

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Edmond E-Min Chang

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

United States District Judge for the Northern District of Illinois

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

Office: United States Attorney's Office  
Northern District of Illinois  
219 South Dearborn Street  
Fifth Floor  
Chicago, Illinois 60604

Residence: [REDACTED]

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

1970; New York, New York

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.

1991 – 1994, Northwestern University School of Law; J.D. (*cum laude*), 1994

1987 – 1991, University of Michigan (Ann Arbor): B.S.E. (*cum laude*), 1991

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.

1999 to present  
United States Attorney's Office for the Northern District of Illinois  
219 South Dearborn Street  
Chicago, Illinois 60604  
Chief of Appeals, Criminal Division (2005 – present)  
Deputy Chief, General Crimes (2004 – 2005)  
Assistant United States Attorney (1999 – present)

1997 to 1999 & Summer 1993  
Sidley & Austin (now Sidley Austin LLP)  
One South Dearborn Street  
Chicago, Illinois 60603  
Associate (1997 – 1999)  
Summer Associate (partial summer 1993)

1996 to present (various semesters)  
Northwestern University School of Law  
357 East Chicago Avenue  
Chicago, Illinois 60611  
Adjunct Professor of Law

1995 to 1997  
United States District Court for the Northern District of Illinois  
219 South Dearborn Street  
Chicago, Illinois 60604  
Law Clerk to the Honorable Marvin E. Aspen

1994 to 1995  
United States Court of Appeals for the Sixth Circuit  
231 West Lafayette Boulevard  
Detroit, Michigan 48226  
Law Clerk to the Honorable James L. Ryan

Summer 1994  
Law Offices of Chicago-Kent College of Law  
565 West Adams Street  
Chicago, Illinois 60661  
Public Interest Law Initiative Fellow

1993 to 1994  
Northwestern University School of Law  
357 East Chicago Avenue  
Chicago, Illinois 60611  
Teaching Assistant

1993

Chicago Lawyers' Committee for Civil Rights Under Law  
100 North LaSalle Street  
Chicago, Illinois 60602  
Intern (fall semester) (unpaid)

Summers 1993 & 1992

Keck Mahin & Cate (since dissolved)  
77 West Wacker Drive  
Chicago, Illinois 60601  
Summer Associate (partial summer 1993 and summer 1992)

1991

University of Michigan, College of Engineering  
Robert H. Lurie Engineering Center  
1221 Beal Avenue  
Ann Arbor, Michigan 48109  
Recruiter

Other Affiliation

2000 to 2004

Chicago Council of Lawyers  
750 North Lake Shore Drive, 4th Floor  
Chicago, Illinois 60611  
Board Member (unpaid)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I registered for selective service upon reaching eighteen years of age.

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.

Star of Distinction for Task Force Investigation & Prosecution, Chicago Crime Commission (Nov. 2008)  
Drug Enforcement Administration Certificate of Appreciation for Outstanding Contributions in the Field of Drug Law Enforcement (May 2005)  
Order of the Coif (May 1994)  
Articles Editor, Northwestern University Law Review (1993 - 1994)  
Staff Member, Northwestern University Law Review (1992 - 1993)

National Environmental Moot Court Competition: Quarterfinalist (1993)  
Julius H. Miner Moot Court Competition: Top 5 Brief (1993)  
Arlyn Miner Book Award for Excellence in Legal Writing & Research (1992)  
Sigma Gamma Tau, National Aerospace Engineering Honorary Society (1990)  
College of Engineering Outstanding Student Leader Award (1990)  
Member, Vulcans, University of Michigan Senior Engineering Honorary Society (1990)

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  
Asian-American Bar Association  
    Judicial Evaluations Investigator (1997 – 1999, 2008)  
Chicago Bar Association  
Chicago Council of Lawyers  
    Board of Governors (2000 – 2004)  
    Judicial Evaluations Investigator (1999 – 2004)  
Seventh Circuit Bar Association  
Seventh Circuit Pattern Jury Instruction Revision Committee (2009 – present)  
United States Department of Justice, Appellate Chiefs' Working Group (2005 - present)  
United States District Court for the Northern District of Illinois  
    Committee to Address Crack Cocaine Resentencings (2008 - present)  
    Federal Magistrate Judge Merit Selection Panel (2000)

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.

Illinois, 1994

There has been no lapse 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.

Supreme Court of the United States, 2008  
United States Court of Appeals for the Seventh Circuit, 1995  
United States Court of Appeals for the Sixth Circuit, 1994  
United States District Court for the Northern District of Illinois, 1995

There has been no lapse 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.

Adler Planetarium (2009 – present)

Brookfield Zoo (approximately 2004 - 2008)

Chicago Botanic Garden (approximately 2005 - present)

Food Allergy Awareness Network (approximately 2004 - present)

Kohl Children's Museum (approximately 2004 - present)

Northwestern University Alumni Association (1994 – present)

University Club of Chicago (1998 – 2000)

University of Michigan Alumni Association (approximately 1991 – present)

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

None of the listed organizations presently engages or formerly engaged in invidious discrimination of any kind.

**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.

Letter to the Editor, 83 A.B.A. Journal 10 (Aug. 1997) (copy of unedited version and copy of published (edited) version are 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.

In October 2002, when I served on the Board of Governors of the Chicago Council of Lawyers, the Council issued "Child Support in Cook County, Illinois: A Call for Reform" (copy supplied).

Over the years, I have prepared short (typically, a few paragraphs) reports for various bar associations in connection with evaluating the suitability of individuals for judicial office. Specifically, I prepared reports for the Chicago Council of Lawyers and the Asian-American Bar Association of Chicago in connection with evaluating candidates running for state judicial office or state judges seeking retention in an election. Additionally, I prepared a draft evaluation for the Chicago Council of Lawyers in connection with evaluating a federal district judge, as part of the Council's periodic evaluation of all sitting federal judges. Also, as a member of the 2009 Federal Magistrate Judge Merit Selection Panel for the U.S. District Court for the Northern District of Illinois, I prepared a report, for the Panel's internal use, evaluating one of the applicants for the position. I do not recall the names of many of the individuals whom I helped to evaluate, and I do not have copies of those reports. Most of the reports were for internal use by the particular bar association and not for further public dissemination, and the information in the reports was gathered from interviewees who were promised confidentiality.

- 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.

Over the last several years I have spoken frequently on a variety of topics, including criminal law, professional training and opportunities, and issues relating to my experience as an Asian-American lawyer. I have listed below all of the speaking engagements I could identify through a search of my calendar and internet databases, and I have attached all related material that I could locate.

October 20, 2009 – Panel Member, Asian-American Lawyers' Experience in the Workplace, DePaul Law School Asian-Pacific American Law Students Association (no prepared text, outline, or notes)

October 17, 2009 – Panel Member, Law Student Career Forum, and Mentoring and Resume Review, Asian-American Bar Association, Held at DePaul Law School (no prepared text, outline, or notes)

August 19, 2009 – Moderator & Panelist, Career Opportunities and Other Developments at the U.S. Attorney's Office in an Environment of Reinvigorated Enforcement, Asian-American Bar Association, Chicago, Illinois (outline attached)

August 13, 2009 – Panel Member, Working at the Office of the U.S. Attorney, and Instructor, Preparing for Oral Argument, Just the Beginning Foundation, Summer Legal Institute, Held at DePaul Law School (no prepared text, outline, or notes)

June 1, 2009 – Faculty, How to Deliver Oral Argument, Chicago Bar Association & Seventh Circuit Bar Association: Appellate Practice in the Seventh Circuit Court of Appeals, Chicago, Illinois (outline attached)

March 9, 2009 – Panel Member, Perspectives: Prosecuting/Defense Attorney, Asian/Pacific-American Law Student Association Heritage Month, Northwestern University School of Law (no prepared text, outline, or notes)

October 22, 2008 – Speaker, Criminal Appeals in the United States, Department of Justice program for the Delegation from the Thailand Narcotics Control Board, held at U.S. Attorney's Office, Northern District of Illinois (no prepared text; copy of outline attached)

November 9, 2007 – Keynote Speaker, Asian-American Law Students' Association NovemberFest, John Marshall Law School (copy of remarks is attached)

October 9, 2007 – Panel Member, Recruiting for U.S. Attorney's Office, Black Law Students Association & Latino Law Students Association, Loyola University School of Law (no prepared text, outline, or notes)

March 5, 2007 – Panel Member, Equal Treatment Under Civil Rights Law, Asian/Pacific-American Law Student Association Heritage Month Heritage Month, Northwestern University School of Law (no prepared text, outline, or notes)

October 17, 2006 – Panel Member, Recruiting for U.S. Attorney’s Office, Asian-Pacific American Law Students Association, DePaul University School of Law (no prepared text, outline, or notes)

October 4, 2006 – Panel Member, Recruiting for U.S. Attorney’s Office, Asian-Pacific American Law Students Association, John Marshall Law School (no prepared text, outline, or notes)

May 9-12, 2006 – Panel Member, Management of Immigration Appeals, and Discussion Leader, Seventh Circuit Appellate Chiefs’ Meeting at the National Appellate Chiefs’ Conference, National Advocacy Center, Columbia, South Carolina (did not retain outline)

December 1, 2005 – Lecturer, Case Law Concerning Crack Cocaine, Annual Meeting of Forensic Chemists, Drug Enforcement Administration, North Central Laboratory, Chicago, Illinois (no prepared text, outline, or notes)

September 28, 2005 – Panel Member, Federal Sentencing Post-Booker, Federal Bar Association, Chicago, Illinois (no prepared text; copy of outline attached)

August 11, 2005 – Speaker, The Federal Criminal System, The 21st Century Institute, Program for Lawyers & Judges from China, The John Marshall Law School (no prepared text; copy of outline attached)

March 15, 2005 – Lecturer, Wiretap Investigations Training for New Agents, Federal Bureau of Investigation, Chicago Field Office (no prepared text, did not retain outline or notes)

March 5, 2005 – Keynote Speaker, Asian/Pacific-American Heritage Week, Northwestern University School of Law (copy of prepared remarks is attached)

January 26, 2005 – Speaker, The Federal Criminal System, Program for Lawyers & Judges from China, The John Marshall Law School (no prepared text, outline, or notes)

February 7, 2003 – Speaker, The Federal Criminal System, Program for Lawyers & Judges from China, The John Marshall Law School and the Chinese American Bar Association (no prepared text, outline, or notes)

March 5, 2002 – Moderator, Panel: The War on Drugs, Northwestern University School of Law, Public Interest Law Week (no prepared text, outline, or notes)

May 1990 – University of Michigan College of Engineering Graduation: as Graduation Committee Chairperson, I gave brief congratulatory remarks to the Senior class on behalf of the Junior class (I did not retain copy of text).

- 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.

The Chicago Lawyer, *Sentencing Experts Navigate a Post-Booker World* (June 2006) (copy supplied)

The Chicago Sun-Times, *Star Informant Helps Cops bust 'Murder, Inc.'* (Sept. 12, 2004) (copy supplied)

The Chicago Daily Law Bulletin, *Judges slaughter their clerks* (June 2, 1997) (copy supplied) (describing outcome of judges v. law clerks softball game)

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 served as a judge.

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

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

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

I have not held public office. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held memberships, offices, positions, or roles in any political party, election committee, or political campaign.

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;

Honorable James L. Ryan, United States Court of Appeals for the Sixth Circuit, August 1994 to July 1995

Honorable Marvin E. Aspen, United States District Court for the Northern District of Illinois, August 1995 to September 1997

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

I have not practiced alone.

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

1999 to present

United States Attorney's Office for the Northern District of Illinois  
219 South Dearborn Street  
Chicago, Illinois 60604  
Chief of Appeals, Criminal Division (2005 – present)  
Deputy Chief, General Crimes (2004 – 2005)  
Assistant United States Attorney (1999 – present)

1997 to 1999

Sidley & Austin (now Sidley Austin LLP)  
One South Dearborn Street  
Chicago, Illinois 60603  
Associate

Summer 1994  
Law Offices of Chicago-Kent College of Law (legal clinic)  
565 West Adams  
Chicago, Illinois 60661  
Public Interest Law Initiative Fellow

- 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.

From 1994 to 1995, I served as a law clerk to Judge James L. Ryan on the U.S. Court of Appeals for the Sixth Circuit. I wrote bench memoranda and drafted opinions in a wide variety of federal cases. From 1995 to 1997, I served as a law clerk to then-Chief Judge Marvin E. Aspen on the U.S. District Court for the Northern District of Illinois. I assisted the judge in managing his docket, drafted opinions in federal cases in primarily federal civil litigation, and advised the Judge on grand jury matters. From 1997 to 1999, I represented primarily corporations and universities as a member of Sidley & Austin's employment and labor law group.

In December 1999, I began serving as an Assistant United States Attorney in the General Crimes Section of the U.S. Attorney's Office for the Northern District of Illinois. In late 2001, I joined the Narcotics and Gangs Section. I investigated and prosecuted a wide variety of federal crimes, including drug, gun, child exploitation, fraud, tax, extortion, and other cases. In addition to conducting trials, I was responsible for all aspects of pre-trial litigation, including examining witnesses and presenting arguments at numerous preliminary hearings, detention hearings, hearings on pre-trial motions, and sentencings.

In January 2004, I was promoted to Deputy Chief in the General Crimes Section, where I supervised and trained new prosecutors, and also maintained a personal caseload. Since July 2005, I have served as the Chief of Appeals of the Criminal Division. My duties include supervising our Office's litigation in the U.S. Court of Appeals for the Seventh Circuit, and I have supervised the briefing and oral argument in more than 300 appeals. I also advise prosecutors throughout the Office on any question that has arisen in an investigation or in the district court, while

still maintaining a district court and appellate caseload.

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

At Sidley & Austin, I represented primarily corporations and universities in employment and labor law matters.

At the United States Attorney's Office, I represent the United States in federal criminal cases.

- 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.

At Sidley & Austin, I estimate that 90% of my work was litigation, approximately half of which was in federal court, and the other half in arbitrations to neutral adjudicators. The court and arbitration matters were civil-law proceedings and occasionally appeared in court or at the arbitration proceeding. I did represent, pro bono, a state habeas petitioner in pursuing a habeas petition in federal court; such petitions are technically denominated as a civil matter, but they involve criminal law issues.

At the United States Attorney's Office, my appearances are 100% in federal court, occur frequently, and are in criminal cases at all stages, including initial prosecution, appeal, and post-conviction litigation. I have prosecuted approximately 150 defendants, tried 10 cases to verdict, personally handled 30 appeals, and supervised the briefing and argument in more than 300 appeals. On occasion, in addition to criminal matters, I am asked to provide legal advice on civil matters, such as civil suits by or against the United States, and civil forfeiture cases.

- i. Indicate the percentage of your practice in:

1. federal courts: 100%
2. state courts of record:
3. other courts:
4. administrative agencies:

- ii. Indicate the percentage of your practice in:

1. civil proceedings: 3%
2. criminal proceedings: 97%

- 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 10 cases to verdict, all in federal court. In all trials, a co-counsel and I tried the case together.

- i. What percentage of these trials were:
  - 1. jury: 90%
  - 2. non-jury: 10%

- 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 appeared as counsel in the Supreme Court of the United States. In my role as Chief of Appeals for the United States Attorney's Office, I have provided substantive input into Supreme Court filings drafted by the Department of Justice Appellate Section and the Office of the Solicitor General in cases from my district. These filings primarily consist of briefs-in-opposition to certiorari petitions in cases where the government has prevailed in the Seventh Circuit.

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

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

- 1. *United States v. Putnam*, 03 CR 268, Northern District of Illinois, U.S. District Judge Robert W. Gettleman.

Anicom, Inc. was an international distributor of wire and cable. Senior executives cooked the books in order to meet investor expectations, but eventually the company crashed and declared bankruptcy, wiping out over \$80 million in shareholder value. Along with the FBI and another prosecutor, starting in 2002, I investigated the numerous sales and accounting frauds that drove the scheme, and obtained securities fraud and related charges against 7 former executives, including the former CEO, CFO, COO, and Controller. I then briefed and argued responses to the numerous pre-trial motions filed

by the defendants. Ultimately, we secured the guilty pleas of 6 defendants (the seventh passed away), the last of which was in 2007.

Co-counsel: Sean Berkowitz  
now at: Latham & Watkins  
233 South Wacker Drive  
Suite 5800  
Chicago, IL 60606  
(312) 777-7016

Opposing Counsel: Jack Falvey for Carl Putnam  
Goodwin Proctor LLP  
Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 570-1344

Leo Cunningham for Don Welchko  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304  
(650) 493-9300

Edward Genson for Scott Anixter  
53 West Jackson Boulevard  
Suite 1420  
Chicago, IL 60604  
(312) 726-9015

John Gallo for Ron Bandyk  
Sidley Austin LLP  
One South Dearborn Street  
Chicago, IL 60603  
(312) 853-7494

Jeff Stone for Daryl Spinell  
McDermott Will & Emery  
227 West Monroe Street  
Chicago, IL 60606  
(312) 984-2064

Corey Rubenstein for John Figurelli  
Stetler & Duffy, Ltd.  
11 South LaSalle Street, Suite 1200  
Chicago, IL 60603  
(312) 338-0209

Gordon Nash for Rene Levault  
Drinker Biddle  
191 North Wacker Drive  
Suite 3700  
Chicago, IL 60606  
(312) 569-1384

2. *United States v. Abdelhaq*, 246 F.3d 990 (7th Cir. 2001), USCA No. 00 C 1894,  
Seventh Circuit Judges Flaum, Posner, and Coffey.

In this appeal, I represented the United States in seeking affirmance of the conviction of a defendant who murdered her infant child in order to reap \$200,000 in life insurance benefits. The defendant attempted to disguise the murder as due to sudden infant death syndrome (SIDS). The evidence showed that this was the second infant whose murder she disguised as SIDS. On appeal, I learned the three-week trial record and the scientific evidence in order to author the response brief in 2000 and to present the oral argument in 2001. The Seventh Circuit affirmed the conviction.

Opposing Counsel: Scott Frankel  
Frankel & Cohen  
77 West Washington Street, Suite 1720  
Chicago, IL 60602  
(312) 759-9600

3. *United States v. Martin*, 04 CR 495, Northern District of Illinois, U.S.  
District Judge Rebecca R. Pallmeyer

The Mafia Insane Vice Lords street gang operated dozens of drug-dealing spots on the west side of Chicago. Along with a multi-agency team of investigators, starting in late 2002, I investigated the gang from the bottom-up, eventually obtaining enough evidence to convict the “King” of the gang, Martin, who had formed the gang many years ago while serving a murder sentence in Illinois state prison. In order to disrupt the gang as much as possible, we gathered evidence for 18 months on over 40 defendants. I was lead counsel throughout the investigation, the securing of guilty pleas, and the pre-trial litigation stage, including responding to numerous pre-trial and suppression motions. I briefed and argued the motions, and put on testimony at the evidentiary hearings on the motions. When I was promoted to Chief of Appeals, the Office assigned two other prosecutors to try the remaining defendants (those prosecutors have since left the Office, and I briefed and argued the remaining sentencings). The case resulted in 43 convictions.

Co-counsel: Pravin Rao  
now at: Perkins Coie  
131 South Dearborn Street, Suite 1700  
Chicago, IL 60603  
(312) 324-8592

Jake Ryan  
now at: Latham & Watkins  
12636 High Bluff Drive  
Suite 400  
San Diego, CA 92130  
(858) 523-3930

Opposing Counsel: The list below is of defense counsel for the defendants who proceeded to trial.

Donald Young for Troy Martin  
20 North Clark Street  
Suite 1725  
Chicago, IL 60602  
(312) 332-4034

Greg Mitchell for Eddie Bell  
18141 Dixie Highway  
Suite 111  
Homewood, IL 60430  
(708) 799-9325

James Graham for Patrick Bray  
53 West Jackson Boulevard  
Suite 703  
Chicago, IL 60604  
(312) 922-3777

Thomas C. Brandstrader for Harry Gilmore  
53 West Jackson Boulevard  
Suite 615  
Chicago, IL 60604  
(312) 332-5297

Jim Young for Mario Taylor  
53 West Jackson Boulevard  
Suite 820  
Chicago, IL 60604  
(312) 461-0374

Steven M. Levy for John Brayboy  
266 Rutledge Street  
Gary, IN 46404  
(219) 882-1071

Beau Brindley for Jerome Terrell  
53 West Jackson Boulevard  
Suite 1001  
Chicago, IL 60604  
(312) 782-4615

4. *United States v. McLee*, 02 CR 635, Northern District of Illinois, U.S. District Judge Charles P. Kocoras, *aff'd*, 436 F.3d 751 (7th Cir. 2006) (Seventh Circuit Judges Kanne, Wood, and Sykes).

I was assigned as co-prosecutor to bring this nine-defendant cocaine conspiracy and gun case to trial, and we ultimately tried 3 defendants after the other defendants (except one fugitive) pled guilty. The cocaine conspiracy involved well over 100 kilograms of cocaine. During the two-week trial, I presented the testimony of numerous witnesses and delivered the government's closing argument. On appeal, I presented the oral argument in the Seventh Circuit. The court of appeals affirmed the convictions.

Co-counsel:           Stuart Fullerton  
                          U.S. Attorney's Office for the Northern District of Illinois  
                          219 South Dearborn Street  
                          Chicago, IL 60604  
                          (312) 353-5266

Opposing counsel:   The list below is of defense counsel for the defendants who  
                          proceeded to trial.

Nishay Sanan for Rodney McLee  
327 South Plymouth Court  
Suite 201  
Chicago, IL 60604  
(312) 692-0360

Kent Carlson for Vicki Murph-Jackson  
53 West Jackson Blvd  
Suite 1544  
Chicago, IL 60604  
(312) 663-9601

Bill Laws for Wanda Turner  
134 North LaSalle Street  
Suite 2210  
Chicago, IL 60602  
(312) 236-3925

5. *United States v. Henderson*, 04 CR 697, Northern District of Illinois, U.S. District Judge Robert W. Gettleman, 536 F.3d 776 (7th Cir. 2008) (Seventh Circuit Judges Manion, Rovner, and Sykes)

I briefed and argued this appeal in 2007, in which we appealed the district court's suppression of crack cocaine, firearms (including a machine gun), and an explosive found in the defendant's house. The appeal presented a Fourth Amendment question of first impression following the Supreme Court's 2006 decision in *Georgia v. Randolph*, which held that a co-occupant's consent to a search is invalid if a physically-present occupant objects to the search. In the Henderson case, the defendant objected to a search but was then removed from the house pursuant to a valid arrest for domestic battery – he had choked his wife and locked her out of the house – and the district court applied *Randolph* to suppress the evidence despite Mrs. Henderson's consent to search. In a published decision, a majority of the panel reversed the suppression order, holding that the defendant's removal from the scene permitted the officers to act on his wife's consent (and indeed, encouragement) to remove the guns and drugs from her home.

Opposing counsel: Imani Chiphe  
Federal Defender Program  
55 East Monroe  
Suite 2800  
Chicago, IL 60603  
(312) 621-8349

6. *United States v. Miller*, 102 F. Supp.2d 946 (N.D. Ill. 2000), U.S. District Judge Elaine E. Bucklo

In this child exploitation case, the defendant believed he was chatting over the Internet with a 13-year old girl from the suburbs of Chicago, and he sent her child pornography and arranged to meet her for sex. The defendant traveled from his home state of Maryland to Illinois for the meeting. In fact, the defendant was caught in a sting operation in which an undercover agent was posing as the minor. The defendant had, before the sting investigation, already had sex with two underage minors in other states. I obtained the complaint, indictment, and plea agreement, and also presented the preliminary hearing and the detention hearing. More importantly, I successfully responded to the defendant's motion to dismiss, in which he argued that the federal law barring the use of computers to entice minors to engage in sex does not apply to sting operations. In a published decision, the district court adopted our position, and the opinion has been cited by several other federal courts. After losing the motion to dismiss, the defendant pled guilty in 2000.

Opposing counsel: Linda Amdur  
53 West Jackson Blvd  
Suite 1503  
Chicago, IL 60604  
(312) 347-9999

7. *United States v. Bonner*, 01 CR 670, Northern District of Illinois, U.S. District Judge William T. Hart

Along with another prosecutor, I brought this multi-scheme fraud case to trial in 2002. The defendants fraudulently obtained Social Security disability benefits and other government funds (such as federally-guaranteed student loans) in the total amount of around \$470,000. We presented over 150 exhibits at the trial, and I presented around 15 trial witnesses and delivered the government's closing argument. Both defendants were convicted and sentenced to 6½ years of imprisonment.

Co-counsel:           Stuart Chanen  
                          now at: Valorem Law Group  
                          35 East Wacker Drive, 30<sup>th</sup> Floor  
                          Chicago, IL 60601  
                          (312) 676-5480

Opposing counsel:   James Fennerty for Maria Bonner  
                          36 South Wabash Avenue  
                          Suite 1310  
                          Chicago, IL 60603  
                          (312) 345-1704

                          Robert Edwards for Vernon Bonner  
                          (deceased)

8. *United States v. Sherman*, 99 CR 194, Northern District of Illinois, U.S. District Judge Blanche M. Manning, *aff'd*, 268 F.3d 539 (7th Cir. 2001) (Seventh Circuit Judges Cudahy, Kanne, and Rovner)

I was assigned to prosecute this child pornography case after the indictment was returned. I obtained the plea agreement and presented the sentencing arguments, including advancing the position that the victims of child pornography possession, for purposes of the Sentencing Guidelines, were the children in the images, not just society at large. The district court agreed, and on appeal (which I also briefed and argued), the Seventh Circuit affirmed on that question of first impression in the Circuit.

Opposing counsel:   Leonard C. Goodman  
                          53 West Jackson Boulevard  
                          Suite 1220  
                          Chicago, IL 60604  
                          (312) 986-1984

9. *United States v. Ceja*, 00 CR 75, Northern District of Illinois, U.S. District Judge John F. Grady, *aff'd*, 02-2316, 2003 WL 262063 (7th Cir. Feb. 6, 2003) (Seventh Circuit Judges Coffey, Easterbrook, and Kanne)

Ceja conspired with two other defendants to import truck-loads of marijuana, over 4 tons worth in total, from Mexico. Ceja owned a Chicago furniture store, and used it as a front for the importation; the marijuana was hidden in furniture shipped from Mexico. I investigated and prosecuted the case from the controlled delivery of a truck-load by Customs agents, through the pleas of two defendants, and ending with the trial, conviction, and sentencing of Ceja. During the trial, I presented the opening statement, witnesses, and the rebuttal argument. Ceja received 15½ years' imprisonment. I briefed and argued the appeal, which resulted in affirmance of the conviction and sentence.

Co-counsel: Scott Lassar  
now at: Sidley Austin  
One South Dearborn  
Chicago, IL 60603  
(312) 853-7668

Opposing counsel: Andrea P. Taylor for trial  
Office of Defender Services  
One Columbus Circle, N.E., Suite G-430  
Washington, D.C. 20544  
(202) 502-2908

Edward Edens was hired after the trial  
2238 Lisson Road  
Naperville, IL 60565  
(630) 983-0615

10. *United States v. Stephens*, 514 F.3d 703 (7th Cir. 2008) (Seventh Circuit Judges Posner, Kanne, and Rovner)

This was a government appeal of a district court's finding that two trial AUSAs committed a *Batson* violation by exercising peremptory challenges on the basis of race in trial of defendant's fraud charges. The jury convicted the defendant on all counts, but the verdict was overturned based on the peremptory-challenge finding. I was assigned to brief and argue the appeal, and I learned the extensive *voir dire* and juror-qualifications record. In a published decision, a majority of the panel reversed the *Batson* finding and reinstated the convictions, over the objection of one dissenter.

Opposing counsel: Barry Levenstam and Irina Dmitrieva  
Jenner & Block  
330 North Wabash Avenue  
Chicago, IL 60611  
(312) 222-9350

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not

involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As the Chief of Appeals, I supervise our Office's work before the Court of Appeals for the Seventh Circuit. I have supervised the brief-writing and oral argument of other prosecutors in more than 300 appeals. In addition, I maintain a case load that I handle personally. I advise the front office and other prosecutors on a wide variety of legal issues in the investigative and district-court stages of a case in order to increase the chances of success on appeal. This "consultation" function often involves the most complex and important cases that we bring, including complex fraud, terrorism, public corruption, and gang cases. As the person responsible for keeping prosecutors updated on developments in the law, I also disseminate descriptions of important cases to the entire criminal division. I draft form pleadings on recurring topics of all kinds. Finally, I help formulate Office policy on charging decisions, plea policies, and other Office-wide issues.

I am also responsible for dealing with district-court decisions that are adverse to the government, and that responsibility includes deciding whether to seek the approval of the Department to appeal an adverse decision. If we decide to seek authorization to appeal, I work with the line prosecutor to draft legal memoranda to the Department for review. I also review every sentence imposed that is more lenient than the Sentencing Guidelines range as part of our Office's efforts to maintain appropriate equality of sentencing treatment.

I have developed an expertise in civil rights litigation in Section 1983 and habeas cases, starting with my experience during the judicial clerkships, and continuing through private practice and my current position. I teach a civil rights litigation course at Northwestern University School of Law.

I have performed no lobbying activities on behalf of any client or organization.

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.

Since fall 1996, I have taught Civil Rights Litigation at Northwestern University School of Law as an Adjunct Professor of Law. To date, I have taught the class during nine semesters over this period. The class focuses on the law of Section 1983 and habeas corpus – the two primary vehicles by which persons vindicate their constitutional rights against government entities and officials. The class meets for three hours per week, discussing not only the holdings of cases but also what practical impact the governing

legal principles have on how to litigate such cases, both from the perspective of the individual and the government. A syllabus from this past semester is supplied.

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.

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 would hope to continue teaching Civil Rights Litigation at Northwestern University School of Law as an adjunct professor, as described above. I would do so only in compliance with the Code of Conduct for United States Judges.

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.

Parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest during my initial service, if I am confirmed, would include former clients, former law-firm colleagues, or matters pending at Sidley Austin LLP, a law firm with which I was formerly associated, although the conflicts would likely be rare because I left the firm approximately 10 years ago.

In addition, any criminal or civil matter that was pending in the U.S. Attorney's Office during my time of service could present a potential conflict of interest.

Additionally, because of my position as an adjunct professor at Northwestern University School of Law, in a case involving Northwestern University, I would disclose that relationship to the parties and act consistently with applicable laws and the Code of Conduct. Finally, I would recuse myself from any case in which a personal holding of corporate stock presents a financial conflict of interest under the Code of Conduct.

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

As an initial matter, I would follow any court-established automated procedure for screening potential conflicts of interest. In addition, I would personally and carefully examine each assigned case to determine the existence of a potential conflict. Ultimately, I will handle all matters involving actual or potential conflicts-of-interest through the careful and diligent application of the Code of Conduct for United States Judges, as well as other relevant Canons, statutory provisions, and case law.

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.

From 1997 to 1998, I tutored low-income children from the Cabrini-Green area through a tutoring program called Partners in Education. Partners in Education was established at the Fourth Presbyterian Church on Michigan Avenue, and the students took a short bus ride each week to meet with us there for about an hour. We tried to teach reading, writing, and computer skills through the use of fun activities.

At Sidley & Austin, I represented a habeas petitioner in federal court. The petitioner had pled guilty to murder in the Circuit Court of Cook County, but alleged that the plea was not knowing because he had pled just two days after he tried to hang himself and because he was not alerted to the potential maximum punishment. I devoted at least 100 hours to interviewing the petitioner, reviewing the available records, researching the legal issues, and writing the petition. The district court denied the petition. After I left Sidley & Austin, another lawyer from the firm took over the case, and the Seventh Circuit vacated the denial for an evidentiary hearing. Ultimately, however, the petition was denied again.

Also at Sidley & Austin, I helped a partner draft an employee manual for a not-for-profit organization. The organization's mission was to provide counseling to individuals who wished to open small businesses in low-income neighborhoods in Chicago, particularly the south side of the city. I estimate that I spent at least 30 hours on the project.

Finally, federal policies place certain limitations on outside legal representation while employed as an Assistant United States Attorney, and in order to avoid conflicts of interest and the appearance of conflicts, I have not represented outside clients while serving as an Assistant United States Attorney. I have continued, however, to donate uncompensated time to bar association, law school, and mentoring activities.

**26. Selection Process:**

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

In April 2009, Senator Richard J. Durbin established a merit Screening Committee to review applications and interview candidates for the three federal court vacancies in the Northern District of Illinois. After submitting an application, in June 2009 I interviewed with a sub-group of the Screening Committee, with Senator Durbin, and with the entire Screening Committee. In August 2009, Senator Durbin forwarded my name, along with others, to the White House for consideration for nomination by the President.

In November 2009, officials at the Department of Justice contacted me to begin the pre-nomination process. On February 16, 2010, I interviewed with officials of the Department of Justice and the White House Counsel's Office. The President submitted my nomination to the Senate on April 21, 2010.

- 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.

AFFIDAVIT

I, **EDMOND E-MIN CHANG**, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

April 21, 2010

(DATE)

Edmond E. Chang

(NAME)



[Signature]

(NOTARY)