

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Kenneth Davis Bell, Sr.
Kenneth Davis Bell (prior to June 16, 1988)
Kenneth Duard Bell (prior to October 1975)

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

United States District Judge for the Western District of North Carolina

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.

McGuireWoods LLP
201 North Tryon Street, Suite 3000
Charlotte, North Carolina 28202

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

1958; Bedford, Ohio

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.

1980 – 1983, Wake Forest University School of Law; J.D., 1983

1976 – 1980, Wake Forest University; B.A., 1980

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.

2009 – present
McGuireWoods LLP
201 North Tryon Street, Suite 3000

Charlotte, North Carolina 28202
Partner

2006 – 2009
Hunton & Williams LLP
101 South Tryon Street, Suite 3500
Charlotte, North Carolina 28202
Partner

2003 – 2006
Mayer Brown LLP
214 North Tryon Street, Suite 3800
Charlotte, North Carolina 28202
Partner

1990 – 2003
United States Attorney's Office
Western District of North Carolina
227 West Trade Street
Charlotte, North Carolina 28202
First Assistant United States Attorney (1993 – 2003)
Assistant United States Attorney (1990 – 1993)

1988 – 1990
Womble Carlyle Sandridge & Rice
One West 4th Street
Winston-Salem, North Carolina 27101
Associate

1983 – 1988
United States Attorney's Office
Western District of North Carolina
100 Otis Street
Asheville, North Carolina 28801
Assistant United States Attorney

1982 – 1983
Stafford Peebles, Attorney at Law
102 Cherry Street South
Winston-Salem, North Carolina 27101
Title Searcher

1982
Pavilack & Associates
603 North Kings Highway
Myrtle Beach, South Carolina 29578

Title Researcher

1980 – 1981
Pinebrook Country Club
5475 Germanton Road
Winston-Salem, North Carolina 27105
Grounds Keeper

Other Affiliations (Uncompensated)

2011 – 2012
Belmont Abbey College
100 Belmont Mount Holly Road
Belmont, North Carolina, 28012
Trustee (2011 – 2012)

1990
Ken Bell for Congress
4204 Redwing Circle
Winston-Salem, North Carolina 27106
Candidate, Fifth Congressional District, North Carolina

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. Because I was born in 1958, I was not required to register for the selective service.

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

Best Lawyers in America, “Lawyer of the Year,” Litigation – Regulatory Enforcement (SEC, Telecom, Energy), Charlotte (2017)

Chambers USA, “America’s Leading Lawyers for Business,” Litigation: White Collar Crime and Government Investigations, North Carolina (2012 – 2017)

Woodward/White, Inc., “The Best Lawyers in America,” Commercial Litigation, Criminal Defense: White-Collar, Litigation – Environmental, Regulatory Enforcement (SEC, Telecom, Energy), Litigation – Securities (2007 – 2012, 2014 – 2017)

Super Lawyers, Thompson Reuters, “North Carolina Super Lawyers,” Criminal Defense: White Collar, Criminal Defense, General Litigation (2007 – 2017)

Best Lawyers in America, “Lawyer of the Year,” Litigation – Securities, Charlotte (2015)

Best Lawyers in America, “Lawyer of the Year,” Criminal Defense: White Collar, Charlotte (2010)

Business North Carolina, “Legal Elite” (2009)

United States Attorney General John Marshall Award for Trial of Litigation (2003)

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 (2011)

Mecklenburg County Bar Association (approximately 2003 – present)

North Carolina Bar Association (1983 – 1993)

United States Chief Probation Officer Merit Selection Committee, Western District of North Carolina (2015)

Member and Chair (2015)

United States Magistrate Judge Merit Selection Committee, Western District of North Carolina (2008)

Member and Chair (2008)

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.

North Carolina, 1983

District of Columbia, 2007

There have been no lapses in membership.

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

United States Court of Appeals for the Fourth Circuit, 1983

United States District Court for the Eastern District of North Carolina, 2005

United States District Court for the Middle District of North Carolina, 1989

United States District Court for the Western District of North Carolina, 1983

North Carolina state courts, 1983

There have been no lapses in membership.

11. Memberships:

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

Belmont Abbey College Board of Trustees (2011 – 2012)
Trustee (2011 – 2012)

Carmel Country Club (2009 – present)

Office of the Community Defender, Western District of North Carolina (2015 – 2016)

Board of Directors Member (2015 – 2016)

Room At The Inn/Mira Via (2007 – 2016)

Advisory Board Member (2007 – 2016)

- 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.

Carmel Country Club does not currently discriminate on the basis of race, sex, religion, or national origin. On information and belief, however, Carmel Country Club did not admit African-Americans prior to approximately the early 1990s, years before I joined. The club has continued to recruit members regardless of race, sex, religion, or national origin throughout my membership, and I have supported those efforts. To the best of my knowledge, none of the other

organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

A "Reasonable" Case for Charging Hillary Clinton, Charlotte Observer, July 9, 2016. Copy supplied.

Letter to the Editor, *Clinton offers up a meaningless dodge*, Charlotte Observer, Sept. 2, 2015. Copy supplied.

With Howard Vick, Charles McIntyre, Timothy Flanigan, and Jeremy Freeman, *The Best Defense Is A Good Defense: Robust Anticorruption Policy Scuttles Derivative Suit Against Dow Officers And Directors*, Mondaq, Jan. 28, 2010. Copy supplied.

With Whitney Ellerman and Steven Solow, *Client Alert: Revised DOJ Guidelines Alter Legal Landscape for Companies Under Investigation*, Hunton & Williams, Sept. 2008. Copy supplied.

Recent Developments in North Carolina's Confrontation Clause Jurisprudence, in *Motor Vehicle Law 2006*, Wake Forest University School of Law (Sept. 21 – 22, 2006). Copy supplied.

Hizballah Fundraising in the American Heartland, The Washington Institute, Jan. 15, 2003. Copy supplied.

Letter to the Editor, *Column overstates penalty for crack cocaine use*, Charlotte Observer, Sept. 5, 1999. Copy supplied.

Letter to the Editor, *So why is abortion hard-enough decision?*, Charlotte Observer, July 31, 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.

As Chair of the United States Chief Probation Officer Merit Selection Committee for the Western District of North Carolina in 2015, I submitted a report to the Chief Judge, United States District Court, Western District of North Carolina. The report contained the recommendations of the Committee for selection of the Chief United States Probation Officer. I have conducted a diligent search of my records and public sources, but have been unable to locate a copy of that report.

As Chair of the United States Magistrate Judge Merit Selection Committee for the Western District of North Carolina in 2008, I submitted a report to the Chief Judge, United States District Court, Western District of North Carolina. The report contained the recommendations of the Committee for selection of the Magistrate Judge. I have conducted a diligent search of my records and public sources, but have been unable to locate a copy of that report.

- 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.

November 8, 2016: Panelist, "Administration of a Mega Ponzi Scheme Case: Receivership v. Bankruptcy," American Bankruptcy Institute and the National Association of Federal Equity Receivers Web Series. Audio and accompanying slides available at <https://www.youtube.com/watch?v=9-VcFmcANwg>.

May 2009 (approximate): Speaker, "North Carolina Bar Association's White Collar Crime Spring Program," Raleigh, North Carolina. I have no notes, transcript, or recording. The address of the North Carolina Bar Association is 8000 Weston Parkway, Cary, North Carolina 27513.

November 2008 (approximate): Speaker, "Challenges in Disclosing and Using Intelligence in Criminal Prosecutions," Canadian National Conference on Public Safety. I spoke regarding the disclosure and use of information gathered by government intelligence agencies in federal prosecutions. I presented selected

slides of a PowerPoint presentation used in many presentations I have made. A copy of the complete PowerPoint deck is supplied.

2008 (approximate): Faculty, "27th Annual National Trial Advocacy College," University of Virginia School of Law, Charlottesville, Virginia. I was an instructor in mock trial court exercises. I have no notes, transcript, or recording. The address of the University of Virginia School of Law is 580 Massie Road, Charlottesville, Virginia 22903.

I may have spoken at an American Bar Association event in February 2008 offering a litigator's perspective on transactional matters. I have no records from that event.

September 2006 (approximate): Speaker, "Recent Developments in North Carolina's Confrontation Clause Jurisprudence," Wake Forest University School of Law, Winston-Salem, North Carolina. I supply a copy of the chapter I wrote and presented for this presentation, which is also provided in response to Question 12(a).

September 2004 (approximate): Speaker, International Association of Financial Crimes Investigators, Chicago, Illinois. I spoke about my prosecution of a Hezbollah cell in Charlotte, North Carolina in 2002. I presented selected slides from the PowerPoint presentation supplied for the November 2008 event above.

July 2004 (approximate): Speaker, National Organization of Black Law Enforcement Executives, Dallas, Texas. I spoke about my prosecution of a Hezbollah cell in Charlotte, North Carolina in 2002. I presented selected slides from the PowerPoint presentation supplied for the November 2008 event above.

May 2004 (approximate): Speaker, Law Enforcement Intelligence Unit, San Antonio, Texas. I spoke about my prosecution of a Hezbollah cell in Charlotte, North Carolina in 2002. I presented selected slides from the PowerPoint presentation supplied for the November 2008 event above.

From approximately 2003 to 2005, I presented to numerous Joint Terrorism Task Forces around the country about my prosecution of a Hezbollah cell in Charlotte, North Carolina, in 2002. I do not remember or have records of the exact dates of these presentations. I presented selected slides from the PowerPoint presentation supplied for the November 2008 event above.

September 2003 (approximate): Speaker, Intelligence Agencies Legal Advisors Conference, Vancouver, British Columbia. I spoke about my prosecution of a Hezbollah cell in Charlotte, North Carolina in 2002. I presented selected slides from the PowerPoint presentation supplied for the November 2008 event above.

July 2003 (approximate): Speaker, Money Laundering, Financial Crimes and Terrorism, International Law Enforcement Academy, Budapest, Hungary. I was an instructor, at the request of the United States Department of Justice, on issues of anti-money laundering, financial crimes, and terrorism financing. I have no notes, transcript, or recording. The address of the International Law Enforcement Academy is H1126 Budapest, Boszormenyi ut 21.

July 2003 (approximate): Speaker, Money Laundering Symposium Federal Reserve Bank of New York, New York, New York. I spoke about my prosecution of a Hezbollah cell in Charlotte, North Carolina in 2002. I presented selected slides from the PowerPoint presentation supplied for the November 2008 event above.

March 2003 (approximate): Speaker, Money Laundering Alert Annual International Conference, Miami, Florida. I spoke about my prosecution of a Hezbollah cell in Charlotte, North Carolina in 2002. I presented selected slides from the PowerPoint presentation supplied for the November 2008 event above.

March 2003 (approximate): Speaker, Terrorist Financing, Money Laundering and High Risk Money Laundering and Related Financial Crimes Area (HIFCA) Conference, U.S. Virgin Islands. I spoke about my prosecution of a Hezbollah cell in Charlotte, North Carolina in 2002. I presented selected slides from the PowerPoint presentation supplied for the November 2008 event above.

September 2002 (approximate): Speaker, National Forensic Auditor Conference, San Francisco, California. I spoke about my prosecution of a Hezbollah cell in Charlotte, North Carolina in 2002. I presented selected slides from the PowerPoint presentation supplied for the November 2008 event above.

September 2002 (approximate): Speaker, Forfeiting the Proceeds of Terrorist Organizations International Seminar, London, United Kingdom. I spoke about my prosecution of a Hezbollah cell in Charlotte, North Carolina in 2002. I presented selected slides from the PowerPoint presentation supplied for the November 2008 event above.

July 2002 (approximate): Speaker, International Conference on Illicit Tobacco Trade, United Nations, New York, New York. I spoke about my prosecution of a Hezbollah cell in Charlotte, North Carolina in 2002. I presented selected slides from the PowerPoint presentation supplied for the November 2008 event above.

July/August 2002 (approximate): Speaker, Department of Justice Anti-Terrorism Regional Conferences, Atlanta, Chicago, Dallas, Denver. I spoke in a series of conferences during this period about my prosecution of a Hezbollah cell in Charlotte, North Carolina in 2002. I do not recall or have records of the precise dates of these speeches. I presented selected slides from the PowerPoint presentation supplied for the November 2008 event above.

During my 1990 campaign for Congress, I gave multiple speeches and remarks. To the best of my recollection and based on a search of my records and public sources, the speeches I recall giving are as follows:

August 31, 1990: Remarks in Response to FEC Complaint Filed by the Democratic Congressional Campaign Committee. I made a campaign speech responding to a complaint filed with the Federal Election Commission by the Democratic Congressional Campaign Committee. Copy supplied.

August 24, 1990: Remarks Challenging Opponent to Debate. I made a campaign speech challenging my opponent to a debate. Copy supplied.

July 3, 1990: Remarks. I made a campaign speech focusing on the Savings and Loan scandal. Copy supplied.

June 18, 1990: Remarks. I made a campaign speech focusing on the Savings and Loan scandal. Copy supplied.

June 9, 1990: Republican 5th District Executive Committee. I made a campaign speech regarding my opponent's use of campaign contributions. Copy supplied.

April 9, 1990: Alexander County Republican Women's Candidate Forum. I made a campaign speech focusing on the threat of illegal drugs. Copy supplied.

Untitled and Undated campaign speech. I delivered a campaign speech focused on the budget and taxes. Copy supplied.

Untitled and Undated campaign speech. I delivered a campaign speech focused on incumbency. Copy supplied.

Untitled and Undated campaign speech. I delivered a campaign speech focused on self-government. Copy supplied.

Untitled and Undated campaign speech. I delivered a campaign speech focused on the Savings & Loan crisis. Copy supplied.

Undated Announcement of Candidacy. I made a campaign speech announcing my candidacy for the United States House of Representatives, North Carolina 5th Congressional District. Copy supplied.

In addition to the above, in my terrorism-related speeches I often showed parts of four video clips that also served as trial exhibits. I do not recall the specific presentations in which I utilized some or all of these videos. Copies of those video clips are supplied.

- e. List all interviews you have given to newspapers, magazines or other

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

Zeek Rewards Receiver Could Become a Federal Judge, Triad Business Journal, Apr. 11, 2018. Copy supplied. Reprinted in multiple outlets.

Net winners in Ponzi scheme to lose out in end, High Point Enterprise, Aug. 8, 2017. Copy supplied.

Ponzi Scheme Victims Get Another Payment, High Point Enterprise, Mar. 16, 2017. Copy supplied.

Judge Gives Burks 14 Years, Winston-Salem Journal, Feb 14, 2017. Copy supplied.

ZeekRewards 'Winners' Ordered to Pay; ZeekRewards 'Winners' Ordered to Pay Federal Judge Makes Ruling over Defunct Ponzi scheme, Winston-Salem Journal, Dec. 5, 2016. Copy supplied.

Federal Probe of Rep. Pittenger Focusing in Part on \$250,000 Campaign Loan, The Charlotte Observer, Oct. 7, 2016. Copy supplied.

Calif. CEO Sent to Prison for Hiding Zeek Rewards Assets, The Charlotte Observer, Aug. 23, 2016. Copy supplied.

ZeekRewards Founder Heads to Trial for \$900M Scam, CBS News.com, July 4, 2016. Copy supplied.

ZeekRewards Saga Enters Criminal Trial Stage for Founder Burks, Winston-Salem Journal, July 3, 2016. Copy supplied.

Charlotte Firm Takes Over Management of Pittenger Land Deals, The Charlotte Observer, June 3, 2016. Copy supplied.

Rep. Robert Pittenger, Challenger Mark Harris Target Character in New Ads, The Charlotte Observer, May 23, 2016. Copy supplied.

Investors approve management change at Pittenger real estate firm, The Charlotte Observer, May 3, 2016. Copy supplied.

Investors Push Settlement that Would End Pittenger Family's Role in Firm, The Charlotte Observer, Mar. 26, 2016. Copy supplied.

Pittenger Campaigns as Federal Probe Enters Second Year, The Charlotte Observer, Mar. 17, 2016. Copy supplied.

NewBridge Reaches Settlement Agreement with ZeekRewards Receiver, Winston-Salem Journal: Blogs, Mar. 2, 2016. Copy supplied.

Investors Fail to Approve Management Change at Pittenger Real Estate Firm, The Charlotte Observer, Dec. 17, 2015. Copy supplied.

ZeekRewards Net Winner Found in Contempt for No Show, Winston-Salem Journal, Dec. 14, 2015. Copy supplied.

Attorney: Vote on Management Change at Pittenger Firm “Improper”, Charlotte Observer, Dec. 1, 2015. Copy supplied.

Road-Building Exec Sent to Prison for Minority-Contractor Scam, The Charlotte Observer, Nov. 23, 2015. Copy supplied.

Ethics Panel Opens, Then Defers, Inquiry Requested by Pittenger, Charlotte Observer, Nov. 19, 2015. Copy supplied.

Investors Sign Letter Opposing Pittenger Company Proposal, Charlotte Observer, Nov. 18, 2015. Copy supplied.

Website Established for ZeekRewards Net Winners, Winston-Salem Journal, Nov. 7, 2015. Copy supplied.

Bounty Hunter, Business North Carolina, June 15, 2015. Copy supplied.

Local Scam Stretches from Luxury Resort Island to Old Soviet Bloc, High Point Enterprise, May 5, 2015. Copy supplied.

Unraveling Financial Fraud in ZeekRewards Case, Winston-Salem Journal, Mar. 15, 2015. Copy supplied.

Judge Allows Zeek Rewards ‘Net Winners’ to be Sued as Class, High Point Enterprise, Feb. 10, 2015. Copy supplied.

Charlotte Judge’s Order Could Aid Recovery of Millions in Ponzi Losses, The Charlotte Observer, Feb. 10, 2015. Copy supplied.

White Collar Group of the Year: McGuire Woods, Law360, Feb. 9, 2015. Copy supplied.

Burks, Zeek Mastermind, Receives \$25,000 Unsecured Bond in Court, The Dispatch, Nov. 13, 2014. Copy supplied.

Attorney for man accused in Ponzi scheme says client committed no crime, WSOCTV, Nov. 13, 2014. Article supplied.

Suspected Ponzi Scheme Mastermind Due in Court, The Charlotte Observer, Nov. 12, 2014. Copy supplied.

Check's in the Mail for Some Zeek Victims, High Point Enterprise, Sept. 30, 2014. Copy supplied.

Federal Judge Gives OK to Pay Zeek Claimants, Winston-Salem Journal, Aug. 2, 2014. Copy supplied.

Former FBI Agent Chuck Stuber Opens up About Corruption Cases Against NC Politicians, The News & Observer, June 28, 2014. Copy supplied.

Pyramid Scheme Victims on Cusp of Monetary Justice, High Point Enterprise, June 5, 2014. Copy supplied.

Judge Approves Zeek Distribution Rules, The Dispatch, Apr. 3, 2014. Copy supplied.

Insiders, Money Winners Sued in Pyramid Scheme, The Thomasville Times, Mar. 5, 2014. Copy supplied.

Charlotte attorney files suits to recover millions of dollars for Zeek Rewards victims, WSOCTV, Mar. 4, 2014. Article supplied.

Court-appointed Receiver in ZeekRewards Case Sues Insiders, Net Winners of the Scheme, PR Newswire, Mar. 3, 2014. Copy supplied.

Zeek Claimants Can Check Status Online, The Dispatch, Jan. 20, 2014. Copy supplied.

Forfeited Funds to Benefit 'Net Losers' with Zeek, The Dispatch, Dec. 23, 2013. Copy supplied.

First Payments May Be Made Early Next Year; Zeek Restitution, High Point Enterprise, Dec. 17, 2013. Copy supplied.

Zeek Restitution – 1st Payback May Be Made Early Next Year, High Point Enterprise, Dec. 16, 2013. Copy supplied.

Heavy Interest Expected for Zeek Auction, The Dispatch, Dec. 13, 2013. Copy supplied.

Pending Suit will Target Burks, other Zeek Insiders, The Dispatch, Dec. 12, 2013. Copy supplied.

Reimbursement Edges Closer for Zeek Victims, The Thomasville Times, Oct. 23, 2013. Copy supplied.

Zeek Rewards Victim Total - \$550 Million Plus, The Thomasville Times, Sept. 11, 2013. Copy supplied.

5 indicted in alleged scheme to defraud the government in paving contracts, WSOCTV, Aug. 20, 2013. Article supplied.

Pyramid Scheme's Restitution Clock Ticking, The Thomasville Times, Aug. 14, 2013. Copy supplied.

Deadline for Zeek Claims Looms Closer, High Point Enterprise, Aug. 8, 2013. Copy supplied.

Zeek Receiver Continues Claims, Collections Process, The Dispatch, July 31, 2013. Copy supplied.

Charlotte Company Charged with Construction Fraud, Associated Press, July 25, 2013. Copy supplied. Reprinted in multiple outlets.

9 Investigates: Secret Service investigating questionable marketing companies, WSOCTV, July 11, 2013. Article supplied.

ZeekRewards 'Net Winners' to Give Back \$1.82 Million, Winston-Salem Journal, July 2, 2013. Copy supplied.

Investors Who Profited From NC Ponzi Scheme Given Deadline to Come Forward and Settle, Canadian Press, June 1, 2013. Copy supplied.

Court Tries to Reach Deals with NC Ponzi "Winners", The Associated Press, June 1, 2013. Copy supplied. Reprinted in multiple outlets.

ZeekRewards Winners Try to Keep Gains, Winston-Salem Journal, May 28, 2013. Copy supplied.

Zeek Rewards Claims Set to Begin on Wednesday, FOX – 8 WGHP, May 14, 2013. Copy supplied.

Judge Approves Claims Process for Zeek Rewards Scam, High Point Enterprise, May 14, 2013. Copy supplied.

I was interviewed by WFMY-TV on approximately April 26, 2013. Article supplied.

Some Hope for Zeek Rewards Victims, The Thomasville Times, Apr. 13, 2013. Copy supplied.

Bell: Settle or be Sued, The Dispatch, Apr. 1, 2013. Copy supplied.

Authorities: \$600M Scheme Incubated in NC Town, Associated Press, Mar. 30, 2013. Copy supplied.

ZeekRewards Scam Leaves N.C. Town Millions Poorer, Mar. 30, 2013. Copy supplied. Reprinted in multiple outlets.

\$312 Million Recovered So Far in Ponzi Scheme, AP Alert – Business, Mar. 1, 2013. Copy supplied.

Most Charges Dismissed Against Ex-Blackwater Execs, Associated Press, Feb. 22, 2013. Copy supplied. Reprinted in multiple outlets.

Feds Drop Gun-Buying Case Against Ex-Blackwater Execs, Law360, Feb. 22, 2013. Copy supplied.

Case Ends Against Ex-Blackwater Officials, New York Times, Feb. 22, 2013. Copy supplied.

Zeek Receivership Lawyer Shares How to Get Refunds, Fox 8, Aug. 27, 2012. Copy supplied.

Pyramid Scheme Draws Flood of Response, High Point Enterprise, Aug. 22, 2012. Copy supplied.

Black: Many Charges Untrue, Charlotte Observer, Apr. 17, 2011. Copy supplied.

Feds: Blackwater President had 'Scofflaw Attitude', Associated Press, Apr. 21, 2010. Copy supplied. Reprinted in multiple outlets.

Former Blackwater President Charged, The Times Argus, Apr. 17, 2010. Copy supplied.

Ex-Blackwater President Facing Firearms Charges, Sun Sentinel, Apr. 17, 2010. Copy supplied.

Ex-Blackwater Execs Face Firearms Charges, Tulsa World, Apr. 17, 2010. Copy supplied,

Blackwater Officials Indicted in Scheme Weapons Purchases Charged with Falsifying Records to Cover Up Gift of Guns to Jordan, Seattle Times, Apr. 17, 2010. Copy supplied.

Feds Indict Former Blackwater President, 4 Others, Associated Press, Apr. 16, 2010. Copy supplied. Reprinted in multiple outlets.

Flight Could Cause Problem for Edwards, Charlotte Observer, December 15, 2009. Copy supplied.

Court's Open Seats Raise Concern in N.C., North Carolina Lawyers Weekly, Aug. 4, 2008. Copy supplied.

Appeals Court Pick is Year Old, The News & Observer, July 22, 2008. Copy supplied.

Hezbollah is Viewed as a Rising Threat, Baltimore Sun, May 26, 2008. Copy supplied.

Black's Son Bid High but got Jobs, News & Observer, Nov. 11, 2007. Copy supplied.

Black Sentencing: Some Final Thoughts on the Day, the Man and the System, News & Record, Aug. 1, 2007. Copy supplied.

Black Assigned to Pa. Prison Camp, The News & Observer, July 27, 2007. Copy supplied.

Doubt Lingers Over Black Check; Former House Speaker Called Lobbyist's \$500,000 a Loan, But Experts Say Explanation of Dealings Sketchy Money Initially Put Into His Campaign Account, The Charlotte Observer, July 13, 2007. Copy supplied.

Black Sentenced to 5 Years on Federal Corruption Charge; Prison Term for Taking Thousands in Payoffs Ends Long Career of Former Speaker, The News & Observer, July 12, 2007. Copy supplied.

Appellate Court: Conrad off Bush's List for Appeals Federal Judge Not Told Why, Just Told He's No Longer in the Running, The Charlotte Observer, June 1, 2007. Copy supplied.

Prosecutors: No Need for Judge to Step Aside in Black Sentencing, Associated Press, May 11, 2007. Copy supplied. Reprinted in multiple outlets.

Dever's Ruling Sparks Concern, The News & Observer, May 7, 2007. Copy supplied.

Conrad Possibly Up for Appeals Post, Charlotte Observer, May 2, 2007. Copy supplied.

Five counties seek 1% real estate transfer tax, The News & Observer, Mar. 20, 2007. Copy supplied.

Sway of Cash in N.C. Politics, Winston-Salem Journal, Feb. 18, 2007. Copy supplied.

Black Looking to Make Deal; Lawyer Says He's Ready to Talk, The Robesonian, Feb. 17, 2007. Copy supplied.

Capital Awaits Black's Next Move, News & Observer, Feb. 17, 2007. Copy supplied.

Former N.C. House Speaker Admits Taking Cash From Chiropractors for Supporting Bills, Associated Press, Feb. 16, 2007. Copy supplied. Reprinted in multiple outlets.

Ex-N.C. House Speaker Admits Corruption, Associated Press, Feb. 16, 2007. Copy supplied. Reprinted in multiple outlets.

Black Took Payoffs, News & Observer, Feb. 16, 2007. Copy supplied.

Former Speaker Stepping Down; Plans Guilty Plea on Corruption Charge, Herald News, Feb. 15, 2007. Copy supplied.

Former N.C. House Speaker Admits Taking Cash From Chiropractors for Supporting Bills, Associated Press, Feb. 15, 2007. Copy supplied. Reprinted in multiple outlets.

Black Steps Down, to Plead Guilty to Corruption, The Daily Courier, Feb. 15, 2007. Copy supplied.

Former N.C. House Speaker Resigns From Legislature Amid Federal Corruption Investigation, Associated Press, Feb. 14, 2007. Copy supplied. Reprinted in multiple outlets.

Black to Plead Guilty, The News & Observer, Feb. 14, 2007. Copy supplied.

Nifong Drops Rape Charges, Charlotte Observer, Dec. 23, 2006. Copy supplied.

Treasurers of Black Campaign, Political Group Visit Courthouse, Associated Press, Nov. 17, 2006. Copy supplied. Reprinted in multiple outlets.

Black Named Co-Conspirator, Charlotte Observer, Nov. 2, 2006. Copy supplied.

It Looks a Lot Like Trial of Jim Black has Begun, The Daily Courier, Oct. 11, 2006. Copy supplied.

Trial Shines Light on Black, News & Observer, Oct. 9, 2006. Copy supplied.

Geddings Takes Aim at Charges, The Fayetteville Observer, Oct. 6, 2006. Copy supplied.

Geddings Insists He Told Truth on Ethics Forms, The Daily Courier, Oct. 6, 2006. Copy supplied.

Ex-N.C. Lottery Exec on Stand for 2nd Day, AFX-Asia, Oct. 5, 2006. Copy supplied.

House Speaker A Focus on Day 3 of Trial, Charlotte Observer, Sept. 26, 2006. Copy supplied.

Geddings Trial to be High-Profile, The Charlotte Observer, Sept. 18, 2006. Copy supplied.

House Dems' 'Shock' at Decker's Story is Laughable, The Daily Courier, Aug. 18, 2006. Copy supplied. Reprinted in multiple outlets.

Black Foe: Speaker Should ID Supports; Sinsheimer Asks Elections Board to Force Disclosure of Donors to Legal Defense Fund Spokeswoman Says Backers Created Fund, Followed Law, The Charlotte Observer, Aug. 15, 2006. Copy supplied.

Money Both Personal and Political is Origin of Decker's Crime, Associated Press, Aug. 4, 2006. Copy supplied. Reprinted in multiple outlets.

Decker Pleads Guilty, The Fayetteville Observer, Aug. 2, 2006. Copy supplied.

Decker Admits to Taking Payoff; Ex-State Legislator Pleads Guilty to Conspiracy Charge for Accepting \$50,000 to Switch Parties and Support House Speaker Black, The Charlotte Observer, Aug. 2, 2006. Copy supplied.

Decker Admits Conspiracy in \$50,000 Deal to Help Black, The News & Observer, Aug. 2, 2006. Copy supplied.

Decker's Demise: Little Fish Took the Bait, Winston-Salem Journal, Aug. 2, 2006. Copy supplied.

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In addition to the above, I was interviewed for the book *Lightning Out of Lebanon*, published by Presidio Press in 2006.

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

I have not held judicial office.

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

- i. Of these, approximately what percent were:

jury trials: _____ %
bench trials: _____ % [total 100%]

civil proceedings: _____ %
criminal proceedings: _____ % [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a

capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;

- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

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

I was defeated for election to the United States House of Representatives, North Carolina Fifth Congressional District, in 1990.

My memory is that I unsuccessfully applied to be appointed as a United States Magistrate Judge, Western District of North Carolina, in or around 1992.

- 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.

In 1990 I was the Republican nominee for election to the United States House of Representatives for North Carolina's Fifth Congressional District. The name of the Committee was "Ken Bell For Congress."

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 did not serve as a clerk to a judge.

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

I have never 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.

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Assistant United States Attorney

1988 – 1990
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Winston-Salem, North Carolina 27101
Associate

1990 – 2003
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Western District of North Carolina
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Charlotte, North Carolina 28202
Assistant United States Attorney (1990 – 1993)
First Assistant United States Attorney (1993 – 2003)

2003 – 2006
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Charlotte, North Carolina 28202
Partner

2006 – 2009
Hunton & Williams LLP
101 South Tryon Street, Suite 3500
Charlotte, North Carolina 28202
Partner

2009 – present
McGuireWoods LLP
201 North Tryon Street, Suite 3000
Charlotte, North Carolina 28202
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 never served as a mediator or arbitrator.

b. Describe:

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

My law practice has concentrated on criminal law in federal courts. I spent nearly 18 years as a First Assistant United States Attorney and/or an Assistant United States Attorney, and have been in private practice for the past 14 years focusing on white collar criminal defense.

I first became an Assistant United States Attorney in 1983. For the first few years of my time with the Office of United States Attorney I was responsible for all matters, civil and criminal, occurring in the Statesville Division of the Western District of North Carolina. From approximately 1986 to 1988, I was the Lead Attorney for the Organized Crime and Drug Enforcement Task Force.

Upon my return to the United States Attorney's Office in 1990, I was soon again designated the lead attorney for the Organized Crime and Drug Enforcement Task Force. In 1993 I was named as the First Assistant United States Attorney and took on managerial duties for the office under the United States Attorney, in addition to carrying a criminal caseload. I held that position until May 2003, serving under three United States Attorneys and both Republican and Democrat administrations.

During the time between my years as an Assistant United States Attorney, I was an associate in a law firm handling civil litigation.

Since 2003 I have represented individuals and companies under investigation or prosecution by federal authorities. In 2012 I was appointed Receiver by United States District Judge Mullen in a Ponzi scheme matter shut down by the Securities and Exchange Commission. The scheme resulted in more than \$800 million in losses by more than 800,000 victims in over 150 countries. I continue in that role today. As Receiver I have brought multiple civil actions to recover receivership assets.

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

During the nearly 18 years in which I was an Assistant United States Attorney, I represented the United States.

For the past 14 years in private practice my clients have been individuals and companies under investigation or prosecution by federal authorities.

A notable exception to these types of clients has been my tenure as a federal court appointed equity receiver, during which my client has been the United States District Court.

- 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.

Virtually my entire practice has been in litigation or in criminal investigations. As an Assistant United States Attorney from 1983 to 1988, I appeared in court on a nearly weekly basis. As an associate in a private law firm, I had few, if any, opportunities to appear in court. Once I returned to the United States Attorney's office (1990 to 2003) I again appeared before the courts on essentially a weekly basis. Since reentering private practice in 2003, I have appeared in court occasionally to frequently, depending on the procedural posture of my cases at any given point in time.

- i. Indicate the percentage of your practice in:

1. federal courts:	99%
2. state courts of record:	1%
3. other courts:	0%
4. administrative agencies:	0%

- ii. Indicate the percentage of your practice in:

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

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

I have tried unknown scores of United States District Court jury trials, nearly all as lead counsel. In addition, I have tried hundreds of cases to a federal magistrate judge arising from misdemeanor and petty offenses on federal land in the Western District of North Carolina.

- i. What percentage of these trials were:

1. jury:	95%
2. non-jury:	5%

- 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 United States Supreme Court.

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. *Securities and Exchange Commission v. Rex Venture Group, LLC d/b/a ZeekRewards.com, and Paul Burks*, 3:12-CV-519 (W.D.N.C.). United States District Court for the Western District of North Carolina, Charlotte Division. Presiding Judge: Hon. Graham C. Mullen.

In 2012 I was appointed as Receiver over the assets of Rex Venture Group, which the Securities and Exchange Commission found to be a Ponzi scheme and, through a Consent Order, closed the business. The scheme created more than 800,000 victims in more than 150 countries, and in excess of \$800 million in losses to victims. During the last 5 years the receivership team has pursued receivership assets and engaged in extensive litigation leading to recovery of hundreds of millions of dollars and payments to victims, to date, of 75% of allowed claims. The Rex Venture Group receivership is one of the largest receiverships in history as measured by number of victims. The date of my representation was 2012 to present.

This litigation includes the original underlying matter and numerous cases filed arising out of the receivership. Case docket numbers, names, and counsel are below:

SEC v. Rex Venture Group, LLC, et al., Case No. 3:12-cv-00519-GCM

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British Virgin Islands – Bell v. Solomon, Case No. 3:12-3:15-cv-00055

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Canada – Bell v. Parker, et al., Case No. 3:14-cv-00444

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Denmark – Bell v. Mortenson, Case No. 3:15-cv-00199

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France – Bell v. Dreyer, Case No. 3:15-cv-00196

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Germany – Bell v. Kafurke, Case No. 3:15-cv-00200

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Israel – Bell v. Rockah, et. al., Case No. 3:12-cv-00519

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Netherlands - Bell v. Boom et al, Case No. 3:12-cv-00519

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New Zealand - Bell v. Brownie et al, Case No. 3:12-cv-0070

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Norway - Bell v. Pleym et al, Case No. 3:15-cv-00081

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Sweden - Bell v. Marcelind et al, Case No. 3:15-cv-00198

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United Kingdom - Bell v. Smith et al, Case No. 3:15-cv-00108

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USHBB, Brown, Mecham, Moore, Case No. 3:15-cv-00137-GCM

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SEC v. Rex Venture Group LLC (Preferred Merchants Solutions LLC) Case No. 3:12-cv-00519

Local Counsel for Court-Appointed Receiver for Rex Venture Group, LLC

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MH Pillars Ltd., a United Kingdom Corporation v. PaymentWorld Limited, et al., Superior Court of the State of CA, County of Los Angeles, Case No. BC607148

Counsel for Plaintiff MH Pillars Ltd.

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Bell v Peak USA, Case No. 3:1565-cv-00233-GCM

Counsel for Peak USA, LLC, Peak Impact, LLC, Bessoni,

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Counsel for Adlerman, S.T. Eagle, Inc.

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Bell v. Nehra and Waak, Case No. 3:15-cv-00437-GCM

Counsel for Nehra and Waak, both individually and dba Law offices of Nehra and Waak, Law Offices of Nehra and Waak

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2. *United States v. Jackson*, 2:10-cr-000008-FL (E.D.N.C.). United States District Court for the Eastern District of North Carolina, Northern Division. Presiding Judge: Hon. Louise Wood Flannigan.

Beginning in the late 2000s I represented Jackson, a former Navy Seal and President of Blackwater Security Company, during a lengthy investigation and prosecution of Mr. Jackson and other current and former employees of Blackwater Security Company. Mr. Jackson was indicted on thirteen felony counts. After three years of post-indictment litigation vigorously defending Mr. Jackson's innocence (including access to and use of SCI information after receiving appropriate clearances) all felony charges against him were dismissed and he entered a guilty plea to a single petty/misdemeanor charge in 2013. The date of my representation was approximately 2008 to 2013.

Co-Counsel for Defendant Jackson

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3. *United States v. Black*, 5:07-cr-00042-BO (E.D.N.C.). United States District Court for the Eastern District of North Carolina, Western Division. Presiding Judge: Hon. Terrence W. Boyle.

I represented then-Speaker of the North Carolina House of Representatives Black during a high-profile, multi-year public corruption investigation. I successfully disproved several avenues of the investigation. Ultimately, Mr. Black pled guilty to a single count of receiving illegal gratuities and received an active prison sentence in 2007. The date of my representation was approximately 2004 to 2007.

Counsel for the Government

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4. *United States v. Hammoud, et al.*, CR-00-147-MU (W.D.N.C.). United States District Court for the Western District of North Carolina, Charlotte Division. Presiding Judge: Hon. Graham C. Mullen.

In 2002 I prosecuted a Hezbollah cell operating in Charlotte and Canada. It was the first conviction at trial under the Material Support to a Designated Foreign Terrorist Organization statute, the first conviction at trial of a terrorist cell under the RICO statute, and the first use in a United States District Court trial of evidence gathered by a foreign intelligence service. Following years of investigation and weeks of trial twenty defendants were convicted or pled guilty to charges involving immigration fraud, credit card fraud, bank fraud, money laundering, cigarette smuggling, RICO and Material Support to a Designated Foreign Terrorist Organization. For this prosecution I was awarded the Attorney General's John Marshall Award for Trial of Litigation. The date of my representation was approximately 1998 to 2003.

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5. *United States v. Rathburn*, 1:99-cr-00091-LHT (W.D.N.C.). United States District Court for the Western District of North Carolina, Asheville Division. Presiding Judge: Hon. Lacy Thornburg.

In 1999 I prosecuted the Chief of Police of a small town outside of Asheville, North Carolina, for abuse/deprivation of the civil rights of criminal suspects and innocent civilians. The town had been thoroughly in the grip of the Chief, with citizens afraid of law enforcement and police officers threatened and intimidated from reporting the Chief's offenses. The Chief was sentenced to a term of 37 months in prison. The date of my representation was approximately 1998 to 2000.

Counsel for Defendant

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6. *United States v. Culp*, 3:98-CR-207-V (W.D.N.C.). United States District Court for the Western District of North Carolina, Charlotte Division. Presiding Judge: Hon. Richard Voorhees.

I prosecuted the director of the Mecklenburg County (NC) Board of Elections for receiving illegal kickbacks in relation to the purchase of voting machines. Mr. Culp was sentenced to a term of 30 months' imprisonment. The date of my representation was approximately the mid to late 1990s.

Counsel for Defendant Culp

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7. *United States v. Bowe*, CR-98-117 –MU (W.D.N.C.). United States District Court for the Western District of North Carolina, Charlotte Division. Presiding Judge: Hon. Graham C. Mullen.

In 1998 I prosecuted Mr. Bowe, the former world heavyweight boxing champion, on charges of interstate domestic violence. Mr. Bowe travelled to Charlotte from out of state and forcibly kidnapped and stabbed his estranged wife and kidnapped his children. I twice successfully appealed the District Court's sentencing decisions to the United States Court of Appeals for the Fourth Circuit, which twice reversed the District Court. At his third sentencing, Mr. Bowe received 18 months imprisonment. The date of my representation was approximately 1998 to 2000.

Counsel for Defendant Bowe

Johnnie L. Cochran, Jr.
(deceased)

8. *United States v. Earp*, 86-cr-2 and *United States v. Suits*, 85-cr-37 (W.D.N.C.).
United States District Court for the Western District of North Carolina, Statesville
Division. Presiding Judge: Hon. Woodrow W. Jones.

In 1985 and 1986 I prosecuted two related cases against members and supporters of the Ku Klux Klan for violations of others' civil rights. The offenses involved the burning of crosses in front of the home of a black teenager who was dating a white teenage girl, as well as cross burnings at a high school and at the homes of a black woman, and black man and a white woman with children whose father was a black man. The lead defendants were sentenced to 7 and 5 years of imprisonment. The date of my representation was approximately 1985 to 1987.

United States v. Earp, et al. Case No. 86-00002

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United States v. Jerry Douglas Suits, et al. Case No. 85-00037

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9. *United States v. Rhodes*, 84-cr-15-P. (W.D.N.C.). United States District Court for the Western District of North Carolina, Statesville Division. Presiding Judge: Hon. Robert D. Potter.

In 1984 I was co-counsel in the first trial in the District using the Continuing Criminal Enterprise statute. The date of my representation was approximately 1984 to 1987.

Counsel for Defendant Rhodes

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10. *United States v. Porter*, 83-cr-25 (W.D.N.C.). United States District Court, Western District of North Carolina, Statesville Division. Presiding Judge: Hon. Robert D. Potter.

In 1983 I prosecuted a defendant on charges of buying and selling counterfeit United States currency in my first federal jury trial. The defendant was convicted. This trial occurred six months after I graduated from law school and less than two months after I became an Assistant United States Attorney. The date of my representation was approximately 1983 to 1984.

Counsel for Defendant Porter

Franklin Smith
(deceased)

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.)

In addition to prosecuting hundreds of defendants for a wide variety of federal criminal

offenses, I was the Lead Attorney for the Organized Crime and Drug Enforcement Task Force for approximately a third of my time as a prosecutor.

After becoming the First Assistant United States Attorney in 1993 I was the supervisor of the entire United States Attorney's Office (criminal, civil and administrative), responsible only to the United States Attorney. Although First Assistant United States Attorneys do not usually carry an active caseload, I chose to prosecute several major cases in addition to my responsibilities as First Assistant, some of which are highlighted in Section 17 of this Questionnaire. As First Assistant I served under three United States Attorneys during both Democrat and Republican administrations.

Since entering private practice in 2003, I have represented and advised individuals and companies with respect to compliance with federal law, during federal investigations, and during federal prosecutions.

Additionally, from 2015 to 2017 I represented Congressman Robert Pittenger during a well-publicized two-year federal investigation. The United States Attorney's Office for the Western District of North Carolina and the Public Integrity Section of the United States Department of Justice declined prosecution, brought no charges, closed their investigation, and publicly announced that conclusion.

I have never acted or registered as a lobbyist.

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.

None.

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

None. I note that I do not know what bonus compensation I will have earned from my law firm by the time of my departure. I do not have an equity position in my law firm.

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

I have no plans, commitments or agreements for outside employment.

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.

In the event of a potential conflict of interest, I would consult with my colleagues and the Administrative Office of the Federal Courts. I would follow the established procedures of the court to identify any potential conflict of interest.

If confirmed, I will recuse in any litigation where I have ever played a role. I also anticipate recusing for a period of time from matters involving my law firm. I would also pay particular attention to cases involving past clients or businesses in which I have an ownership interest.

I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of a conflict, on a case-by-case basis and determine the appropriate action with the advice of the parties and their counsel, including recusal when necessary.

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

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

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.

I recently represented two current or former inmates who brought pro se civil rights actions against detention facilities and/or employees of those facilities. I and others in my firm represented them pro bono, expending significant amounts of time and financial resources. I spent approximately 50 hours on these matters.

I also represented pro bono a young man who was indicted for his role in a mortgage fraud scheme. While most defendants in the scheme received prison sentences my client was sentenced to a term of probation, which he has successfully completed. I spent approximately 100 hours on this matter.

26. Selection Process:

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

I am not aware of any formal selection commission for judicial nominations in North Carolina. However, on August 30, 2017, I met separately with staff in Senator Burr's office and Senator Tillis' office when I was in Washington, D.C.

On November 3, 2017, I received a call from Senator Tillis informing me that my name had been sent to the White House for consideration for nomination. On November 6, 2017, I was contacted by the White House Counsel's Office requesting an interview. On November 15, 2017, I was interviewed by attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, D.C.

On November 27, 2017, I was informed by Senators Burr and Tillis that I was preliminarily selected for nomination to the Western District of North Carolina. I was similarly informed by attorneys from the White House Counsel's Office on November 28, 2017. I have since communicated regularly with the Office of Legal Policy. On April 12, 2018, 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.