

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Channing Durward Phillips

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

United States Attorney for the District of Columbia

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

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

1958; Washington, D.C.

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.

Howard University School of Law, 8/1984 - 5/1986, J.D., May 1986
Southwestern University School of Law, 8/1982 - 12/1983 (Transferred to Howard)
University of Virginia, 8/1976 - 5/1980, B.A., May 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.

United States Department of Justice
Office of the Attorney General
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Senior Counselor to the Attorney General
8/2011 - present

United States Department of Justice
Office of the Attorney General
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Deputy Associate Attorney General
5/2010 - 8/2011

United States Attorney's Office
555 Fourth Street, NW
Washington, D.C. 20001
Acting United States Attorney
Principal Assistant United States Attorney
Chief of Staff
Special Counsel to the United States Attorney
Assistant United States Attorney
9/1994 - 5/2010

United States Department of Justice
Criminal Division
Organized Crime & Racketeering Section
1001 G Street, NW
Washington, D.C. 20001
Trial Attorney
9/1990 - 8/1994

The Honorable Shellie F. Bowers
Superior Court of the District of Columbia
500 Indiana Avenue, NW
Washington, D.C. 20001
Judicial Law Clerk
9/1987 - 8/1990

Morgan Associates, Chartered
1899 L Street, NW
Washington, D.C. 20036
Law Clerk
5/1986 - 5/1987
2/1984 - 8/1985

Howard University School of Law
2900 Van Ness Street, NW
Washington, D.C. 20008
Teaching Assistant
8/1985 - 5/1986

Mink, Neiman & Kinney
1801 Beverly Boulevard
Los Angeles, CA 90012
Law Clerk/Investigator
8/1982 - 10/1983

University Transportation Services
1101 Melmont Avenue
Charlottesville, VA 22901
Bus Driver/Supervisor
5/1980 - 5/1982

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. Based on my year of birth, 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.

AUSA Association's Robert A. Shuker Memorial Award - 2012
Attorney General's Award for Equal Employment Opportunity - 2011
United States Attorney's Award for Meritorious Service - 2010
Bar Association of the District of Columbia's Lawyer of the Year Award - 2009
Executive Office for United States Attorneys Director's Award for Superior Performance in a Managerial or Supervisory Role - 2005
United States Attorney's Star Award for Distinguished Service - 1999
Department of Justice Special Achievement Awards for Sustained Superior Performance of Duty - 1992, 1994, 1995, 1996, and 1997

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.

None.

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.

District of Columbia Bar, 1988 - Present.

Pennsylvania Bar, 1987 – Present. Inactive status.

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.

District of Columbia Court of Appeals, 1988 – Present.

United States District Court for the District of Columbia, 1997 – Present.

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.

None.

- 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.

Not applicable.

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.

None.

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

5/20/2015: Remarks at the Channing E. Phillips Homes Construction Kickoff Celebration
Washington, D.C.
Copy Attached

10/27/2010: The Association of the Bar of the City of New York, Committee on Minorities in the Courts, "*Diversity Within Prosecutorial Offices: Why Does it Matter?*"
New York, NY
Copy Attached

8/16/2010: Blacks in Government ("BIG") Conference; DOJ's Diversity Management Initiative
Kansas City, MO
Copy Attached

12/5/2009: 138th Annual Banquet of the Bar Association of the District of Columbia; Acceptance Speech for Lawyer of the Year Award

Washington, D.C.
Copy Attached

- 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.

May 20, 2015: WUSA TV-9 regarding the construction kickoff celebration of an affordable low-income housing development in the Shaw area of Washington, D.C. Video available at: <http://static.wusa9.com/video-archive-player/?bctid=4248025001001>

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.

- 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 served as the judicial law clerk to the late Honorable Shellie F. Bowers, Associate Judge of the Superior Court of the District of Columbia, between 1987 and 1990.

- 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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Judicial Law Clerk
9/1987 - 8/1990

Morgan Associates, Chartered
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Washington, D.C. 20036
Law Clerk

5/1986 - 5/1987 (post law school)
2/1984 - 8/1985 (during law school)

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

I have not served as a mediator or arbitrator.

b. Describe:

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

My entire career as a lawyer has been spent with the Department of Justice, beginning in 1990 through the present, most of this time as a federal prosecutor. My first four years, 1990-1994, were spent as a trial attorney with the Organized Crime and Racketeering Section of the Criminal Division of the Department of Justice. During that time, I served as co-counsel for two racketeering prosecutions of individuals connected to La Cosa Nostra crime families in South Florida. Both prosecutions resulted in guilty pleas.

In 1994, I joined the United States Attorney's Office for the District of Columbia as an Assistant United States Attorney, where for the first three years I investigated and prosecuted misdemeanor and felony cases ranging from drug trafficking and illegal possession of firearms to violent crimes, public corruption, and immigration violations. I also briefed and argued criminal cases before the District of Columbia Court of Appeals.

Beginning in 1997, I became part of the management team of the United States Attorney's Office, serving on the executive staffs of four United States Attorneys as Special Counsel, Chief of Staff, and Principal Assistant United States Attorney. I also served as the Acting United States Attorney between May 2009 and February 2010. During this period we were confronted with a number of significant internal and external challenges, including but not limited to the roll-out and expansion of Community Prosecution, the rise and fall of the murder rate, the aftermath of the 9/11 tragedy, and budget cuts.

In May 2010, I returned to Main Justice to serve as the first Deputy Associate Attorney General for Diversity Management. In this position, I played a key role in developing and implementing the Attorney General's Diversity Management Plan.

Since August 2011, I have served as Senior Counselor to the Attorney

General, where I advise the Attorney General on, among other things, a wide range of criminal justice issues and cases, including all federal death penalty matters. During this time, I have represented the Attorney General on the Department's Criminal Justice Reform Working Group, tasked with the development and implementation of the Attorney General's "Smart on Crime" initiative, which was announced in August 2013. Other key initiatives that I have worked on as a senior advisor include: (1) the "*My Brother's Keeper*" Initiative; and (2) the Attorney General's initiative to build community trust with local law enforcement.

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

The United States and the Department of Justice. Please refer to the above answer.

- 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; 20%
 - 2. state courts of record; 65%
 - 3. other courts (appeals); 15%
 - 4. administrative agencies; 0%
 - ii. Indicate the percentage of your practice in:
 - 1. civil proceedings; 0%
 - 2. criminal proceedings. 100%
- 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: 10 (34%) jury trials as sole counsel; and
 - 2. non-jury: 20 (66%) non-jury trials as sole counsel.
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

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

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

(1) *United States v. Teresa Martinez*, 97-CR-119

The Honorable Joyce Hens Green, United States District Court for the District of Columbia

Date of Representation: 2/1997 -12/1997

Opposing Counsel: Mona Asiner and Paul Kiyonaga, 910 17th Street, NW, Suite 800, Washington, D.C. 20006, (202) 607-6662 and (202) 363-2776

I handled this matter in which the defendant was investigated and ultimately charged with, passport fraud, identity theft, and social security fraud in connection with a scheme to bring Bolivian residents, including minors, illegally into the country with false documents. The defendant pled guilty in 1997 and was sentenced to a mandatory minimum of three years in prison.

(2) *United States v. Roderick Cannon*, 97-CR-116

The Honorable James Robertson, United States District Court for the District of Columbia

Date of Representation: 2/1997 - 10/1997

Opposing Counsel: Gregory Poe (then Assistant Federal Public Defender) 1030 15th Street, NW, Suite 580 West, Washington, D.C. 20005, (202) 583-2500

I handled this matter in which the defendant was investigated and ultimately charged with a committing a series of bank robberies. The defendant pled guilty in 1997 and received a sentence of 120 months in prison.

(3) *Joshua Best v. United States*, No. 95-CF-207

The Honorables Frank Schwelb, Michael Farrell, and Inez Smith Reid, Associate Judges for the District of Columbia Court of Appeals

Date of Representation: 12/1996 -4/1997

Counsel for the Appellant: James Klein, Public Defender Service, 633 Indiana Avenue, NW, Washington, D.C. 20004, (202) 824-2389

The defendant appealed his conviction of unauthorized use of a motor vehicle (UUV) and robbery, contending that the evidence was insufficient to convict him of UUV and the trial court made certain erroneous evidentiary rulings regarding the UUV charge. He also contended that his trial should have been severed from that of his codefendant due to conflicting and irreconcilable defenses, and the robbery and UUV charges should not have been heard by the same jury. I wrote and argued the appeal on behalf of the government. The defendant's conviction was affirmed on April 29, 1997.

(4) ***Michael Mason & Portia Brown v. United States***, No. 94-CF-847

The Honorables John Ferren and John Terry, Associates Judges for the District of Columbia Court of Appeals, and George Gallagher, Senior Judge for the District of Columbia Court of Appeals

Date of Representation: 9/1996 -1/1997

Counsel for the Appellants: Paul Riley, 1629 K Street, NW, Suite 300, Washington, D.C. 20006, (202) 352-7677, and Diane Dildine (current contact information unknown)

The defendants appealed from their convictions for possession with intent to distribute PCP and marijuana. The issues were: (1) whether the evidence was sufficient to sustain appellants' convictions where (i) during the execution of a search warrant of an apartment in which appellants were present, it became apparent that the police had interrupted the actual packaging and processing of PCP tin-foils; (ii) over \$1,000 in cash in small denominations was seized from each appellant; and (iii) both appellants made admissions-against-interest that demonstrated their involvement in and connection to the narcotics operation; and (2) whether the government had a duty to disclose pretrial admissions-against-interest made by appellants in the presence of a former co-defendant who later testified without any benefits or agreements with the government. I handled the appeal for the government. The Court of Appeals affirmed the convictions on January 31, 1997.

(5) ***Ron C. Jeter v. United States***, No. 95-CF-1040

The Honorables John Ferren, John Terry, and John Kern, Associates Judges for the District of Columbia Court of Appeals

Date of Representation: 8/1996 -1/1997

Counsel for Appellant: Dale Saliba, address unknown, (703) 524-9235

The defendant appealed from his conviction for distribution of crack cocaine to an undercover police officer. Appellant argued on appeal that the trial court erred by refusing to give the requested instruction to the jury on his theory of the case and by preventing him from arguing that theory during closing argument. I wrote the briefs and argued the appeal on behalf of the government. The appellant's conviction was affirmed on January 29, 1997.

(6) ***Carl Edelin v. United States***, No. 94-CF-496

The Honorables John Ferren and Frank Schwelb, Associate Judges for the District of Columbia Court of Appeals, and William Pryor, Senior Judge for the District of Columbia Court of Appeals

Date of Representation: 7/1996 -12/1997

Counsel for Appellant: George Rickman, PO Box 21267, Kalorama Station, Washington, D.C. 20009, (202) 723-3955

The defendant appealed his conviction for possession of a firearm, ammunition, unregistered firearm and unregistered ammunition, contending he was denied a fair trial by the possibility of a juror partiality and also argued that the evidence was insufficient to sustain a conviction for possession of a prohibited weapon, machine gun. Four witnesses

testified that the appellant possessed a MAC-11 semi-automatic machine gun, which he abandoned when he saw police officers. I wrote the briefs and argued the appeal on behalf of the government. The appellant's convictions were affirmed on December 4, 1996.

(7) ***United States v. Michael Smith***, F-10896-94

The Honorable Wendell Gardner, Superior Court for the District of Columbia

Date of Representation: 2/1996 - 7/1996

Opposing Counsel: John Middleton (now deceased)

I tried this case to a guilty verdict on May 15, 1996. Smith was convicted of assault with a dangerous weapon and four related firearms and ammunitions charges. The victim in this matter had been engaged in a gun battle with the defendant and another individual, when he was struck by a bullet from the second individual's firearm. The victim immediately retreated, but the defendant continued to run after the victim, firing several rounds, none of which took effect. The victim made it to his car and had begun driving from the scene when he crashed into a tree. He died later that night as a result of his shotgun wounds inflicted by the second individual.

(8) ***United States v. Demetrius Pennic***, F-4241-94

The Honorable Russell Canan, Superior Court of the District of Columbia

Date of Representation: 1/1995 - 8/1995

Opposing Counsel: Jane Norman, 777 Sixth Street, NW, #410, Washington, D.C. 20001, (202) 682-4100

I tried this case to a guilty verdict on behalf of the government on February 21, 1995. The charge was possession with intent to distribute cocaine. Police officers arrested the defendant after seeing him throw his stash of drugs on the floor of an apartment building as they approached him.

(9) ***United States v. Vincent D. Jones***, F-2085-94

The Honorable Judith Retchin, Superior Court of the District of Columbia

Date of Representation: 1/1995 -3/1995

Opposing Counsel: Richard Huber, 1706 R Street, NW, Washington, D.C. 20009, (202) 332-8278

I tried this case to a guilty verdict on behalf of the government on January 31, 1995. The defendant was arrested and charged with carrying a pistol without a license, possession of an unregistered firearm, and unlawful possession of ammunition after police officers saw him in possession of what appeared to be a gun and one of the officers recovered the gun precisely in the location where another officer had seen the defendant throw it.

(10) ***United States v. Gerald Chilli***, 93-CR-6028

The Honorable Wilkie Ferguson, United States District Judge for the Southern District of Florida

Date of Representation: 9/1993 - 9/1994

Co-Counsel: Paul Schwartz, Assistant United States Attorney, 500 E. Broward Blvd., Ft. Lauderdale, FL 33394, (954) 660-5777
Opposing Counsel: Fred Haddad, 1 Financial Plaza, Suite 2612, Ft. Lauderdale, FL 33394, (954) 467-6767

I assisted on this matter as a second chair in which the defendant, associated with the La Cosa Nostra crime family, was investigated and ultimately charged with racketeering (RICO) and related charges that included narcotics trafficking and gambling. The defendant pled guilty in 1994.

- 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.)

When I first joined the Department of Justice in 1990, I reviewed proposed racketeering (RICO) indictments from around the country, ensuring that they met the Department's legal and policy requirements. Later, as a senior advisor to four different United States Attorneys, I provided guidance on the most significant matters the office investigated and prosecuted between 1997 and 2010, including but not limited to national security, public corruption, financial fraud, gang, and high profile murder prosecutions. During the last four years, serving as a senior advisor to the Attorney General, I have provided guidance and advice on some of the most significant criminal matters handled by the Department of Justice, including every capital-eligible federal prosecution.

- 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.

I have only served as a guest lecturer, once on homicide prosecutions at the University of Virginia School of Law on November 21, 1997, and once on my career as a prosecutor at George Washington University in or about 1996. I do not have a copy of the syllabus for either course or any other written materials.

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

None.

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

None.

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

I earn salary as a federal employee. For other information, see my SF-278 as provided by the Office of Government Ethics.

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

See attached Net Worth Statement.

22. Potential Conflicts of Interest:

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

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

23. Pro Bono Work: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities,

listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

I currently serve as a volunteer to Lincoln-Westmoreland, Inc., a charitable organization/partnership that was formed in 1970 to provide affordable low income housing in Washington, D.C.

In the past, I have served as a mentor to several male students at the Amidon Elementary School and hosted students from the Thurgood Marshall Academy for a "day on the job" at the Justice Department.