

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Zachary Thomas Fardon

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

United States Attorney, Northern District of Illinois

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:

Zachary T. Fardon
Latham & Watkins
Chicago, IL 60606-6401

Home:

Zachary T. Fardon
Evanston, IL 60201

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

1966; Kansas City, Missouri

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.

Law School:

Vanderbilt Law School

Dates of Attendance: August 1989 through May 1992

J.D. obtained May 8, 1992

Undergraduate:

Vanderbilt University

Dates of Attendance: August 1984 through May 1988

B.A. obtained May 13, 1988

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.

Current:

Latham & Watkins
233 S. Wacker Drive
Chicago, IL 60606-6401

Title and tenure: Partner since January 2007. For past 3 years, Chair of Chicago Litigation Department.

Legal Aid Society of Chicago
One N. Dearborn, Suite 1000
Chicago, IL 60602

Title and tenure: Member, Board of Directors, 2008-present. Chair of the Board.

A Better Chicago
222 Merchandise Mart Plaza, Suite 1212
Chicago, IL 60654

Title and tenure: Member, Board of Directors, December 2011-present.

Metropolitan Family Services of Chicago
One N. Dearborn, Suite 1000
Chicago, IL 60602

Title and tenure: Member, Board of Directors, November 2012-present.

Northwestern University Law School
375 E Chicago Avenue
Chicago, IL 60611

Title and Tenure: Adjunct Professor of Trial Advocacy, 2009-present

Prior (in reverse chronological order):

United States Attorney's Office
Middle District of Tennessee
110 9th Avenue South
Nashville, TN 37203-3870

Title and tenure: First Assistant U.S. Attorney, March 2003 through December 2006

United States Attorney's Office
Northern District of Illinois
219 S. Dearborn Avenue
Chicago, IL 60604

Title and tenure: Assistant United States Attorney, October 1997 through March 2003

Nashville Metropolitan Public Defender's Office
1202 Stahlman Building
Nashville, TN 37212

Title and tenure: Assistant Public Defender, May 1996 through October 1997

King & Spalding
1730 Pennsylvania Avenue, N.W.
Washington, DC 20006

Title and tenure: Associate, September 1992 through April 1996

King & Spalding
1730 Pennsylvania Avenue, N.W.
Washington, DC 20006

Title and tenure: Summer Associate, May 1991 through August 1991

Troutman Sanders Lockeman & Ashmore
One Ravinia Drive, Suite 1600
Atlanta, GA 30346-2103

Title and tenure: Summer Associate, May 1990 through August 1990

Aspen Musical Festival
P.O. Box Aspen Music Festival
Aspen, CO 81612

Title and tenure: Technical Crew Staff, May 1989 through August 1989

Breeze Ski
200 East Durant
Aspen, CO 81611

Title and tenure: Ski Technician, September 1988 through April 1989

Steigenberger Restaurant
Frankfurt International Airport
Frankfurt, Germany

Title and tenure: Waiter, May 1988 through July 1988

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 U.S. military. I have registered for selective service.

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

- Articles Editor, Vanderbilt Law Review, 1991-92
- Award for Outstanding Service to the Poor, Metropolitan Nashville Public Defenders Office, 1997
- Special Act or Service Awards, United States Attorney, Northern District of Illinois: 1998, 1999, 2000, 2001 and 2002.
- Cook County Crime Prevention, Excellence in Law Enforcement Award, March 2001
- Frank McGarr Award in Recognition of Excellence in Providing Legal Services on Behalf of the United States Government, 2002
- U.S. Department of Justice, Director's Award for Superior Performance by an Assistant U.S. Attorney, Middle District of Tennessee, 2003
- Chicago Federal Bureau of Investigation, in Recognition of Outstanding Service and Dedication, 2003
- Drug Enforcement Administration, Recognition for Outstanding Service, 2003
- Internal Revenue Service, Outstanding Assistance to Law Enforcement Award, 2003
- U.S. Postal Inspection Service, Recognition for Outstanding Service, 2003
- Sustained Superior Performance Award, United States Attorney, Middle District of Tennessee, 2004, 2005, 2006
- U.S. Department of Justice, Director's Award for Superior Performance by a Litigative Team, Middle District of Tennessee, 2006
- Internal Revenue Service, Outstanding Assistance to Law Enforcement Award, 2006

- U.S. Department of Transportation Office of Inspector General, Award for Investigative Excellence in Combating Public Corruption, 2006
 - Chicago Crime Commission, Stars of Distinction Award, 2006
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, 2007-present. No active role or offices held.
- National Association of Criminal Defense Lawyers, 2008-2011. No active role or offices held. No longer a member.

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.
 - Tennessee State Bar, Admitted December 30, 1992 No membership lapses.
 - District of Columbia, Admitted February 2, 1995 No membership lapses.
 - Illinois State Bar, Admitted July 17, 2007 No membership lapses.
- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.
 - United States District Court, Northern District of Illinois, Admitted February 8, 2007 No membership lapses.
 - United States District Court, Middle District of Tennessee, Admitted September 12, 2003 No membership lapses.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.
 - Legal Aid Society of Chicago, Board Director, 2008-Present. Currently Chair of the Board.

- A Better Chicago, Board Director, December 2011-present. (A Better Chicago is a non-profit venture capital philanthropic organization that invests in the areas of early childhood development, K-12, and workforce development.)
 - Metropolitan Family Services of Chicago, Board Director, November 2012-present.
- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations discriminate, currently or formerly, on the basis of race, sex, religion, national origin, ethnicity, or sexual orientation.

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

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

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

- *Boston 2014: Defeat is not in our DNA*, published in Chicago Tribune, April 21, 2013
- *The Dodd Frank Act's Whistleblower Bounty Provision*, published in The Practical Lawyer, October 2011
- *Corporate Governance Commentary: The SEC Whistleblower Program: Meeting the Challenges, Minimizing the Risks*, published on-line through Latham & Watkins, June 2011
- *The Whistle-blower Bounty Provision*, published in Chicago Daily Law Bulletin, April 29, 2011

- *Handling a Government Investigation of a Senior Executive—Checklist*, published on-line by PLC, January 2011
 - *Crisis in the C-Suite: What To Do When One of Your Senior Executives Is Under Criminal Investigation*, published in Navigant IQ Magazine, 2010
 - *Ryan’s Judge, Jury Deserve Thanks, Not Condemnation*, editorial, Chicago Tribune, November 15, 2007
 - *Barnes v. Glen Theatre, Inc.: Nude Dancing and the First Amendment Question*, Vanderbilt Law Review, January 1992
- 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.
- None.
- 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.
- None.
- 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.

I have spoken on numerous professional panels about various subject matters pertinent to my law practice (e.g., Corporate Anti-Bribery Compliance Programs; Foreign Corrupt Practices Act; Honest Services Fraud; Trial Advocacy; Attorney-Client Privilege and Work Product; Internal Investigations; etc.). To my knowledge, none of those panel discussions have ever been transcribed.

- August 17, 2007 – panel discussion regarding white collar criminal investigations at Council of International Investigators event in Chicago Illinois.
- February 21, 2008 – panel discussion regarding criminal enforcement trends and hot topics at PWC's General Counsel Forum in Chicago Illinois
- April 14, 2008 – panel discussion regarding US criminal enforcement trends and practices at CCCA (Canadian Corporation Counsel Association) annual meeting in Toronto Canada
- July 18, 2008 – panel discussion regarding managing media in high profile cases before Chicago bar group in Chicago Illinois
- December 12, 2008 – panel discussion regarding corporate investigations and white collar defense before Nashville bar group in Nashville Tennessee
- January 22, 2009 – panel discussion regarding criminal investigations of corporate executives before Chicago bar group in Chicago Illinois
- September 29, 2009 – panel discussion regarding plea bargaining in the U.S. criminal justice system before Serbian bar group, Belgrade Serbia (organized and sponsored by the U.S. government)
- September 30, 2009 – panel discussion regarding plea bargaining in the U.S. criminal justice system before Serbian bar group in Nova Sad Serbia (organized and sponsored by the U.S. government).
- February 11, 2010 – panel discussion regarding honest services fraud jurisprudence before Law Bulletin White Collar Crime & Corporate Governance Conference in Chicago Illinois
- March 16, 2010 – panel discussion regarding insider trading laws before Hyatt employees at Hyatt O'Hare in Chicago Illinois
- May 3, 2010 – panel discussion before Chicago bar group regarding forensic accountants and damages experts at Trump Hotel in Chicago Illinois
- June 15, 2010 – panel discussion before Chicago bar group regarding internal investigations as part of PLI Internal Investigations program, Chicago Illinois
- January 28, 2011 – panel discussion regarding honest services fraud jurisprudence before Atlanta bar group as part of ABA event in Atlanta Georgia
- April 12, 2011 – panel discussion regarding scope and impact of Dodd-Frank Act in white collar context before Chicago bar group at Mid-America Club in Chicago Illinois

- June 2, 2011 – panel discussion on UK Bribery Act 2010 before London bar group in London England
 - June 14, 2011 – panel discussion regarding Whistleblower Rules: New Challenges for US Companies as part of Latham live webcast based out of Chicago Illinois
 - June 28, 2011 – panel discussion regarding FCPA issues and trends before Chicago bar group as part of ACI Chicago FCPA Boot Camp, Chicago Illinois
 - March 7, 2012 – panel discussion regarding anti-corruption issues in metals and mining industry before London bar group in London England
 - April 18, 2012 – panel discussion regarding FCPA updates before Chicago bar group as part of Corporate Governance and WCC Conference in Chicago Illinois
 - May 4, 2012 – panel discussion regarding SEC and DOJ Enforcement & Corporate Litigation before Chicago bar group as part of 32d Annual Ray Garrett Jr. Corporate and Securities Law Institute in Chicago Illinois
 - June 21, 2012 – panel discussion regarding FCPA, Whistleblowing & Cyber Crime before Detroit bar group at Detroit Athletic Club in Detroit Michigan
 - June 27, 2012 – panel discussion regarding FCPA: Mitigating Successor Liability in M&A Transactions: How to Conduct Effective Pre-Deal Due Diligence and ENSure Post-Merger Integration of FCPA Compliance Programs before Chicago bar group as part of ACI FCPA Boot Camp in Chicago Illinois
 - August 28, 2012 – panel discussion regarding cy pres awards in Illinois before Chicago bar group as part of Legal Aid Society initiative in Chicago Illinois
 - October 10, 2012 – panel discussion regarding Global Compliance issues as part of Latham live webcast from Chicago Illinois
 - November 15, 2012 – panel discussion regarding FCPA and UK Bribery Act as part of Latham live webcast from Chicago Illinois
 - March 13, 2013 – panel discussion regarding US and European compliance and enforcement issues to German bar group as part of PWC Europe Annual Conference in Frankfurt Germany
 - May 23, 2013 – panel discussion regarding compliance and ethics issues before Hyatt management group, Chicago Illinois
- e. List all interviews you have given to newspapers, magazines or other

publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all items called for in this question, including through review of my personal files and searched of publicly available electronic databases. Throughout my career, I have worked on a number of high profile matters. In that context, I have been interviewed numerous times by the media regarding specific cases. Additionally, as the First Assistant U.S. Attorney for the Middle District of Tennessee, I served as that Office's media spokesperson. (Unlike Chicago, there was no full-time, separate position for that role in Nashville.) In that context, I was interviewed regarding cases coming from and impacting the Middle District of Tennessee. I have located the following:

- *After 11 years as U.S. Attorney in Chicago, Fitzgerald steps aside*, Chicago Sun Times, July 2012
- *Whistle-Blower Law Creates Incentives and Risks; Tipster Incentives Create Headaches for Companies*, Mintsmedmal.com, March 6, 2012
- *Q&A with Latham's Zach Fardon*, Law 360, May 13, 2011
- *Obama: A Role in the Rezko Trial?*, abcnews.com, March 3, 2008.
- Television appearance on WTTW Chicago Tonight, October 25, 2007, regarding court of appeals decision in *Ryan* case
- Television appearance on WTTW Chicago Tonight, August 21, 2007, regarding court of appeals decision in *Ryan* case
- *Vines v. Status Quo*, Business Tennessee, May 2005
- *Former Tennessee official convicted in fraud case*, AP News, May 26, 2004
- *40 Under 40, Patrick M. Collins, Assistant U.S. Attorney*, Crain's Chicago Business, 2003

13. Public Office, Political Activities and Affiliations:

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

None sought or held.

- 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.

None.

14. Legal Career: Answer each part separately.

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

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

I have not served as a judicial law clerk.

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

I have not practiced alone.

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

After graduating from Vanderbilt Law School, in September 1992, I joined the law firm of King & Spalding as an Associate in their Washington D.C. office, 1730 Pennsylvania Avenue, Washington D.C. In April 1996, I left King & Spalding to become an Assistant Public Defender for the Metropolitan Public Defender's Office, 1202 Stahlman Building, Nashville, Tennessee. In October 1997, I left the Nashville Public Defender's Office to become an Assistant U.S. Attorney for the Northern District of Illinois, 219 S. Dearborn, Chicago Illinois. In March 2003, I transferred within the U.S. Justice Department from Chicago to Nashville to become the First Assistant United States Attorney (FAUSA)

for the Middle District of Tennessee, 110 9th Avenue South, Nashville, Tennessee. In 2005, I was named Special Assistant U.S. Attorney for the Northern District of Illinois for purposes of trial in *United States v. Ryan et al.* (detailed further below), which began in September 2005 and concluded in April 2006. During the *Ryan* trial, I also maintained my role and position as FAUSA for the Middle District of Tennessee. Following the *Ryan* trial, I continued to serve as FAUSA until I left the Justice Department in January 2007 and became a partner at Latham & Watkins, 233 S. Wacker Drive, Chicago Illinois. I have been a partner at Latham since January 2007. For the past three years, I have served as Chair of Latham's Litigation Department in Chicago.

- 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 an arbitrator or mediator.

b. Describe:

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

I have been a litigator throughout my career. As an associate at King & Spalding (K&S) from 1992-96, I was a member of that Firm's white collar defense and government investigations team, which was then led by former Attorney General Griffin Bell. As part of Judge Bell's team, which included numerous reputable former federal prosecutors, I participated in the representation of companies and individuals in connection with a wide variety of federal, state and local investigations and prosecutions. I had a terrific and invaluable experience practicing law at K&S.

In 1996, I left K&S to join the Nashville Public Defender's Office, which was then led by Karl Dean, now Mayor of Nashville and previously a professor at Vanderbilt Law School. I chose to leave big firm practice and become a public defender for two principal reasons: first, I had a thirst for public service and a profound respect for the services public defenders provide to the indigent; second, I wanted to try more cases. During my time in Nashville, my practice changed in two fundamental ways: first, I was representing only indigent individuals; second, I was in court every day and tried numerous bench and jury trials. I value deeply the experience, education and knowledge I gained as a public defender.

In 1997, I became an Assistant U.S. Attorney in Chicago. As an AUSA, my practice changed to reflect the responsibilities of a federal prosecutor. I worked closely with federal, state and local law enforcement to

investigate crimes and bring charges where appropriate. I tried numerous cases and briefed and argued several cases before the Seventh Circuit Court of Appeals.

In 2003, I became the First Assistant U.S. Attorney (FAUSA) for the Middle District of Tennessee in Nashville. As FAUSA, I led a staff of approximately 30 AUSAs in both the Civil and Criminal Divisions. I had signatory authority over indictments, plea agreements, and high-dollar civil resolutions. I routinely reviewed cases for indictment consideration and settlement. I was in charge of the Office's Grand Jury process and was the Office's liaison to the Middle District judges as well as the Executive Offices of the United States Attorneys in Washington D.C. I served as the Office's media spokesperson. In addition to those management responsibilities, I continued substantive investigative and trial work as a prosecutor. I further served on my District's Joint Terrorism Task Force (JTTF), attended monthly JTTF meetings, and was active in monitoring anti-terrorism efforts.

In January 2007, I left the Department of Justice to join the law firm of Latham & Watkins. At Latham, I Chair the Chicago Litigation Department and oversee a variety of commercial, regulatory and criminal matters. I routinely represent companies and individuals in a variety of federal, state and local investigations and cases. I have built a healthy commercial litigation practice at Latham, representing companies in connection with high-stakes business disputes in a variety of contexts.

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

For approximately half of my career, my client was the United States of America or court-appointed indigent defendants. During my tenure in private practice, both at King & Spalding and now at Latham & Watkins, my clients are generally companies (often Fortune 500 companies) and less often corporate officers and other individuals. Throughout my career, I have specialized in criminal litigation. During the past five years at Latham, I have also developed a robust commercial litigation practice.

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

Broadly speaking, one hundred percent of my career has been in litigation or investigations. Throughout my career, I have appeared in court frequently. I have appeared and tried cases in state and federal court, as indicated below. I have not appeared in other courts or before administrative agencies.

Federal and State Courts

I would characterize my collective experience as approximately 75% federal courts and 25% state courts. During my time at King & Spalding, I assisted in trying one major case – *U.S. v. Nebel*, in federal district court in Nashville, Tennessee. I appeared in D.C. Superior courts on pro bono matters. I did not have substantial other trial or courtroom experience at King & Spalding.

During my tenure as a Metropolitan Public Defender in Nashville, I appeared 100% in state courts and was in court nearly every day. I had dozens of evidentiary hearings, dozens of preliminary hearings, and six trials, with four of those being jury trials.

During my tenure with the U.S. Department of Justice, I appeared 100% in federal court and was in court frequently. I handled dozens of evidentiary and preliminary hearings and tried 10 cases, with most of those being jury trials.

At Latham, about half (at times more) of my practice does not involve pending court cases. For my cases involving pending litigation, I appear in court frequently. I would estimate that approximately 50% of those have been in federal court and 50% in state court.

- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings;
 - 2. criminal proceedings.

I would estimate my current practice to be 50% criminal-related proceedings and 50% civil proceedings. Over the course of my career, I would estimate 80% criminal proceedings and 20% civil proceedings.

- 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. What percentage of these trials were:
 1. jury; 82%
 2. non-jury. 18%

In private practice, I have tried one case to verdict, functioning as associate counsel while at King & Spalding. During my tenure as an Assistant Public Defender, I tried 6 cases to verdict, all as lead counsel. Two of those were bench trials and 4 were jury trials. During my tenure with the Justice Department, I tried 10 cases to verdict. All of those cases but one was a jury trial. Two of the federal criminal jury trials lasted more than 2 months, and one was over 5 months long.

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

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

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

- 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. Ryan et al. (02 CR 506, United States District Court, Northern District of Illinois, Eastern Division)

Capsule: I was part of the investigation and prosecution trial team in the public corruption trial of former Illinois Governor George Ryan and co-defendant Lawrence Warner. Ryan and Warner were charged with racketeering, mail fraud and other crimes in connection with alleged corruption during Mr. Ryan's tenures as Secretary of State and Governor. The trial lasted over 5 months. I gave the government's opening statement and handled approximately 25 witnesses. The Judge dismissed one count, and the jury convicted Ryan and Warner on all other counts. The matter was affirmed on appeal.

Date: 2005-06

Reported case citations: There have been a number of appeals, none of which I have been involved in handling. (The appeals post-dated my leaving Government service.) The most recent of those appeals is at *Ryan v. United States*, No. 1—3964 (7th Circuit Court of Appeals, August 6, 2012).

Trial Judge: Honorable Rebecca Pallmeyer, Northern District of Illinois

Co-counsel:

Patrick Collins
Perkins Coie LLP
131 S. Dearborn Street, Suite 1700
Chicago, IL 60603
(312) 324-8558

Joel Levin
Perkins Coie LLP
131 S. Dearborn Street, Suite 1700
Chicago, IL 60603
(312) 324-8604

Laurie Barsella
Chief, Public Corruption
United States Attorney's Office
219 S. Dearborn, 5th Floor
Chicago, IL 60604
(312) 353-6069

Counsel for George Ryan:

Dan Webb
Winston & Strawn
35 W. Wacker Drive
Chicago, IL 60601-9703
(312) 558-5856

Counsel for Lawrence Warner:

Ed Genson
Genson & Gillespie
53 W. Jackson Blvd
Chicago, IL 60604-3704
(312) 726-9015

2. United States v. Ediger (3:04-00038, United States District Court, Middle District of Tennessee)

Capsule: I led the investigation and prosecution trial team in this historic public corruption case in Tennessee. Ediger was a senior official with the Tennessee Department of Workforce Development who was charged with mail and wire fraud in connection with the award of certain state contracts. The case was part of a broader state government corruption investigation that resulted in the conviction of multiple defendants. I gave the government's opening statement, handled approximately half of the trial witnesses, and gave the rebuttal close. The jury convicted on all counts. Ediger was sentenced to 3 years incarceration. Her conviction and sentence were subsequently upheld by the Sixth Circuit Court of Appeals.

Date: 2003-04

Reported case citations: None. The Sixth Circuit case was not recommended for publication. The citation was No. 05-5350 (filed February 14, 2006).

Judge: Honorable Todd Campbell, Middle District of Tennessee

Co-counsel:

Eli J. Richardson
Bass Berry & Sims
150 Third Avenue South, Suite 2800
Nashville, TN 37201
(615) 742-7825

Counsel for Joanna Ediger:

Jack Lowery
Lowery, Lowery & Cherry PLLC
150 Public Square
Lebanon, TN 37087
(887) 721-9096

3. United States v. Fawell et al., (02 CR 310, United States District Court, Northern District of Illinois, Eastern Division)

Capsule: I was part of the investigation and prosecution trial team in the United States' prosecution of Scott Fawell, former Chief of Staff to George Ryan, and Citizens for George Ryan (CFR). Fawell and CFR were charged with racketeering, mail fraud and other crimes in connection with alleged corruption involving, among other things, the use of state money and resources for improper campaign purposes and corrupt letting of state leases and contracts. The trial lasted approximately two months. I gave the government's opening statement and handled numerous witnesses. The jury convicted both Fawell and CFR on all counts of the indictment.

Date: 2001-03

Reported case citations: None.

Judge: Honorable Rebecca Pallmeyer, Northern District of Illinois

Co-counsel:

Patrick Collins
Perkins Coie LLP
131 S. Dearborn Street, Suite 1700
Chicago, IL 60603
(312) 324-8558

Joel Levin
Perkins Coie LLP
131 S. Dearborn Street, Suite 1700
Chicago, IL 60603
(312) 324-8604

Counsel for Scott Fawell:

Ed Genson
Genson & Gillespie
53 W. Jackson Blvd
Chicago, IL 60604-3704
(312) 726-9015

Counsel for defendant Citizens for Ryan:

Tom Breen
Breen Pugh & Associates
53 W. Jackson Blvd
Chicago, IL 60604-3704
(312) 360-1001

4. United States v. Montenegro et al. (99 CR 506, United States District Court, Northern District of Illinois, Eastern Division)

Capsule: I prosecuted this cartel-related hostage taking and conspiracy case against three defendants. The defendants, associated with a Mexican drug cartel, were charged with kidnapping and beating an individual who allegedly owed a drug debt. The defendants abducted the individual from his home and kept him in a Chicago area warehouse for days, during which they attempted to force him to raise money from his family to pay the debt and save his own life. The family notified the FBI, who were able to arrange for an exchange and ultimately apprehend and develop a case against the defendants. I gave the government's closing argument and put on numerous witnesses, including handling the cross examination of the only testifying defendant. The defendants were convicted on all counts and sentenced to substantial terms. The convictions and sentences were upheld on appeal.

Date: 2000

Reported case citations: 231 F.3d 389 (7th Cir. 2000)

Judge: Honorable Milton Shadur, Northern District of Illinois

Co-counsel:

Victoria Peters
United States Attorney's Office
219 S. Dearborn, Fifth Floor
Chicago, IL 60604
(312) 353-5300

Defense counsel:

Ralph Meczyk
Law Office of Ralph Meczyk
111 West Washington Street
Chicago, IL 60602
(312) 445-9032

5. United States v. Messino (93 CR 294, United States District Court,
Northern District of Illinois, Eastern Division)

Capsule: I was part of the trial team in the United States' case against Richard and Clem Messino, brothers charged in a far-flung cocaine distribution conspiracy. The trial lasted approximately two months and resulted in the jury convicting one defendant. The jury could not reach a verdict as to the other defendant. That defendant was later re-tried and convicted. During the first trial I gave the government's closing argument and handled numerous witnesses. I was not a part of the second trial team because I had moved to Nashville. The matters were affirmed on appeal.

Date: 2002-04

Reported case citations: 382 F.3d 704 (7th Cir. 2004)

Judge: Honorable David Coar, Northern District of Illinois

Co-counsel:

Matthew Schneider
United States Attorney's Office
219 S. Dearborn, Fifth Floor
Chicago, IL 60604
(312) 353-5300

Victoria Peters
United States Attorney's Office
219 S. Dearborn, Fifth Floor
Chicago, IL 60604
(312) 353-5300

Defense counsel:

Joseph Lopez
Law Office of Joseph Lopez
53 W. Jackson, Suite 1122
Chicago, IL 60604
(312) 922-2001

Doug P. Roller
Helfrey, Neiers & Jones, P.C.
120 South Central Avenue, Suite 1500
St. Louis, MO 63105
(314) 725-9100

6. United States v. Wallace (01 CR 196, United States District Court, Northern District of Illinois, Eastern Division)

Capsule: Tyrone Wallace was a defendant with three prior violent felony convictions who allegedly forced a pregnant woman at gunpoint to perform a sex act on him. The States Attorney's office declined to prosecute the rape. I worked with agents from the Bureau of Alcohol Tobacco and Firearms to investigate, indict and try the case as a felon-in-possession of a firearm case. At trial, I put on most of the witnesses, gave the government's opening statement, and presented rebuttal closing argument. The jury convicted Wallace on the charges, and he was sentenced to 300 months imprisonment. The matter was affirmed on appeal.

Date: 2003

Reported case citations: 326 F.3d 881 (7th Cir. 2003)

Judge: Honorable William Hibbler, Northern District of Illinois

Defense Counsel:

Steve Shanin
Law Office of Steve Shanin
53 W. Jackson Boulevard, Suite 920
Chicago, IL 60604
(312) 697-0000

7. United States v. Patel (00 CR 560, United States District Court, Northern District of Illinois, Eastern Division)

Capsule: This litigation was part of the Operation Safe Road investigation. I worked with the FBI and other Assistant U.S. Attorneys (including now Judge Amy St. Eve) to indict Patel and a number of other driving school principals and instructors who had routinely paid bribes to Illinois Secretary of State license examiners in exchange for drivers' licenses. Bharat Patel was the only of those individuals who took his case to trial. I was the lead trial lawyer on the case. I gave the government's opening and rebuttal close, and put on numerous witnesses. The jury convicted Mr. Patel on all counts, and he was sentenced to 37 months imprisonment.

Date: 1999-2000

Reported case citations: None known.

Judge: Honorable Suzanne Conlon, Northern District of Illinois

Co-counsel:

Phil Guentert
United States Attorney's Office
Northern District of California
Heritage Bank Building
150 Almaden Blvd., Suite 900
San Jose, CA 95113
(408) 535-5061

Defense counsel:

Ron Stearney
Law Office of Ron Stearney
211 West Wacker Drive, Suite 500
Chicago, IL 60606
(312) 456-6902

8. In re Grand Jury Witness (98 GJ 596, Northern District of Illinois)

Capsule: As part of the Operation Safe Road grand jury investigation, in 2001, I was lead counsel in an effort to procure the testimony of the former Chief Legal Counsel for the Illinois Secretary of State's Office. In connection with that witness's anticipated testimony, then Secretary of State Jesse White waived attorney-client privilege regarding all communications. Former Secretary of State George Ryan filed a motion to intervene and preclude the witness's testimony before the grand jury on privilege grounds. I litigated that motion before then Chief Judge Aspen, of the Northern District of Illinois, who ruled that in context of a federal criminal investigation, no attorney-client privilege existed as to communications between the state lawyer and the state agency. On appeal, the Seventh Circuit Court of Appeals affirmed. I did the briefing below and in the court of appeals and argued the case before the Seventh Circuit. It was an important milestone (among many) in the ongoing development of the Safe Road investigation.

Date: 2001-02

Reported case citations: *In Re: A Witness Before The Special Grand Jury*, 288 F.3d 289 (7th Cir. April 23, 2002)

Judges:

- Grand Jury Proceedings: Honorable Chief Judge Marvin Aspen, Northern District of Illinois
- Appeal: Honorable Chief Judge Flaum and Honorable Judges Posner and Wood, United States Court of Appeals, Seventh Circuit

Co-counsel:

Patrick Collins
Perkins Coie LLP
131 S. Dearborn Street, Suite 1700
Chicago, IL 60603
(312) 324-8558

Defense counsel:

Rob Andelman
Loeb & Loeb
321 North Clark Street, Suite 2300
Chicago, IL 60654
(312) 464-3168
Counsel for George Ryan, Citizens for Ryan

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

During my tenure as First Assistant U.S. Attorney in Nashville, I was engaged in numerous legal activities that did not constitute litigation. Specifically, as FAUSA, among other things I:

- Participated in the Joint Anti-Terrorism Task Force and monitored legal and compliance issues associated with the JTTF's activities in Middle Tennessee.
- Set policy with the U.S. Attorney for the District in terms of focus areas for criminal and civil investigations and prosecutions.

- Represented the Middle District in connection with coordinating legal and investigative initiatives and activities with state and local law enforcement.

Since leaving the Government and joining Latham, many of my most significant legal matters do not involve litigation. As Chair of Latham's Litigation Department in Chicago, I oversee a variety of practices and client relationships. The bulk of my own practice occurs outside of the courtroom. I often represent entities and individuals in internal investigations and interactions with regulatory and criminal investigative agencies, including the Department of Justice and the SEC. I also routinely advise my clients on legal compliance and anti-corruption issues. In the past five years, I have represented numerous individuals and companies in criminal and regulatory investigations that have resulted in no charges against my clients (and, hence, no litigation has ensued). While most of those are confidential, here are some recent representative examples of activities that I led and that are a matter of public record:

University of Illinois

In 2009-10, I represented the University of Illinois in connection with investigations and legal matters stemming from improprieties in the University's admissions practices. In May and June 2009, the Chicago Tribune ran a series of articles regarding a secretive "Category I" admissions list at the University. In response to that media, Governor Quinn appointed a blue ribbon panel, the Admissions Review Commission ("ARC") to conduct an investigation of the admissions processes and report to the Governor. I was contacted by the University at the outset of that process and engaged to represent them in connection with the ARC review and related matters. For the following year, I represented the University in its cooperation with the ARC Review. I further conducted an internal investigation for the University and interacted with state and federal investigators in connection with various aspect of the matter. I advised the University's Board of Trustees and other leadership on remedial measures moving forward and, working with external consultants, assisted the University in revamping the admissions practices and compliance. Those new practices and processes are in place today. I was the University's lead external counsel throughout the matter.

John Wyma

I represented Illinois businessman John Wyma in connection with the Operation Board Games investigation that culminated with the conviction of former Illinois Governor Rod Blagojevich. Mr. Wyma was a key witness who came forward in the Fall of 2008 and provided the U.S. Attorney's Office in Chicago with information about the then Governor's activities and conduct. Mr. Wyma's information resulted in the wire taps that helped the U.S. Attorney's Office develop its successful case against Mr. Blagojevich. Mr. Wyma was not prosecuted himself and testified as a witness for the Government in both trials against the Governor.

The Seeberg Family

In August 2010, Lizzy Seeberg, a freshman at St. Mary's College in South Bend Indiana, reported to Notre Dame campus police that she had been sexually assaulted by a Notre Dame football player. Nine days later, Lizzy took her own life. In the wake of her

death, Lizzy's family, led by her parents Tom and Mary Seeberg, sought clarity from the University of Notre Dame regarding the handling of Lizzy's sexual assault claim. When the University did not adequately respond to their requests, the Seebergs retained me to conduct an investigation and help them communicate with the University. Over the next several months, I did just that. (The Seebergs did not sue and never intended to sue the University—something I made clear to the University from the beginning of my representation. The Seebergs' only goal was to ensure that Lizzy's complaint, and all other sexual assault complaints received by the University, were fully and fairly investigated and resolved.) As a consequence of the Seeberg family's courage and persistence, in 2011, the United States Department of Education and Notre Dame agreed to a host of changes and improvements in how the University responds to and handles allegations of sexual assaults on campus. This was one of the most difficult and important engagements of my career.

University of Michigan

I currently represent the University of Michigan in connection with an investigation regarding a delay in reporting to law enforcement concerns that a pediatric resident at the University hospital possessed child pornography. In 2011, there was a lapse of approximately six months between the time when certain University personnel first became aware of the child pornography concerns and when the information was reported to law enforcement. (The pediatric resident is no longer with the University and is being prosecuted federally in Detroit.) Under my leadership (I am the senior lawyer on the matter), my firm conducted an internal investigation regarding the circumstances of the delay. I am currently advising the Board of Regents and University regarding corrective measures.

* * *

I have not done any lobbying work for clients or organizations.

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

As noted, for the past four years I have taught Trial Advocacy at Northwestern Law School. I do not have a syllabus. There is a full time professor. My role is to speak on certain topics and to judge during mock trials. I have on occasion assisted with trial advocacy classes at Vanderbilt and Loyola Law Schools, but only on an ad hoc and informal basis.

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

I participate in my law firm's Cash Savings and 401k Plan, and the value of those assets is reflected on accompanying net worth statement. I have one long-term investment – a \$25,000 investment (25 membership units at \$1000/unit) in an internet start-up called Bluelink, which is also reflected on the net worth statement.

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

None.

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

See attached SF-278.

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

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

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

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

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

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

in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Throughout my career, I have been committed to helping serve the disadvantaged. In addition to my years of service as a public defender and a prosecutor, throughout my time in private practice, I have aggressively dedicated myself to various cases and causes in the interest of the public good. Each year, on average, I work on approximately 6-10 different pro bono cases. To provide a sense of the nature and extent of that commitment, in 2010, I logged over 250 client hours on pro bono matters. In 2011, I logged over 165 hours on pro bono matters.

Further, in my capacity as a Board Chair of the Legal Aid Society of Chicago ("LAS"), I commit on average 5-10 hours per week to various Board activities. I also played a significant role in the initiation of LAS's recent and ongoing initiative to combat sex trafficking in Illinois through the use of the Illinois Predators Accountability Act. I am a member of LAS's Committee overseeing that initiative (called ATLASST, for Attorneys Tendering Legal Advice to Survivors of Sex Trafficking), and I have both participated in and facilitated well over a hundred hours of research and effort toward that initiative.

Lastly, I am proud of my service as an active Board Director for A Better Chicago, which is a not-for-profit venture capital philanthropy fund committed to improving primary education and workforce development for disadvantaged youths in the Chicago area.

AFFIDAVIT

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

Aug 10, 2013
(DATE)

[Signature]
(NAME)

Maureen M. Ferrara
(NOTARY)

