

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Gordon Peter Giampietro

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

United States District Judge for the Eastern District of Wisconsin

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: The Northwestern Mutual Life Insurance Company
 720 East Wisconsin Avenue
 Milwaukee, Wisconsin 53202

Residence: Elm Grove, Wisconsin

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

1965; 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.

1989 – 1992, The Columbus School of Law, The Catholic University of America; J.D.,
Comparative and International Law Certificate

1984 – 1988, The Catholic University of America; B.A., 1988

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

Employment:

2015 – present
The Northwestern Mutual Life Insurance Company
720 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
Assistant General Counsel

2002 – 2015
United States Department of Justice
Criminal Division, Eastern District of Wisconsin
United States Federal Building and Courthouse
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
Assistant United States Attorney (2002 – 2015)
Bankruptcy Fraud Coordinator (2007 – 2010)
Criminal Health Care Fraud Coordinator (2010 – 2014)
Deputy Elections Officer (2010 – 2015)

1995 – 2002
Michael, Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
Litigation Partner (2000 – 2002)
Litigation Associate (1995 – 2000)

1992 – 1995
Hon. Rudolph T. Randa
United States Federal Building and Courthouse
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
Judicial Law Clerk

1989 – 1990
Zorc, Risetto, Weaver & Rosen
2115 Wisconsin Avenue, NW
Washington, D.C. 20007
Student Law Clerk

1987 – 1989
The Connecticut Avenue Club Hotel/Restaurant
2661 Connecticut Avenue, NW
Washington, D.C. 20008
Front Desk / Assistant Manager

Other Affiliations (Uncompensated):

2012 – present

St. Mary's Visitation Parish
1260 Church Street
Elm Grove, Wisconsin 53122
Trustee and Treasurer

2003 – present
The Village of Elm Grove, Wisconsin
13600 Juneau Boulevard
Elm Grove, Wisconsin 53122
Appointed Member, Board of Appeals

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 did not serve in the U.S. military. I registered for the selective service upon turning 18.

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

United States Department of Agriculture, FSIS, Service Award (2010)
United States Department of Interior, Fish & Wildlife, Service Award (2007)
Posner *Pro Bono* Award, Marquette University Law School (2002)
High Honors, Senior Comprehensive Philosophy Examinations (1988)
Phi Sigma Tau, International Honor Society in Philosophy (1988)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (2000 – 2002)
District of Columbia Bar Association (1995 – present)
Eastern District of Wisconsin Bar Association (2004 – 2008)
Milwaukee Bar Association (2000 – 2002)
Virginia Bar Association (1992 – 2007)
Wisconsin Bar Association (1995 – 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.

District of Columbia, 1995
State of Wisconsin, In-House Counsel Registration, 2015

State of Virginia (1992 – 2007)
State of Wisconsin (1995 – 2008)

There was a brief lapse in my membership in the Virginia Bar when I left Michael, Best & Friedrich LLP to join the United States Attorney's Office. Membership mail was not forwarded to my new work address, and I overlooked the payment of dues and CLE reporting requirements. When I corrected the oversight, I was promptly re-admitted.

In addition, while serving as an Assistant United States Attorney, I voluntarily resigned my memberships in the Virginia and Wisconsin Bars. The Department of Justice requires active membership in only one Bar, and because my practice was limited to the Eastern District of Wisconsin, I elected to maintain my membership with the District of Columbia Bar. When I returned to the private sector in 2015, I registered in accordance with the in-house counsel requirements of Wisconsin Supreme Court Rule 10.03(4)(f).

- 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, 2000
United States Court of Appeals for the Ninth Circuit, 2005
United States Court of Appeals for the Seventh Circuit, 1997
United States District Court for the District of Connecticut, 2010
United States District Court for the Eastern District of Wisconsin, 1996
United States District Court for the Western District of Wisconsin, 1996

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.

Archdiocese of Milwaukee, Archdiocesan Healthcare and Bioethics Committee (2008 – present),

Member and Legal Advisor

The Carmelite Home for Boys Advisory Board (2015 – present)

Federalist Society for Law and Public Policy Studies (1989 – present)

Milwaukee Chapter (1992 – present)

President (2005 – 2007)

St. Thomas More Lawyers Society (1995 – present)

President (2002 – 2004)

- 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.

The organizations listed above do not currently discriminate and did not formerly discriminate on the basis of race, sex, religion or national origin.

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.

Ruling By Moral Force?, Wis. Lawyer (Feb. 2004). 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.

Press Release, St. Thomas More Lawyers' Society of Wisconsin, *Statement in Support of Bishop Raymond Burke* (2004). Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I authored an October 5, 2000 letter to the Wisconsin Department of Public Instruction in support of schools participating in the Milwaukee Parental Choice Program. I have been unable to locate a copy of the letter. A contemporaneous article in Education Week provides some limited information about the dispute. Copy supplied.

Hearing Before the Joint Committee for the Review of Administrative Rules on proposed Assembly Bill 342, Wisconsin Legislature (1999) (testimony on behalf

of the Wisconsin Council of Religious and Independent Schools). Record of appearance is supplied. I have no notes, transcript, or recording.

Between 1999 and 2000, I authored various letters to the Wisconsin Department of Public Instruction in opposition to an administrative complaint filed by Partners For Public Education against schools participating in the Milwaukee Parental Choice Program. I have been unable to locate copies of these letters.

- 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.

While with the Department of Justice, I taught several continuing legal education courses that were presented to lawyers working in the federal building and also sponsored by local bar associations:

September 23, 2014: Speaker, "Evidence for Experienced Litigators," U.S. Attorney's Office, Eastern District of Wisconsin. I have no notes, transcript, or recording. The address of the U.S. Attorney's Office, Eastern District of Wisconsin is 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.

December 1, 2011: Speaker, "Federal Corporate Civil and Criminal Investigations: Effective Management and Lessons Learned in the Trenches," Business Counsel Institute (Pinnacle). I have no notes, transcript, or recording. The address of Business Counsel Institute (Pinnacle) is the State Bar of Wisconsin, 5302 Eastpark Boulevard, Madison, Wisconsin 53718.

April 7, 2011: Speaker, "Federal Post-Conviction Remedies under 28 U.S.C. §§ 2254 and 2255," Eastern District of Wisconsin Bar Association. I have no notes, transcript, or recording. The address of the Eastern District of Wisconsin Bar Association is 424 East Wells Street, Milwaukee, Wisconsin 53202.

December 17, 2008: Speaker, "Overview of Filter Teams / Privilege Review," U.S. Attorney's Office, Eastern District of Wisconsin. I have no notes, transcript, or recording. The address of the U.S. Attorney's Office, Eastern District of Wisconsin is 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.

April 17, 2008: Speaker, "Bankruptcy Crimes and Bankruptcy Fraud: An Insider's Perspective," Eastern District of Wisconsin Bar Association. I have no

notes, transcript, or recording. The address of the Eastern District of Wisconsin Bar Association is 424 East Wells Street, Milwaukee, Wisconsin 53202.

October 6, 2006: Speaker, "Criminal Bankruptcy Fraud Prosecution," Milwaukee Bar Association, (Oct. 6, 2006). I have no notes, transcript, or recording. The address of the Milwaukee Bar Association is 424 East Wells Street, Milwaukee, Wisconsin 53202.

June 8, 2005: Speaker, "Unit of Prosecution," U.S. Attorney's Office, Eastern District of Wisconsin. I have no notes, transcript, or recording. The address of the U.S. Attorney's Office, Eastern District of Wisconsin is 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.

Outside of wholly personal speeches or talks I may have given—for example, toasts, eulogies, and religious instruction or commentary—the above represents my best recollection of all speeches or talks I have delivered since high school.

- 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.

Lydia LoCoco, *The Lydia LoCoco Show*, Relevant Radio (July 24, 2015). Audio supplied.

Lydia LoCoco, *The Nazareth Project*, Relevant Radio (July 4, 2014). Audio supplied.

Carrie Antlfinger, *Milwaukee Conviction Stands Against Felon Who Voted*, Associated Press, June 14, 2007. Copy supplied.

Thomas M. Haederle, *CUA's Influence Spans the World*, CUA Lawyer, Spring-Summer 2007, at 13-15. Copy supplied.

Becca Mader, *Defending School Choice: Giampietro's Interest In Reform a Supreme Challenge*, Milwaukee Business Journal, May 5, 2002. Copy supplied.

FOX Interview Concerning Oral Argument in *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002), FOX 6 Milwaukee, Feb. 20, 2002 (approx.). I have not been able to obtain a clip or transcript.

Ivan Chavez, *McCallum: Wisconsin to File Brief Supporting School Choice Program*, Associated Press, Nov. 6, 2001. Copy supplied.

Darcia Harris Bowman, *Wisconsin Officials Spar With Private Schools Over Vouchers*, Education Week, Oct. 25, 2000. Copy supplied.

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

I have not served as a judge.

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.

Member (2003 – present), Board of Appeals, The Village of Elm Grove, Wisconsin; appointed 2003 by Village President Neil Palmer.

- 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 never held any office or rendered any services to any political party or any election committee. I have never held a position or played a role in a 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;

From 1992 to 1995, I served as a law clerk to the Honorable Rudolph T. Randa, District Judge of the United States District Court for the Eastern District of Wisconsin.

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.

1995 – 2002

Michael, Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
Litigation Associate (1995 – 2000)
Litigation Partner (2000 – 2002)

2002 – 2015

United States Department of Justice
United States Attorney's Office for the Eastern District of Wisconsin
United States Federal Building and Courthouse
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
Assistant United States Attorney (2002 – 2015)
Bankruptcy Fraud Coordinator (2007 – 2010)
Criminal Health Care Fraud Coordinator (2010 – 2014)
Deputy Elections Officer (2010 – 2015)

2015 – present

The Northwestern Mutual Life Insurance Company
720 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
Assistant General Counsel

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.

In my first job after law school, I clerked for the Honorable Rudolph T. Randa, a district judge in the Eastern District of Wisconsin. I clerked for Judge Randa for almost three years, from September 1992 to June 1995. As a clerk, I had daily exposure to the federal judicial process, for civil and criminal cases, involving almost every subject matter.

Following my judicial clerkship in 1995, I joined Michael, Best & Friedrich, representing a wide variety of clients in civil litigation including intellectual property disputes, product liability defense, and insurance coverage for environmental contamination. I regularly appeared in state and federal court both within and outside the State of Wisconsin. Because of my interest in public policy, I also became involved in a wide variety of cases involving constitutional matters.

In 2002, I left Michael Best to join the United States Attorney's Office for the Eastern District of Wisconsin. I served 13 years as a federal prosecutor. Initially, most of my cases involved violent offenders, but with a background in commercial litigation, I soon moved almost exclusively to white collar fraud prosecutions. My practice involved close coordination with a broad range of federal investigative agencies, including but not limited to the FBI, IRS, and the State Department. I oversaw complex investigations, including financial institution fraud, bankruptcy fraud, healthcare fraud, and tax evasion. I appeared regularly before the grand jury, as well as the magistrate and district court judges. I estimate that I averaged one to three jury trials per year.

In addition, because of my interest in appellate advocacy, I was part of the office's informal appellate team. I regularly reviewed colleagues' appellate briefs and participated in moots. Not infrequently, I assumed responsibility for their cases on appeal, both drafting the brief and presenting oral argument in the Seventh Circuit. I estimate that, as a federal prosecutor, I averaged one to three oral arguments per year.

Since July 2015, I have been an Assistant General Counsel with the Northwestern Mutual Life Insurance Company. I am responsible for overseeing and managing outside counsel who represent the company in

state and federal litigation across the United States. I manage a wide variety of cases that relate to the company's insurance and investment products, private and public equity investments, agent sales practices, and its real estate portfolio. Also, because of my experience with the Department of Justice, I have been a liaison with the FBI and other law enforcement agencies.

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

As a law clerk, I assisted Judge Randa with the discharge of his duties with respect to both civil and criminal matters.

My private practice with Michael, Best & Friedrich, focused primarily on corporate litigation on behalf of small to publicly-traded companies. I developed an expertise in Wisconsin's economic loss doctrine, complex insurance litigation relating to environmental contamination, and constitutional litigation, noted below. I was also the coordinator of the firm's appellate practice group and oversaw its compliance with the American Bar Association's *pro bono* challenge.

In addition to my routine duties as an Assistant United States Attorney in the Eastern District of Wisconsin, I served as the office's Bankruptcy Fraud Coordinator (2007 – 2010); the Criminal Health Care Fraud Coordinator (2010-2014); the Deputy Elections Officer (2010 – 2015); and was a longstanding member of the office's informal appellate team (2009 – 2015).

In addition to the trial court litigation noted below, I have been a regular advocate before the Seventh Circuit Court of Appeals. I estimate that I have been the lead attorney for approximately 45 appeals, and have presented oral argument approximately 35 times in the Seventh Circuit.

My current client is, of course, Northwestern Mutual. As noted above, I am responsible for managing outside counsel in state and federal litigation across the United States.

- 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 joined Northwestern Mutual in 2015, and 100 percent of my works involves litigation. With rare exception, I no longer appear in court.

In my former position as an Assistant United States Attorney, between 2002 and 2015, 100 percent of my work involved litigation. I appeared regularly in federal

court on behalf of the United States. While in private practice with Michael, Best & Friedrich, 100 percent of my work involved litigation. I appeared regularly in state and federal court on behalf of firm clients.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 80% |
| 2. state courts of record: | 20% |
| 3. other courts: | ___% |
| 4. administrative agencies: | ___% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------------------------------------|
| 1. civil proceedings: | 100% (Northwestern / Michael Best) |
| 2. criminal proceedings: | 100% (U.S. Department of Justice) |

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.

To the best of my recollection, and not including cases resolved by settlement (private practice) or by guilty plea (U.S. Attorney's Office), I estimate that I have tried thirty-one (31) cases to verdict, judgment or final decision; eighteen (18) as sole counsel; eight (8) as chief counsel; and five (5) as associate counsel.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 98% |
| 2. non-jury: | 2% |

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 co-authored an *amicus* brief on behalf of the State of Wisconsin.

Zelman v. Simmons-Harris, 536 U.S. 639 (2002). *Amicus* brief supplied.

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. Thomas Vitrano*, No. 02-CR-199 (E.D. Wis.); *United States v. Thomas Vitrano*, No. 09-CR-140 (E.D. Wis.)

Thomas Vitrano left multiple pipe bombs, wrapped as a birthday present, on his ex-girlfriend's porch. State authorities executed a search warrant but did not find bomb-making materials. They did, however, locate a shotgun shell, which allowed the United States to charge Vitrano, a convicted felon with a history of extreme violence against women, with unlawful possession of ammunition.

My lengthy investigation and prosecution of Vitrano would lead to two separate criminal indictments in the Eastern District, Case No. 02-CR-199, which resulted in a guilty plea before United States District Judge Rudolph T. Randa (guilty plea) and Case No. 09-CR-140), which was tried by a jury before United States District Judge Lynn S. Adelman, and four separate appeals in the Seventh Circuit: *United States v. Vitrano*, 405 F.3d 506 (7th Cir. 2005) (adopting my affirmative appeal argument that Vitrano should have been sentenced under the Armed Career Criminal Act, which was authored by United States Circuit Judge Kenneth F. Ripple); *United States v. Vitrano*, 495 F.3d 387 (7th Cir. 2007) (affirming the district court's above-guidelines sentence of 360 months, which was authored by United States Circuit Judge Diane P. Wood); *Vitrano v. United States*, 643 F.3d 229 (7th Cir. 2011) (vacating Section 2255 judgment and remanding for reconsideration, which was authored by United States Circuit Judge John D. Tinder); and *Vitrano v. United States*, 721 F.3d 802 (7th Cir. 2013) (affirming dismissal of Section 2255 petition as untimely, which was authored by United States Circuit Judge Tinder).

In the most recent appeal, United States Circuit Judge Tinder, writing for a unanimous panel of the Seventh Circuit, adopted my construction of Section 2255(f)(3) of the Antiterrorism and Effective Death Penalty Act of 1996 and held that Vitrano's challenge to his original conviction and sentence was untimely because it was filed more than one-year after the Supreme Court's decision in *Begay v. United States*, 553 U.S. 137 (2008). *Vitrano*, 721 F.3d at 808.

Opposing Counsel - Case No. 02-CR-199:
Brian P. Mullins
Burke & Mullins
1223 North Prospect Avenue
Milwaukee, Wisconsin 53202
(414) 731-1754

Paul Barrett (deceased)

Elkhorn, Wisconsin

Opposing Counsel - Case No. 09-CR-140:
Waring R. Fincke
6945 Colt Circle
West Bend, Wisconsin 53090
(262) 334-1030

Robert K. O'Reilly
Ademi & O'Reilly, LLP
3620 East Layton Avenue
Cudahy, Wisconsin
(414) 482-8000

2. *United States v. Steven Whiting*, No. 04-CR-21 (E.D. Wis.), *aff'd United States v. Whiting*, 471 F.3d 792 (7th Cir. 2006)

I led the investigation, prosecution and appeal in this complex ERISA and healthcare fraud prosecution under 18 U.S.C. §§ 664, 669, and 1035. Whiting spent the latter part of the 1990s acquiring, on fully-leveraged terms, manufacturing companies throughout the Midwest. Soon thereafter, he would divert exorbitant management fees to himself despite having almost no day-to-day involvement in the businesses.

With respect to two of the victimized companies, Whiting converted employee payroll deductions that were supposed to be used for health insurance and 401(k) retirement accounts. Whiting directed the controller to use employee payroll withholdings for expenses, including his own management fees and personal expenses. Whiting left the union employees at both companies with approximately \$1 million in unpaid medical bills.

United States Chief District Judge Rudolph T. Randa presided over the six-day trial. The jury convicted Whiting on 10 of 13 felony counts, and Judge Randa imposed a sentence of 90 months. Although the United States Court of Appeals for the Seventh Circuit reduced Whiting's sentence to 39 months, the court affirmed his convictions. Adopting my argument in a *per curiam* opinion, a panel of the Seventh Circuit established a new rule for criminal ERISA prosecutions: employee payroll withholdings, not yet forwarded to an ERISA plan, are "plan assets," and a defendant may be convicted under 18 U.S.C. § 664 for using those funds for another purpose.

Co-Counsel:
Matthew L. Jacobs
Criminal Chief,
United States Attorney's Office for the Eastern District of Wisconsin
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
(414) 297-1700

Opposing Counsel:
Michael J. Fitzgerald
Fitzgerald Law Firm, S.C.
526 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
(414) 221-9600

Rodney L. Cubbie (deceased)
Milwaukee, Wisconsin

Opposing Counsel on Appeal:
Joel D. Bertocchi
Hinshaw & Culbertson LLP
222 North LaSalle, Suite 300
Chicago, Illinois 60601
(312) 704-3130

Opposing Counsel on Resentencing:
Jeremy P. Levinson
Halling & Cayo, S.C.
320 East Buffalo Street
Milwaukee, Wisconsin 53202
(414) 271-3400

3. *United States v. Zingsheim*, Case No. 03-CR-00192 (E.D. Wis.); *United States v. Zingsheim*, 384 F.3d 867 (2004)

I was not originally assigned to this prosecution for the unlawful transport of firearms in violation of 18 U.S.C. § 922(g)(3). Although the defendant entered a guilty plea, United States District Judge Joseph P. Stadtmueller advised the United States that he would not rule on its motion to reduce Zingsheim's sentence based on substantial assistance under Section 5K1.1 of the United States Sentencing Guidelines. The basis for his refusal was his newly-adopted "standing order" that imposed novel preconditions on such motions including, but not limited to, mandatory judicial review of internal United States Attorney's Office memoranda and the formal written submission from the investigative agency that it agreed with the United States' motion.

Zingsheim presented the first case in which Judge Stadtmueller sought to enforce the standing order, and the United States - on separation of powers grounds - declined to comply. The United States Attorney requested that I pursue an affirmative appeal after obtaining Solicitor General approval. I authored the United States' combined appeal brief and mandamus petition, and argued the case before the United States Court of Appeals for the Seventh Circuit.

United States Circuit Judge Frank H. Easterbrook, writing for a unanimous panel of the

Seventh Circuit, found the standing order an inappropriate intrusion into Executive Branch authority and so reversed and remanded for sentencing without any preconditions. The litigation is noteworthy because the Seventh Circuit's opinion sets forth a strongly-worded affirmation of the separation of powers.

Co-Counsel:
Erica O'Neil
Assistant Deputy Chief,
Computer Crime and Intellectual Property Section
Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001
(202) 305-3813

Opposing Counsel:
Craig A. Mastantuono
Mastantuono & Coffee SC
219 North Milwaukee Street, Suite 5B
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(414) 276-8662

Judge Stadtmueller's Interests on Appeal:
Raymond M. Dall'Osto
Franklyn M. Gimbel
Gimbel, Reilly, Guerin & Brown LLP
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4. *United States v. Ronald Arthur and Mary Arthur*, Case No. 04-CR-122 (E.D. Wis.); *United States v. Ronald Arthur and Mary Arthur*, 582 F.3d 713 (7th Cir. 2009)

I led the investigation and prosecution of this conspiracy, bankruptcy fraud, and money laundering case against a husband and wife, both of whom were lawyers. Mary Arthur was a former Dodge County District Attorney (1982-1988). In effort to discharge a \$125,000 judgment against Ronald, the defendants engaged in an elaborate bankruptcy and money laundering scheme that included filing a bankruptcy petition in Virginia and creating a series of fraudulent marital property agreements to make it appear that Ronald had earlier transferred all of his assets to Mary.

Following a two-week court trial, United States District Judge Lynn S. Adelman found the defendants guilty on almost all of the 26 counts of the indictment. At sentencing, Judge Adelman enhanced both defendants' sentences for obstruction of justice; Mary because she testified falsely and Ronald because he directed his sister to testify falsely. Judge Adelman sentenced Ronald to 54 months in prison and Mary, who was plainly less

culpable, to 12 months and one day. United States Circuit Judge William J. Bauer, writing for a unanimous panel of the United States Court of Appeals for the Seventh Circuit, affirmed the convictions and sentences in their entirety.

The litigation was significant not only because both defendants were attorneys who engaged in complex financial crimes, but also because of Congress' often-expressed concern for the integrity of the bankruptcy system.

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5. *United States v. Rashid Salahuddin*, Case No. 05-CR-145 (E.D. Wis.); *In re United States*, 572 F.3d 301 (7th Cir. 2009)

What was a straightforward felon in possession case became complicated when, after pleading guilty, it was determined that the defendant had three prior violent felonies that subjected him to a mandatory minimum fifteen-year sentence under the Armed Career Criminal Act (“ACCA”). United States District Judge Charles N. Clevert allowed Salahuddin to withdraw his plea and then recused himself. The case was assigned to United States District Judge Rudolph T. Randa, who presided over a three-day jury trial. Salahuddin was convicted of being a felon in possession of a firearm and received the mandatory minimum sentence. On appeal, United States Circuit Judge Kenneth F. Ripple, writing for a panel of the United States Court of Appeals for the Seventh Circuit, reversed Salahuddin’s conviction because his lawyer failed to file pre-trial motions. On remand, the case was re-assigned to United States District Judge Joseph P. Stadtmueller.

Judge Stadtmueller summoned the United States Attorney and the Federal Defender to chambers to discuss the case. In addition to disparaging the decision to charge the case, which he called a miscarriage of justice, the judge stated that neither party would be happy with his yet-unfiled decision on the pre-trial motions, and that the parties should resolve the case in a manner that he proposed to avoid the enhanced ACCA penalties.

Believing that the judge’s actions violated Rule 11(c)(1) of the Federal Rules of Criminal Procedure (which prohibits judicial participation in plea discussions), and that the disparaging comments regarding the prosecution called into question his impartiality, the United States filed a motion for recusal. After significant delay, Judge Stadtmueller denied the recusal motion and set the case for trial.

At the request of the Acting United States Attorney, I obtained the approval of the Solicitor General to file a petition for a writ of mandamus seeking Judge Stadtmueller’s removal. United States Circuit Judge Kenneth F. Ripple, writing for a unanimous panel of the Seventh Circuit, issued the writ of mandamus. The decision is an important re-affirmation of the separation of powers.

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6. *United States v. Brown Packing Co., et al.*, Case No. 09-CR-00188 (E.D. Wis.)

Brown Packing Company, Inc., a privately-held Illinois corporation, operated a slaughtering and processing plant subject to the requirements of the Federal Meat Inspection Act. In addition to its slaughter business, Brown Packing entered “labor lease” contracts with more than 60 producers (farmers) located in Wisconsin and elsewhere. Brown Packing owned the veal calves that the producers raised for slaughter.

I led a joint FDA-USDA multi-year investigation that uncovered Brown Packing’s years-long practice of implanting its veal calves with growth hormones. While growth hormones are approved for use in steers and heifers, the FDA has never approved their use in veal calves. I presented extensive testimony and voluminous evidence to the grand jury, and ultimately negotiated a corporate plea to a conspiracy to commit mail and wire fraud, with an agreed \$2 million forfeiture. I also obtained individual misdemeanors for the officers, and a Stipulation and Consent Decision that subjected the company to enhanced inspection. The case was heard and decided by United States District Judge Rudolph T. Randa.

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7. *Geboy v. TRL, Inc.*, 976 F. Supp. 1202 (E.D. Wis. 1997), *aff’d*, 159 F. 3d 993 (7th Cir. 1998)

I was sole counsel for defendant TRL, Inc., a broker of used industrial equipment. I handled all phases of pre-trial litigation, including more than 20 depositions, and extensive paper discovery.

The plaintiff, Geboy, was the personal representative of the estate of a worker killed when his clothing became entangled in a vertical boring mill. The plaintiff sued TRL, who brokered the boring mill, in state court on theories of strict liability and negligence. I removed the case on diversity of citizenship, and filed third-party claims against prior owners and others in the chain of distribution.

Following extensive discovery, I successfully moved for summary judgment on the basis that, under Wisconsin law, a broker is not a “seller engaged in the business of selling” within the meaning of Sec. 402A of the Restatement (Second) of Torts. The argument had not been made previously. The case was heard and decided by United States District Judge Thomas J. Curran. I authored the appellate brief and argued the case before the United States Court of Appeals for the Seventh Circuit. United States Circuit Judge

William J. Bauer, writing for the unanimous panel, adopted my construction of Section 402A.

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8. *Hydrite Chemical Company v. Travelers Casualty & Surety Company*, Case No. 95-CV-2911 (Dane Cty. Cir. Ct. 1995); 257 Wis. 2d 554 (Ct. App. 2002); *Hydrite Chemical Company v. Travelers Casualty & Surety Company*, 280 Wis. 2d 647 (Ct. App. 2005)

In 1995, the State of Wisconsin sued Hydrite Chemical Company in Dane County Circuit Court seeking damages for groundwater contamination near Hydrite's Cottage Grove Facility. Although uncertain, it was likely that the chemical handling activities of the prior owner caused the contamination. Hydrite committed millions of dollars to remedy the problem.

In response to the State's lawsuit, Hydrite filed third-party suits against its insurance carriers. I was co-counsel with respect to the insurance coverage litigation. Over the course of several years, I conducted and defended numerous depositions, co-authored multiple briefs in opposition to summary judgment, and presented oral argument in Dane County Circuit Court. When Hydrite's third-party complaints were dismissed by Wisconsin Circuit Judge Michael N. Nowakowski, I co-authored the briefs in the Wisconsin Court of Appeals, and presented argument before the Court of Appeals. There were, perhaps, ten distinct issues on appeal. Although Hydrite lost in a *per curiam* opinion of the court, in my last assignment before joining the U.S. Attorney's Office, I co-authored the successful petition for review in the Wisconsin Supreme Court, and the Wisconsin Supreme Court would later reverse the Court of Appeals.

Wisconsin Appellate Judge Margaret J. Vergeront, writing for a panel of the Wisconsin Court of Appeals, ruled in Hydrite's favor and remanded the case to the Dane County Circuit Court. Because of settlements obtained through litigation, Hydrite's insurers contributed millions of dollars to the clean-up of the Cottage Grove site.

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9. *State of Wisconsin v. Hamdan*, No. 1999CM011570 (Milwaukee Cty. Cir. Ct. 1999), 264 Wis. 2d 422 (2003)

Munir Hamdan, a central city grocer, was prosecuted in Milwaukee County for carrying a concealed weapon in his store. My co-counsel and law firm partner, Jorge Gomez, tried the case *pro bono* before Milwaukee County Circuit Judge Robert Crawford.

Following Hamdan's conviction, I assumed responsibility for his *pro bono* appeal. I was lead counsel and authored both the appellate court by-pass brief and the merits brief in the Wisconsin Supreme Court. Although I was lead appellate counsel, I did not have the opportunity to argue the case before the Wisconsin Supreme Court because I joined the

United States Attorney's Office in September of 2002. Wisconsin Justice David T. Prosser, writing for the Wisconsin Supreme Court, reversed Mr. Hamdan's conviction.

The case is significant because it was the first decision to interpret the 1998 right-to-bear-arms amendment to the Wisconsin Constitution. The case required complex briefing on the scope of the new right; the proper standard of review; and an analysis of similar constitutional and statutory provisions in other states. *Hamdan* now requires the State to allege a specific criminal intent and produce sufficient evidence before the case may be presented to the jury. Absent such evidence, the concealed weapon statute cannot be constitutionally enforced. By this procedural mechanism, the Wisconsin Supreme Court gave meaning to the constitutional right to bear arms for "any other lawful purpose." See Art. I, Sec. 25. The *Hamdan* case is widely-cited within and outside the State of Wisconsin.

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10. *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002)

In 2001, the United States Supreme Court granted certiorari to review the Sixth Circuit's decision that struck down the Cleveland school choice program as unconstitutional. After Milwaukee, Cleveland was, at the time, the only other true school choice program in the country. Because the Wisconsin Supreme Court upheld Milwaukee's program in *Jackson v. Benson*, 218 Wis. 2d 835 (1998), the State of Wisconsin was understandably interested in the outcome of the Cleveland case. The State of Wisconsin asked me to author its brief *amicus curiae* in support of the State of Ohio's appeal. I was the lead author of the brief, co-authored by Donald A. Daugherty, Jr.

Of significant concern was the Sixth Circuit's conclusion that the Cleveland program was, for First Amendment purposes, "not neutral" because 96 percent of the participating students were in religious schools. One purpose of our participation was to demonstrate, based on historical data, that year-to-year variations occur with respect to the character of the participating schools. The brief also argued that, in any event, such fluctuations should not drive the constitutional question.

In reversing the Sixth Circuit's decision, and upholding the Cleveland program, the Supreme Court cited Wisconsin's *amicus* brief for this specific point, stating that:

These numbers [from the Milwaukee Program] further demonstrate the wisdom of our refusal in *Mueller v. Allen*, 463 U.S. at 401, 103 S.Ct. 3062, to make the constitutionality of such a program depend on "annual reports reciting the extent to which various classes of private citizens claimed benefits under the law."

536 U.S. at 659, n.5

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

1. Legislative Advocacy – School Choice

Following the Wisconsin Supreme Court's decision in *Jackson v. Benson*, 578 N.W. 2d 602 (Wis. 1998), a bill was introduced in the Wisconsin Assembly that would have required religious schools to withdraw from the Milwaukee Parental Choice Program. On behalf of a consortium of schools, I submitted a legal analysis and testified on November

17, 1999 before the Joint Committee for the Review of Administrative Rules. The proposed legislation was withdrawn.

2. National Labor Relations Act Litigation

In 2001, I was co-counsel for a consortium of Milwaukee area businesses that challenged Milwaukee County's enactment of a "labor peace" ordinance. *Metro. Milwaukee Ass'n of Commerce v. Milwaukee Cty.*, Case No. 01-CV-00149 (E.D. Wis.) (Adelman, J.). The complaint alleged that Milwaukee County Chapter 31 was preempted under the National Labor Relations Act, 29 U.S.C. §§ 151 *et seq.* ("NLRA"), and a violation of the First Amendment. The Seventh Circuit would later find that the NLRA preempted Chapter 31. *Milwaukee Ass'n of Commerce v. Milwaukee Cty.*, 431 F.3d 277 (7th Cir. 2005).

3. Wisconsin Supreme Litigation - School Choice

In early 2002, and six weeks before the Supreme Court was to hear oral argument in the Cleveland school choice case (*Zelman v. Simmons-Harris*), school choice opponents filed a motion to vacate the Wisconsin Supreme Court's school choice decision in *Jackson v. Benson* on the grounds that one of the participating Justices should have recused himself. On behalf of the State of Wisconsin, I quickly coordinated with the parties to the original litigation, and authored a response to the motion. Three days before oral argument in *Zelman*, the Wisconsin Supreme Court denied the motion. *Jackson v. Warner*, 639 N.W.2d 545 (Wis. 2002).

4. Mortgage Lending Prosecution

In one of the few criminal prosecutions related to the fallout from the sub-prime mortgage business, I was responsible for the investigation and prosecution of the principals of Central States Mortgage Company ("CSMC"), a mortgage origination business jointly-owned by Wisconsin and Illinois credit unions. The credit union owners made their depositors' money available to CSMC in "participation pools" that CSMC used to fund the origination of mortgages that were to have been pre-sold on the secondary market. When the mortgage crisis caused the secondary market to tighten, the CFO and CIO swapped \$9.2 million from the credit unions' participation pool in exchange for impaired mortgages and then distributed the funds to themselves and their friends. Following extensive pre-trial litigation, the three principal defendants pleaded guilty to felony offenses. *United States v. Jungen, et al.*, Case No. 13-CR-00121 (E.D. Wis.) (Adelman, J.).

5. Federal Tax Evasion Investigation and Prosecution

What began as a social security disability investigation led to a multi-year investigation of a nationwide tax evasion scheme involving millions of dollars of tax loss. I coordinated a joint investigation involving multiple agencies. Prior to my departure from the United States Attorney's Office, the investigation had resulted in two prosecutions in the Eastern District of Wisconsin and indirectly to a third prosecution in another district.

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.

While not certain, I may be entitled to receive an incentive payment in March 2018 for services provided to Northwestern Mutual in 2016 and 2017.

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.

If I were to be confirmed, I have no plans, commitments or agreements to pursue outside employment, with or without compensation.

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.

Apart from my current employer, Northwestern Mutual, I know of no potential

conflict of interest relating to persons, parties, categories of litigation, or financial arrangements. I will abide by all applicable rules relating to conflicts of interest or the appearance of conflicts of interest.

- 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 carefully review and address any potential conflicts of interest by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, 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.

While an Assistant United States Attorney, opportunities for *pro bono* work were limited by Department regulation, and prudential concerns. Since my return to the private sector less than two years ago, I have been focused on learning a new role, and have yet to explore such opportunities. For this reason, my commitment to *pro bono* representation is most apparent during my years at Michael, Best & Friedrich (1995-2002).

While at Michael Best, I was chairman of the firm's *pro bono* committee and responsible for ensuring that we met the American Bar Association's annual challenge of 10,000 hours of *pro bono* work; a goal that we met every year. I also began the firm's affiliation with a program established by the Seventh Circuit Court of Appeals to appoint appellate counsel from large firms to represent indigent defendants. The program afforded the younger lawyers an opportunity to argue in the Seventh Circuit and provided the defendants with skilled representation.

My own *pro bono* work focused largely on providing several hundred hours of *pro bono* services to schools and low-income families participating in the Milwaukee School Choice Program. For my efforts, I received the 2002 Posner *Pro Bono* Award from Marquette Law School.

Finally, I represented, *pro bono*, a central city grocer who was charged and convicted of carrying a concealed weapon while in his store. The State of Wisconsin prosecuted Munir Hamdan soon after Wisconsin's Constitution was amended to include a right-to-bear arms. I represented Mr. Hamdan on appeal. The Wisconsin Supreme Court reversed Mr. Hamdan's conviction in *State v. Hamdan*, 264 Wis. 2d 433 (2003).

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.

On February 13, 2017, Senators Tammy Baldwin and Ron Johnson announced the renewal of Wisconsin's Bipartisan Nominating Commission to fill judicial vacancies on the Seventh Circuit Court of Appeals and the District Court for the Eastern District of Wisconsin. On May 30, 2017, I submitted a completed Questionnaire to Wisconsin's Bipartisan Federal Nominating Commission. On July 28, 2017, I was interviewed by the six-member Bipartisan Commission at the Pfister Hotel in Milwaukee, Wisconsin. The Bipartisan Commission recommended my name, and those of three other applicants, and, on August 4, 2017, Senators Tammy Baldwin and Ron Johnson formally submitted all four names to the White House.

Since August 2017, I have been in contact with officials from the White House Counsel's Office. On August 15, 2017, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, DC. On December 20, 2017, 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.