copy supplied.

"Lawyer Drops Motion for Manzie Appraisal," *Asbury Park Press*, March 19, 1999. Copy supplied.

Brian T. Murray, "Teen Murder Suspect's Lawyers End Demand for Psychiatric Exam," *Star-Ledger*, March 19, 1999. 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 served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

I have not presided over any cases as a judge.

- 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 served as a judge.

- 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.

- 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 memberships, offices, or been compensated by any political party or election committee. I have not held a position or played a role in a political campaign. I have been on the following host committees for three political fundraisers: Booker for Senate, September 27, 2013; Menendez for Senate, October 26, 2012; and Menendez for Senate, May 20, 2011.

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 clerked for the Honorable Herman D. Michels, Presiding Judge for Administration on the New Jersey Superior Court, Appellate Division, from 1996 to 1997.

- 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.

1997 – 2001

Law Offices of Michael Critchley and Associates
354 West Main Street
West Orange, New Jersey 07052
Associate

2001 – 2006

United States Attorney's Office for the District of New Jersey
970 Broad Street
Newark, New Jersey 07102
Assistant United States Attorney (2001 – 2006)
Health Care Fraud Coordinator (2004 – 2006)

2006 – 2008
Office of the Attorney General
Department of Law and Public Safety
Richard J. Hughes Justice Complex
25 West Market Street
Trenton, New Jersey 08625
Special Assistant to the Attorney General (2006 – 2007)
First Assistant Attorney General (2007 – 2008)

2008 – present
Critchley, Kinum & Vazquez, LLC
75 Livingston Avenue
Roseland, New Jersey 07068
Partner

- 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 in alternative dispute resolution proceedings.

b. Describe:

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

When I first began practicing law in 1997 as an associate with the Law Firm of Michael Critchley and Associates, my practice was focused on criminal defense, with an emphasis on white collar cases, as well as personal injury litigation. At that time, I second-chaired larger trials with Michael Critchley, Sr., who was the head of the firm. I also was lead counsel in a state civil trial, municipal trials, and a state and a federal criminal trial. My practice included some administrative matters (for example, before the New Jersey Board of Medical Examiners). In criminal cases, my duties included meeting with clients and preparing them for trial, interacting with the prosecutors, reviewing discovery, writing motions, negotiating plea agreements, handling sentencings, and taking appeals. In civil cases, my duties included meeting with clients, drafting pleadings, drafting discovery requests, reviewing discovery, making motions, and taking and defending depositions.

I joined the United States Attorney's Office for the District of New Jersey in 2001, where I handled a wide array of federal investigations and prosecutions. I served in the general crimes unit, the OCDETF (major narcotics) Unit, the Terrorism Unit, and the Securities and Health Care

Fraud Unit. My responsibilities included overseeing investigations and working closely with federal agents, drafting search warrants, reviewing subpoenaed information, interviewing witnesses, presenting matters to the grand jury, conducting Title III (wiretap) investigations, conducting proffer sessions, and negotiating plea agreements. I also represented the government in guilty plea hearings as well as sentencings. I was lead trial counsel in narcotics prosecutions and a securities fraud prosecution. I was also promoted to criminal health care fraud coordinator, which required oversight and coordination of all health care fraud cases in the district. In that role, I also worked closely with the civil division in connection with health care fraud investigations, primarily *qui tam* lawsuits.

When I joined the Office of the Attorney General for the State of New Jersey in 2006, I began as special assistant to the attorney general. In that capacity, my focus was on criminal matters, including public corruption, financial fraud, and Medicaid fraud. I also participated in review and analysis of potential legislation that could impact the Office of the Attorney General.

Upon becoming first assistant attorney general in 2007, my primary responsibility was the day-to-day operations for the Office of the Attorney General, Department of Law and Public Safety. The department was comprised of over 9,500 employees and the Divisions of Criminal Justice, Law, State Police, Consumer Affairs, Civil Rights, Elections, Alcoholic Beverage Control, Highway Traffic Safety, and Gaming Enforcement, as well as the Juvenile Justice Commission and the Racing Commission. As first assistant, I also worked closely with county prosecutors throughout New Jersey, as the attorney general has supervisory authority over each county prosecutor's office. In addition, I worked closely with the attorney general on developing law enforcement guidelines as well as analyzing potential legislation that could impact the department.

I joined my current firm as a partner in 2008. My current law practice can best be described as performing all aspects of criminal and civil litigation with an emphasis on white-collar criminal defense as well as complex commercial, securities, and health care civil litigation. Recently, my practice has included patent litigation. The majority of my cases (both criminal and civil) are in federal court. As to trials, I either serve as lead counsel or co-counsel, and I have tried three federal cases (two criminal and one civil) since returning to private practice. In addition, I have litigated cases with the Securities and Exchange Commission, the New Jersey Board of Medical Examiners, and the New Jersey Office of the State Comptroller.

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

Currently my clients are comprised of individuals and entities, including public companies and health care entities. When I first began practicing law, my clients were predominantly individuals. When I joined the United States Attorney's Office, my client was the United States of America. While working for the Office of the Attorney General, my client was the State of New Jersey. In addition, our office was bound by law to represent all executive branches and agencies in litigation.

- 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.

With one exception, my entire career has been devoted to litigation, and I have appeared in court frequently. The one exception is that when I was with the Office of Attorney General, I did not appear in court. In addition, when I was first assistant attorney general, my practice involved policy and operations, as well as overseeing certain litigation.

My practice percentages, concerning federal versus state, have varied with my different jobs. When I first started practicing law, I estimate that 50% of my practice was in federal courts and 50% was in state courts. When I became an Assistant United States Attorney, my practice was 100% in federal courts. When I worked for the Office of the Attorney General, our cases were nearly 100% in state courts (although on occasion we would be involved in a federal court matter). As a special assistant to the attorney general, my practice was approximately 90% litigation related. When I became first assistant attorney general, my practice concerned operations, administrative, and policy, as well as reviewing certain litigation. Upon my return to private practice, I have worked approximately 70% in federal courts with the remainder being at the state or administrative level.

My percentage of work on criminal and civil matters has also varied with my different positions. When I first began practicing in 1997, my practice was approximately 80% to 85% criminal. While I was an Assistant United States Attorney, my practice was 100% criminal, although I did work with Assistant United States Attorneys in the civil division on health care fraud investigations. As a special assistant to the attorney general, approximately 85% to 90% of my time was spent on criminal matters. This percentage dropped when I became first assistant attorney general, at which point my practice also included a large percentage of civil, policy, and day-to-day operations. Upon my return to private practice, I estimate that my practice initially was 65% to 70% criminal. My practice has shifted towards the civil side in the last year, primarily federal civil cases. Civil cases now comprise approximately 50% to 60% of my caseload.

- i. Indicate the percentage of your practice in:

1. federal courts: approx. 70%
2. state courts of record: approx. 25%
3. other courts: approx. 2.5 %
4. administrative agencies: approx. 2.5%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 20%
2. criminal proceedings: 80%

- 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 15 cases to verdict (or with a dismissal in my client's favor after the State's case). I was sole counsel in five cases. I was lead counsel in three cases. I was co-counsel in four cases. I was associate counsel in three cases.

When I first began practicing in 1997, I was counsel in a federal criminal immigration trial, a state official misconduct trial against a police officer (my client was dismissed after the State's case-in-chief), a state civil personal injury case, and two municipal court trials. I was also second chair in a federal criminal bankruptcy fraud trial and another state official misconduct case against a police officer. In addition, I was lead counsel in a state criminal case in which our suppression motion was granted and the case was dismissed.

When I worked for the United States Attorney's Office, I was lead counsel in two large-scale narcotics trials. I was also lead counsel in an extensive securities case in which the defendant pled guilty approximately six weeks into trial.

When I was with the Office of the Attorney General, I did not try cases. However, I did review major cases on behalf of the attorney general and advised whether the cases should proceed to trial or settle as well as developing case strategy.

In my current position, I have been lead counsel in a civil bench trial in which I represented an attorney. I was also co-counsel in a federal public corruption trial in which our client was acquitted. I was also co-counsel in a federal breach of contract case in which the jury returned a verdict for over \$106 million. I was co-counsel in a federal bribery matter which resolved after the government's case-in-chief. I have also acted as lead counsel in representing clients before the New Jersey Board of Medical Examiners and am currently representing a client in an administrative Medicare debarment action. In addition, I am co-counsel in a pending New Jersey Department of Transportation debarment action. I am also

sole counsel in a pending state murder case.

i. What percentage of these trials were:

- | | |
|--------------|-------------|
| 1. jury: | approx. 80% |
| 2. non-jury: | approx. 20% |

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) Mylan Inc., et al. v. Smithkline Beecham Corp., et al., Docket No. 10-4809 (D.N.J.) Honorable Joel A. Pisano, U.S.D.J.

I was co-counsel for plaintiffs, a pharmaceutical company and its affiliates, in a breach of contract action arising out of a prior settlement of a patent case between plaintiffs and defendants, another pharmaceutical company and its affiliates. The trial lasted approximately two weeks. The breach stemmed from the defendants supplying a third party company with a pharmaceutical drug. Originally, the district court granted summary judgment in favor of defendants, but the case was overturned by the U.S. Court of Appeals for the Third Circuit. The case proceeded to trial in March 2014. On March 25, 2014, the jury returned a verdict in favor of plaintiffs in an amount of \$106 million. On July 16, 2014, the court entered a permanent injunction in favor of plaintiffs prohibiting defendants from supplying the pharmaceutical drug to the third party generic pharmaceutical company. The case is currently on appeal to the Third Circuit Court of Appeals. Mylan Inc., et al. v. SmithKline Beecham Corp., et al., Docket No. 14-3646 (3d Cir.). I am also counsel in a related case, Mylan Inc., et al. v. Apotex Inc., et al., Docket No: 14-cv-4560

(D.N.J.), where the district court preliminarily enjoined the third party generic pharmaceutical company from further distribution of the drug and ordered a recall. This decision is also on appeal, Mylan, Inc., et al. v. Apotex Inc. et al., Docket No. 14-3436 (3d Cir.), while the underlying civil action continues to be litigated in the district court.

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- (2) United States v. Chrysanthopoulos, Docket No. 12-672 (D.N.J.) Honorable Joel A. Pisano, U.S.D.J.

I was co-counsel in a multi-count federal indictment against a private contractor. The indictment alleged three different schemes of kickbacks and bribes over distinct time periods involving two separate entities. The indictment sought forfeiture of approximately \$17 million. Such a loss resulted in a United States Guidelines Range of a minimum of 70 to 87

months. At the close of the government's case-in-chief in November 2013, the government offered a plea which dismissed the two largest schemes. This occurred after approximately two weeks of trial. In December 2014, our client was sentenced to a non-custodial term and no forfeiture was ordered as no loss had occurred.

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- (3) United States ex rel. Depace v. The Cooper Health System, et al., Docket No. 08-5626 (D.N.J.) Honorable Joseph E. Irenas, U.S.D.J.

I was co-counsel for one of largest hospitals in New Jersey. I was involved in this matter for over two years. The case stemmed from a *qui tam* suit filed by a former doctor with the Cooper Heart Institute Advisory Board ("CHIAB"). CHIAB was organized as an educational and feedback forum. The case was originally filed in 2008. The suit alleged that CHIAB paid kickbacks to doctors in exchange for referrals. Due to the causes of action, our client faced potential treble damages, which could have resulted in over \$50 million in damages and threatened the financial stability of our client. The case involved voluminous discovery, complex financial records, and numerous witnesses. The civil division of the United States Attorney's Office for the District of New Jersey was the lead in the matter, but the case also involved the New Jersey Attorney General's Office, the United States Department of Justice, and the Department of Health and Human Services (Office of the Inspector General), in addition to relator's counsel. The case ultimately concluded in January 2013 with a monetary settlement that did not threaten the financial

stability of our client as well as a compliance agreement.

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- (4) United States v. Suarez, Docket No. 09-932 (D.N.J.) Honorable Jose L. Linares, U.S.D.J.

I was co-counsel in the criminal defense of this federal public corruption case. The trial lasted approximately three weeks. The case stemmed from a massive sting operation led by cooperating defendant Mr. Dwek. As a result of Mr. Dwek's undercover activities, over 40 people in the District of New Jersey were arrested in July 2009. Prior to our trial, Mr. Dwek had testified in two matters that resulted in convictions. We represented a municipal mayor, Mr. Suarez, who had been accused of accepting bribes in exchange for influence. The government had several audio and video taped meetings of Mr. Dwek, Mr. Suarez, and the co-defendant. The defense was that Mr. Suarez had never agreed to accept bribes and did not accept bribes. In addition to vigorous cross-examination of the government's witnesses, the defense called Mr. Suarez, who went through each taped conversation, explaining why the conversations were not consistent with the government's interpretation. On October 27, 2010, the jury returned a verdict of not guilty on all counts for Mr. Suarez. It was the first such verdict in favor of a public official in the District of New Jersey in over a decade.

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- (5) United States v. Teo, et al., Docket No. 4-00583 (D.N.J.) Honorable
Katharine S. Hayden

I was lead counsel for the United States in this multi-count securities fraud prosecution. The primary defendant was a large investor in a public company, who owned the then-popular music stores Sam Goody. There were two essential fraud schemes: insider trading and fraud to avoid what was commonly termed a poison pill. A poison pill is, in essence, a mechanism in which a company's shareholders have the right to buy additional shares at a discounted price if one shareholder purchases a certain percentage of the company's shares. Prior to trial, the court held an evidentiary hearing and found that the attorney-client privilege was not applicable due to the crime-fraud exception. The attorney in question had advised the primary defendant in relevant securities transactions. During the trial, we established that the attorney had disclosed documents to the defense, but not to the prosecution, which reflected the back-dating of critical documents by the primary defendant. We were approximately six weeks into trial when this information was discovered through our cross-examination of the attorney. As a result, the lead defendant pled guilty to insider trading counts in July 2006. I joined the New Jersey Office of the Attorney General before sentencing.

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- (6) United States v. DeJesus Chica, et al., Docket No. 2-00021 (D.N.J.)
Honorable John L. Lifland, U.S.D.J.

I was lead counsel for the United States in a criminal trial resulting from a large scale, multi-district cocaine distribution scheme. The trial lasted approximately two weeks. The cocaine, over a hundred kilograms, was being shipped in a tractor trailer from Texas for ultimate distribution in the New Jersey area. The investigation prior to trial included a lengthy Title III (wiretap) investigation, which presented many challenges due to the defendants consistently changing pre-paid cell phones. Following the arrests, many defendants decided to plead guilty, except for the driver (Mr. Rodriguez), who received the cocaine in Pennsylvania for distribution in New Jersey. The driver's defense was that he did not know that he was transporting illicit drugs. In speaking on the cell phones, the defendants used coded language so that there was no explicit reference to cocaine or drugs. On September 30, 2003, the jury returned a verdict of guilty on all counts.

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- (7) United States v. Burgos, et al., Docket No. 2-00186 (D.N.J.) Honorable John L. Lifland, U.S.D.J.

I was lead counsel for the United States in a narcotics trafficking investigation and prosecution. The trial lasted approximately one week. The case concerned the importation of heroin for distribution in New Jersey. The defendants took many precautions to avoid detection, including hiding the heroin in a non-obvious form within a suitcase. Once the material was extracted from the suitcase, it had to undergo further processes before it was reduced to usable form. The defendant (Ms. Rodriguez) who went to trial argued that while she was aware that others were involved in heroin distribution, she never knowingly joined the scheme, and she took no steps in furtherance of the distribution scheme. A challenge we faced was that the primary cooperating witness admitted, just prior to trial, that he had omitted critical information in his past debriefings. As a result, the cooperating witness pled guilty to an additional offense, which impacted his credibility at trial. However, the jury returned a verdict of guilty on December 11, 2002.

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- (8) State v. Manzie, 168 N.J. 113 (N.J. 2001) Chief Justice Deborah Poritz and Justices Virginia Long, Jaynee LaVecchia, Gary Stein, James Coleman, and

James Zazzali.

This case involved a matter of first impression before the Supreme Court of New Jersey. I represented Mr. Manzie, a juvenile who killed another juvenile when the latter was going house-to-house in a suburban residential neighborhood for a school fundraising drive. Mr. Manzie had also been previously sexually abused by an adult male and was working with the local police in an undercover capacity at the time of the murder. Mr. Manzie pled guilty to murder and was sentenced to prison. New Jersey had recently enacted the No Early Release Act, N.J.S.A. 2C:43-7.2, which provided for an 85% parole ineligibility period for violent crimes. At first blush, it would appear that murder would clearly meet the definition of a violent crime. However, in New Jersey, murder already had a separate sentencing scheme and the legislative sponsors of the No Early Release Act had indicated that the new law did not apply to murder. Nevertheless, the sentencing judge applied the No Early Release Act to the sentence. I appealed the matter to the New Jersey Superior Court's Appellate Division, arguing that the No Early Release Act was not applicable to murder offenses. The appellate division agreed and reversed the sentence. The State then appealed the matter to the New Jersey Supreme Court, which issued a split decision, 3-3 (one justice had recused himself). Due to the split decision, the appellate division's ruling was upheld.

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- (9) United States v. Nathan, 188 F.3d 190 (3d Cir. 1999) Chief Judge Edward Becker and Judges Marjorie Rendell and Leonard Garth.

I was associate counsel in Mr. Nathan's defense at the district court level but I wrote the brief to the Third Circuit Court of Appeals. I then handled the resentencing. Mr. Nathan, along with his company and co-owner, pled guilty to a violation of 18 U.S.C. § 545, unlawfully importing goods into the United States by failing to mark the country of origin. The company was in defense contracting and had agreed not to use foreign components in producing electronic equipment for NASA and the United States Air Force. Despite this agreement, the company used foreign manufacturers for certain parts. As a result, Mr. Nathan was charged with violating the Arms Export Control Act and the International Traffic in Arms Regulation. The district court sentenced our client to 30 months. On appeal, we argued that the district court had misconstrued what information constitutes a stipulation for purposes of plea

agreement and also contended that the sentencing judge had made findings that were belied by the record. Specifically, the district court found that our client's actions had put American troops at risk. On appeal, I argued that the evidence reflected that no troops were put at any risk, and that the imported components actually resulted in the United States gaining better technology than it had previously used. The Third Circuit agreed and reversed the sentence. During the resentencing, our client received a non-custodial term.

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- (10) United States v. Che, et al., Docket No. 98-403 (D.N.J.) Honorable Dickinson R. Debevoise, U.S.D.J.

I was sole counsel for one of three co-defendants. The case was a federal prosecution for illegal alien smuggling resulting in a trial that lasted approximately two weeks. My client was a crewman on a ship that initially departed from Venezuela. After the ship left port, another vessel approached the ship and unloaded a number of illegal immigrants onto the ship. When the ship arrived off the coast of New Jersey, a smaller boat took the illegal immigrants to shore. However, the smaller boat ran aground and the local authorities took all into custody. My client, along with two other crewman, were charged and went to trial. My client's defense was that he had never voluntarily agreed to engage in illegal smuggling. Instead, when he took the job as a crewman, he was told that it was a legitimate fishing vessel. However, once he was already out to sea, the illegal immigrants boarded and at that point, my client had no option but to stay on the ship. The jury acquitted my client on December 2, 1998. The other two crewmen were found guilty.

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As to other additional significant cases that I have been involved in, I have represented a major insurance company before the New Jersey Office of the State Comptroller. I am currently co-counsel in two patent litigation cases. I have represented the CEO of a public company in a health care civil and criminal investigation into the company. I am, and have, represented a number of health care professionals, including physicians and chiropractors in criminal and administrative investigations.

When I was named Criminal Health Care Fraud Coordinator for the District of New Jersey, I worked to strengthen our office's relationships with the federal agencies responsible for such investigations, to fortify our office's relationships with the health care fraud units in other districts, and to enhance the relationship between the criminal and civil health care attorneys within the office. The improved relationships with the federal agencies opened the line of communications between the prosecution and investigation teams, resulting in a more timely review and disposition of cases. Enhancing the relationship with the civil attorneys resulted in a timely criminal review of cases that were initially filed through the civil division, normally by way of a *qui tam* suit. Strengthening the relationship with other United States Attorney's Offices resulted in a better understanding of national trends as well as the ability to share resources and knowledge in joint investigations.

As first assistant attorney general, I worked closely with the attorney general in implementing the Governor's Strategy for Safe Streets and Neighborhoods. The strategy encompassed all facets of addressing gang crime in New Jersey, including prevention, investigation and prosecution, and reentry. Pursuant to the attorney general's request, I worked closely on the investigation and prosecution aspect, which focused on the use of technology to analyze local, regional, and state criminal trends. With the use of actual data and analysis, investigations were able to focus on the areas in greatest need as well as provide a sound strategy to address any unique issues in a particular area.

Upon returning to private practice, I have been involved with three committees of the Supreme Court of New Jersey. The first committee reviewed the Rules of Evidence for New Jersey, which considered and then either rejected or recommended amendments to

specific rules. The next committee concerned implementation of the state supreme court's decision that changed New Jersey's view on the automobile exception to the warrant requirement. The final committee undertook a sweeping review of New Jersey's bail and speedy trial processes. The committee's report recommended changes that impacted a wide spectrum of New Jersey's laws, from New Jersey's Constitution to its Rules of Court. In the first committee, I was the representative of the Hispanic Bar Association of New Jersey. In the other two committees, I was chosen to provide the perspective of a defense attorney engaged in private practice, although my prior experience as a prosecutor was also relevant.

I have not performed any lobbying activities.

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

I have not taught any courses.

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

My law firm typically provides bonuses to all attorneys on an annual or semi-annual basis, depending upon the performance of the firm. Otherwise, I have no arrangements or expectations concerning future income or compensation.

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 do not have any current plans, commitments, or agreements to do so.

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

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.

There are no areas of particular concern. I would recuse myself from all matters as required by law. For example, I would recuse myself from any matter in which I had a prior role regardless of how small. To avoid any appearance of conflict, I would recuse myself for the appropriate period of time from all cases involving my current firm. I would similarly follow all recusal rules as to cases involving former clients in matters that I did not participate as a legal counsel. Finally, my family members have never been litigants or counsel in the United States District Court for the District of New Jersey. If this were to occur, I would recuse myself.

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

I would consult with the Code of Conduct for United States Judges as well as relevant cases and statutes (including 28 U.S.C. § 455) on judicial recusal and follow their guidance. As noted, I am aware that certain cases mandate recusal, such as cases in which I participated while I was an attorney. I will follow the rules on recusal as to timing and also follow the rules and guidance as to prior clients. Finally, a litigant can also raise a claim of conflict of interest. If that situation arises, I would ask for the parties to submit their positions as to the potential conflict and the controlling law and then make a timely decision on the merits. There are no particular categories of cases that would pose an ethical concern.

- 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.

In New Jersey, all attorneys are mandated to sign up for pro bono appointment. To date, I have only been assigned one case, a domestic violence matter emanating from Essex County when I first began practicing law (circa 1998). Both my client and his spouse were charged (it turns out that the local authorities were familiar with both due to similar instances in the past). I would estimate that I spent 20 to 30 hours in resolving this case.

On a personal level, I have represented, pro bono, a number of family members, their

friends, and personal friends because they could not afford representation. These matters include an employment-related investigation, several municipal court matters, and criminal matters. I would estimate that I have spent approximately 150 to 200 hours on these cases since I returned to private practice in October 2008.

Finally, I have also spoken to law students on several occasions at Rutgers School of Law in Newark and Seton Hall University School of Law about careers in the law. Similarly, for two years while I was at the United States Attorney's Office, I was co-chair of the summer intern program. I was not paid for this work, and it involved reviewing hundreds of resumes, conducting approximately 30 to 40 interviews each year, selecting the intern class for the upcoming summer, overseeing the interns and assigning projects during the summer, and organizing educational and social activities. I cannot give a firm estimate of time on these activities, but the summer intern program involved over 100 hours each year.

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 2014, I spoke to a District Judge for the District of New Jersey and learned that there likely would be upcoming vacancies in the district. I then wrote letters to Senator Robert Menendez and Senator Cory Booker indicating my interest in being considered. Thereafter, I completed Senator Menendez's judicial questionnaire and interviewed with Senator Menendez and his staff in Newark, New Jersey on August 20, 2014. I also interviewed with Senator Booker in Newark, New Jersey on August 18, 2014. In January 2015, Senator Menendez informed me that he would be submitting my name for consideration to the White House. Since January 15, 2015, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 10, 2015, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On March 26, 2015, 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 one has done so.