

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Matthew Michael Graves

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

United States Attorney for the District of Columbia

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

DLA Piper LLP (US)
500 8th Street, NW
Washington, DC 20004

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

1975; Reading, Pennsylvania

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.

Yale Law School, 1998-2001
J.D. - May 2001

Washington & Lee University, 1994-1998
B.A. – May 1998

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.

October 2016 – Present
Partner
DLA Piper LLP (US)
500 8th Street, NW
Washington, DC 20004
Paid

May 2007 – September 2016
Assistant United States Attorney
United States Attorney’s Office for the District of Columbia
555 4th Street, NW
Washington, DC 20530
Paid

October 2002 – May 2007
Associate
WilmerHale
1875 Pennsylvania Avenue, NW
Washington, DC 20006
Paid

September 2001 – September 2002
Clerk to the Honorable Richard W. Roberts
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20005
Paid

September 2000 – December 2000
Law Student Intern
United States Attorney’s Office for the District of Connecticut – New Haven
157 Church Street
New Haven, CT 06511
Unpaid

June 2000 – August 2000
Summer Associate
Wilmer Cutler & Pickering
2445 M Street, NW
Washington, DC 20037
Paid

June 1999 – August 1999
Summer Associate
Piper Marbury Rudnick & Wolfe LLP
1200 19th Street, NW
Washington, DC 20036
Paid

July 1998 – August 1998
Bike Shop Attendant
Sea Pines Resort
32 Greenwood Drive
Hilton Head, SC 29928
Paid

June 1998 – July 1998
Temporary Employee
Temporary Service Interim Personnel
241 W. Roseville Road, Suite 4
Lancaster, PA 17601
Paid

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

I have not served in the U.S. military. I have registered for selective service.

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

Service Award, Federal Bureau of Investigation, 2014
Special Achievement Award, Department of Justice, 2013
Special Achievement Award, Department of Justice, 2012
Special Achievement Award, Department of Justice, 2010
Special Achievement Award, Department of Justice, 2008
Algernon Sydney Sullivan Award, Washington & Lee University, 1998
Pi Sigma Alpha, Washington & Lee University, 1998
Omicron Delta Kappa, Washington & Lee University, 1997-98
University Scholar, Washington & Lee University, 1995-98
Merit Scholarship, Washington & Lee University, 1994-98

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
National Bar Association
Washington Bar Association

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, February 2002

District of Columbia, March 2003

There have been no lapses in membership, though my status is inactive in Illinois.

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

United States District Court for the District of Columbia (August 2017)

All local courts within the District of Columbia (March 2003)

State courts in Illinois (February 2002)

There have been no lapses in membership. As an Assistant United States Attorney, I was permitted to practice within all local and federal courts within the District of Columbia from May 2007 to October 2016. I have also been admitted, on a *pro hac vice* basis, to a number of state and federal courts for discrete matters.

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.

Edward Bennett Williams Inn of Court, Member, 2003 – Present

Washington & Lee University – Shepherd Poverty Program, Board of Advisors, 2001-2004 (approximate)

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial

contribution. I have not listed above any organization to which I gave funds and did not otherwise participate in programmatic activities.

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

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

Commodities News and Trends, Commodities Alert, DLA Piper, June 3, 2021. Copy supplied.

FDA Solicits Public Comment on Adding List of Device Materials to Certain Medical Device Labels, DLA Piper, May 26, 2021. Copy supplied.

The Russia Sanctions and Their Impact on Commodities Companies: Action Steps for Companies Engaged in Transactions with Russian Gas and Energy Companies, DLA Piper, May 11, 2021. Copy supplied.

With Friends Like These: The Insider Trading Risk Presented by Family Members, Friends, and Contractors, Securities Regulation Daily, July 16, 2019. Copy supplied.

OFAC's Recent Enforcement Actions Identify Key Trends and Offer Valuable Takeaways, Business Law Today, July 12, 2019. Copy supplied.

Treasury Enforcement Actions: Civil Enforcement with Criminal Consequences, Business Law Today, April 22, 2019. Copy supplied.

DOJ Relaxes Stance on Personal Communications and Ephemeral Messaging Platforms in Enforcement Policy Amendment, DLA Piper, March 13, 2019. Copy supplied.

Sticking to the Bargain: The DC and Second Circuits Uphold Limits on Courts' Authority to Supervise, Modify, or Challenge DPAs, Bloomberg Law, November 10, 2017. Copy supplied.

Incentivizing Prosecutors to Pursue Individuals, Bloomberg Law, March 31, 2017. Copy supplied.

How Courts Condone Discrimination in the Marketplace, 7 MICH. J.L. & RACE 159 (Jan. 2002). Copy supplied.

Student Body Diversity About Real World, Ring Tum Phi, Washington and Lee University (1995 [approximately]). 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.

I have no recollection of preparing or contributing to any reports, memoranda, or policy statements.

- 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 have no recollection of issuing, providing, or having others present on my behalf testimony, official statements, or other communications related to matters of public policy or legal interpretation.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. I frequently speak without notes or speak from a handwritten outline. I did not retain the majority of the handwritten outlines and have attached all that I could find. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

DLA Piper White Collar Series: Take 5 – *SBA Paycheck Protection Program loans: Fraud detection and potential solutions*, January 14, 2021. Video recording supplied.

DLA Piper White Collar Series: Take 5 – *Paycheck Protection Payment loans and potential False Claims Act and criminal liability*, June 4, 2020. Video recording supplied.

DLA Piper White Collar Series: Take 5 – *Foreign Corrupt Practices Act (FCPA) Enforcement and Trends*, September 26, 2019. Video available at [How to sensibly settle enforcement action \(vimeo.com\)](#)

DLA Piper Webinar – *Settling an Enforcement Action: Top Points about Deferred Prosecution Agreements*, June 2019. Video recording supplied.

While I was with the U.S. Attorney’s Office, I spoke at an event for anti-money laundering and compliance officers about compliance with U.S. sanctions laws. To my knowledge, the event was not recorded. I do not recall whether I used notes or an outline for this speaking engagement. To the extent I did, though, I no longer have such documents.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

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

Ex-DC Prosecutor Joins DLA Piper As Partner, Law 360, October 12, 2016. Copy supplied.

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

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or

appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not run for public 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 am a member of the Democratic Party.

I was a member of the domestic policy committee for the Biden Campaign from May 2020 through the election; that role did not progress beyond receiving periodic email updates from the committee. The role was unpaid.

When I was at WilmerHale, I briefly assisted with Vice-Presidential vetting for the Kerry Campaign in 2004. I was one of a number of associates at the firm who helped with vetting prospective candidates by performing public-records searches. The role was unpaid.

I was a member of the advance team for the Clinton-Gore 1996 re-election campaign. My responsibilities included crowd building and crowd logistics for campaign events. I did not perform any policy or substantive work for the campaign. I was compensated for my services.

14. **Legal Career:** Answer each part separately.

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

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

September 2001 – September 2002
Clerk to the Honorable Richard W. Roberts
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20005

- 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.

October 2002 – May 2007
Associate
WilmerHale
1875 Pennsylvania Avenue, NW
Washington, DC 20006

May 2007 – September 2016
Assistant United States Attorney
United States Attorney’s Office for the District of Columbia
555 4th Street, NW
Washington, DC 20530

October 2016 – Present
Partner
DLA Piper LLP (US)
500 8th Street, NW
Washington, DC 20004

- 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 September 2001 through September 2002, I was a clerk to the Honorable Richard W. Roberts on the United States District Court for the District of Columbia.

From October 2002 through May 2007, I was an associate with WilmerHale. My practice included a combination of securities enforcement, securities litigation, and general civil litigation.

From May 2007 through October 2016, I was an Assistant United States Attorney in the District of Columbia. While my work was always criminal in nature, it evolved over my tenure. From roughly May 2007 through December 2010, I investigated and prosecuted crimes of violence in local and federal courts. Based on my performance, I was promoted to a Senior Assistant United States Attorney

position in the Fraud and Public Corruption Section where I investigated and prosecuted a wide variety of white collar crimes, including investigations involving securities fraud, healthcare fraud, foreign and domestic bribery, U.S. sanctions violations, tax fraud, and money laundering. I served as a senior Assistant United States Attorney in this section from roughly December 2010 through January 2015. In January 2015, I was named a supervisor in the section and remained a supervisor until my departure, ultimately being named the Acting Chief of the section. As a supervisor, I both maintained a caseload and managed a group consisting of roughly 30 professionals. My work as both a Senior Assistant United States Attorney and a supervisor required me to routinely interact with numerous federal and state regulatory agencies on investigations of mutual concern.

I am currently a partner at DLA Piper LLP (US), where I am a member of the U.S. Litigation and Regulatory Group and a member of the White Collar subgroup within that Group. I have been a partner with the firm since October 2016. There are two primary components to my practice. In my work related to the subgroup, I have a traditional white-collar practice that consists of advising clients who are subjects of or witnesses in government investigations or who have otherwise received formal or informal requests for information from various federal and state prosecutors, regulators, and law enforcement agencies. I also advise clients in purely internal investigations that could implicate these regulatory agencies. And I provide general compliance advice to clients to help them minimize regulatory risk. Separate and apart from my work within the subgroup, I also represent clients in general civil litigation matters, handling all facets of the litigation cycle from the pleadings up to trial. Finally, in addition to my client-related responsibilities, I am the Diversity and Inclusion chair for the Washington, D.C. office.

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

During my tenures with both DLA Piper LLP (US) and WilmerHale, the overwhelming majority of my clients were companies and other business organization, though, at both firms I have occasionally represented individuals. While, as described in my response to Question 14(b)(i), I have maintained a generalist practice, I provide legal services that are white collar in nature to a majority of my clients. When I was with WilmerHale, a majority of my matters involved alleged or suspected violations of the securities laws. As noted in my response to Question 23, I have also provided pro bono legal services at both firms.

When I was an Assistant United States Attorney, my only client was 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.

From October 2002 through May 2007, as an associate with WilmerHale, almost all of my litigation work was civil in nature. I rarely appeared in court in connection with these civil litigation matters, but I did have a civil trial in federal district court which is described in more detail in my response to Question 23.

From May 2007 through October 2016, while I was with the United States Attorney's Office for the District of Columbia, my work was always criminal in nature, but the amount of time I spent in court changed over time. From roughly May 2007 through December 2010, I routinely appeared in local and federal courts. At times, these appearances were on a daily basis, and at no time were the appearances less than weekly. From roughly December 2010 through October 2016, my court appearances were more sporadic in nature. I typically would still appear in court on a weekly basis, but, at times, the appearances may have been more monthly in frequency, particularly once I became a supervisor.

While at DLA Piper LLP (US), I have advised clients on a wide variety of criminal and civil matters. Outside of a pro bono matter discussed in my response to Question 23, I have not, to the best of my recollection, had to enter a notice of appearance in any of these criminal matters. The criminal matters on which I have advised have almost exclusively involved federal issues. With respect to civil matters, I have both had matters where I advised clients without appearing in court and matters where I have entered notices of appearance. In the matters where I have entered my appearance, I have filed motions, conducted discovery, and represented clients in court proceedings. Most of these matters have been in federal court, but some have been in state courts.

- i. Indicate the percentage of your practice in:
1. federal courts;

2016-Present: 25%
2007-2016: 70%
2002-2007: 20%

2. state courts of record;

2016-Present: 10%
2007-2016: 30%
2002-2007: 20%

3. other courts;

None.

4. administrative agencies

2016-Present: 0%
2007-2016: 0%
2002-2007: 20%

ii. Indicate the percentage of your practice in:

1. civil proceedings:

2016-Present: 40%
2007-2016: 0%
2002-2007: 95%

2. criminal proceedings.

2016-Present: 60%
2007-2016: 100%
2002-2007: 5%

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

i. What percentage of these trials were:

1. jury: 50% (approximately)
2. non-jury: 50% (approximately)

I have tried 24 jury trials and approximately the same number of non-jury trials. With one exception, I tried all of these cases while I was with the United States Attorney's Office for the District of Columbia. With respect to the jury trials at the Office, I was the sole counsel representing the government in approximately 17 of the 23 trials. In the remaining trials, I was either chief counsel or a co-lead counsel.

With respect to the non-jury trials, one was a felony charge where the defendant waived her right to a jury trial and the remaining non-jury trials involved misdemeanor charges when I was assigned to a misdemeanor calendar handling hundreds of matters. My best recollection is that I tried between 20 and 25 cases while assigned to this calendar. In all instances, I was the sole counsel for the government.

Finally, I was a member of a trial team for a pro bono jury trial in a civil matter that occurred while I was with WilmerHale. On that team, I examined and cross-examined witnesses and argued motions.

- 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 never litigated in the Supreme Court.

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

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

1. ***United States v. Commerzbank***

United States District Court for the District of Columbia, 15-CR-31 (BAH)
Chief Judge Beryl Howell
(March 2015)

Summary: From 2002 to 2008, Commerzbank knowingly and willfully moved \$263 million through the U.S. financial system on behalf of Iranian and Sudanese entities subject to U.S. economic sanctions. Commerzbank engaged in this criminal conduct using numerous schemes designed to conceal the true nature of the illicit transactions from U.S. regulators.

Commerzbank entered into a deferred prosecution agreement in which it admitted and accepted responsibility for its criminal conduct in violation of the International Emergency Economic Powers Act. In addition to agreeing to improve internal controls, Commerzbank also agreed to forfeit \$263 million and to pay a fine of \$79 million in connection with the U.S. sanctions violations. At the same time that Commerzbank resolved these sanctions violations with the Department of Justice, it entered into several other concurrent resolutions related to this conduct as well as unrelated money laundering violations. In total,

Commerzbank paid nearly \$1.5 billion in financial penalties in connection with the resolution.

I was one of the lead negotiators for the Department of Justice on the agreement stemming from the sanctions violations, and I handled the Court's consideration and ultimate acceptance of the Deferred Prosecution Agreement.

Co-Counsel: Maia Miller, Former AUSA, currently Office of the General Counsel, Central Intelligence Agency, Washington, DC 20505, (703) 874-4174

Zia Faruqui, Former AUSA, currently United States Magistrate Judge, United States District Court for the District of Columbia, 333 Constitution Avenue, NW, Washington, DC, 20005, (202) 354-3070

Dylan Fallik, Former Trial Attorney, United States Department of Justice, Criminal Fraud Section, currently Assistant General Counsel, JPMorgan Chase & Co., 1111 Polaris Parkway, Columbus, OH 43240, (877) 302-4273

Bonnie Jonas, Former AUSA, Southern District of New York, currently Partner, Pallas Global, 590 Madison Avenue, New York, NY 10022, (212) 508-5514

Elson Ho, Former Assistant District Attorney, Manhattan District Attorney's Office, currently Enforcement Counsel, Financial Industry Regulatory Authority, 200 Liberty Street, Brookfield Place, New York, NY 10281, (646) 315-7306

Garrett Lynch, formerly Assistant District Attorney, Manhattan District Attorney's Office, currently General Counsel and Chief Innovation and Sustainability Officer, Papyros, P.O. Box 2006, Wilson, WY 83014, (917) 596-4282

Counsel for the Defendant: Nelson Boxer, Partner, Petrillo Klein & Boxer, 655 Third Avenue, 22nd Floor, New York, NY 10017, (212) 370-0338

2. ***United States v. Credit Agricole Corporate and Investment Bank***

United States District Court for the District of Columbia, 15-CR-137 (CKK)
Judge Colleen Kollar-Kotelly
(October 2015 – November 2015)

Summary: From 2003 to 2008, Credit Agricole's subsidiaries in Geneva knowingly and willfully moved approximately \$312 million through the U.S. financial system on behalf of sanctioned entities located in Sudan, Burma, Iran, and Cuba. Specifically, during this time period, these subsidiaries concealed the involvement of banks designated as Specially Designated Nationals and other corporate entities in financial transactions that transited through the United States and thereby deprived financial institutions in the United States to filter for, and consequently block or reject, sanctioned payments. In addition to agreeing to

improve internal controls, Credit Agricole also agreed to pay \$312 million in forfeiture. At the same time that Credit Agricole resolved these sanctions violations with the Department of Justice, it entered into several other concurrent resolutions related to this conduct. In total, Credit Agricole paid nearly \$800 million in financial penalties in connection with the resolution.

I was one of the lead negotiators for the Department of Justice, and I handled the Court's consideration and ultimate acceptance of the Deferred Prosecution Agreement.

Co-Counsel: Maia Miller, Former AUSA, currently Office of the General Counsel, Central Intelligence Agency, Washington, DC 20505, (703) 874-4174

Zia Faruqi, Former AUSA, currently United States Magistrate Judge, United States District Court for the District of Columbia, 333 Constitution Avenue, NW, Washington, DC, 20005, (202) 354-3070

Judith Weinstock, Former Assistant District Attorney, Manhattan District Attorney's Office, currently Assistant Regional Director, Securities and Exchange Commission, 200 Vesey Street, Suite 400, New York, NY 10281, (212) 336-1100

Kim Han, Former Assistant District Attorney, Manhattan District Attorney's Office, currently Securities and Exchange Commission, 200 Vesey Street, Suite 400, New York, NY 10281, (212) 336-1100

Counsel for the Defendant: Keith Krakaur, Of-Counsel, Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates, last known address One Manhattan West, New York, NY 10001-8602, (212) 735-3000

3. ***United States v. Jesse Jackson, Jr. and Sandra Stevens Jackson***

United States District Court for the District of Columbia, 13-CR-58, 13-CR-59 (ABJ)

Judge Robert L. Wilkins

Judge Amy Berman Jackson

(February 2013 – August 2013)

Summary: From in or about August 2005 until in or about April 2012 Jackson and his wife, who served as treasurer of his re-election campaign committee ("Campaign), unlawfully used a substantial portion of the funds contributed to the Campaign for personal use. Jackson made direct expenditures from the Campaign's account, totaling approximately \$57,792. In addition, he and his wife used credit cards issued to the Campaign to make purchases for personal expenses, totaling approximately \$582,773. Finally, Jackson provided his wife and a congressional staffer, known in court documents as "Person A," approximately \$112,150 solely for the purpose of engaging in transactions that benefited the Jacksons. In connection with the scheme, the Jacksons filed false and misleading reports about the Campaign's conduct with the FEC and the

United States House of Representatives. In addition, the two filed false tax returns.

Jesse Jackson, Jr. pled guilty to one count of conspiracy to commit wire fraud, mail fraud, and false statements and was sentenced to 30 months of incarceration and ordered to forfeit approximately \$750,000. Sandra Stevens Jackson pled guilty to filing false tax returns and was sentenced to 18 months of incarceration.

I was lead counsel and had primary responsibility for negotiating the plea agreements and handling all court-related proceedings.

Co-Counsel: Michael Atkinson, Former AUSA, currently Partner, Crowell & Moring LLP, 1001 Pennsylvania Avenue, NW, Washington, DC 20004, (202) 624-2540

Catherine Connelly, Former AUSA, currently Corporate Counsel, Investigations, Northrop Grumman Corporation, 2980 Fairview Park Drive, Falls Church, VA 22042, (703) 280-2900

Counsel for Jesse Jackson, Jr.: Reid Weingarten and Brian Heberlig, Partners, Steptoe & Johnson LLP, 1330 Connecticut Avenue, NW, Washington, DC 20036, (202) 429-3000

Counsel for Sandra Stevens Jackson: Thomas L. Kirsch, II, Former Partner, Winston & Strawn LLP, currently Judge, United States Court of Appeals for the Seventh Circuit, Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604, (312) 435-5850

4. ***United States v. Wesley Johnson***

Superior Court of the District of Columbia, 2008 CF3 9695
Judge Ann O'Regan Keary
(January 2010 [estimated] – October 2011)

Summary: On April 29, 2008, Johnson walked into the Excel Institute, a vocational school that he attended, armed with a Tech-9 machine gun and a sawed-off shotgun. Johnson shot the school's president in the face with the Tech-9 and also attempted to shoot one of his instructors, at point blank-range, in the chest, but the Tech-9 jammed. As Johnson was fleeing the school, he pointed his firearms at two other people—one of whom was pregnant.

By the time he got out of the school, Johnson had unjammed the Tech-9 and used it to shoot a woman who was standing in front of the school, hitting her in the chest. He then fled to a nearby bank, where he carjacked two people sitting in the parking lot. Shortly after the carjacking, three Metropolitan Police Department officers spotted Johnson driving the car and followed him. Johnson eventually pulled over to the side of the road. After waiting for the three officers to exit their

car, Johnson fired his shotgun at them and sped off. He ultimately abandoned the car and carjacked two more individuals who were sitting inside of a different car. Shortly after this second carjacking, Johnson collided with one of the officers who was pursuing him

Johnson pled that he was not guilty by reason of insanity. Johnson, who had suffered a traumatic brain injury in his youth, offered two experts who claimed that he was not criminally responsible. Multiple experts retained by the government countered these claims. The jury convicted Johnson of 32 felony counts and found him criminally responsible for all of this conduct. Judge Keary sentenced him to 987 months, or roughly 82 years, of incarceration.

I was lead trial counsel and took primary responsibility for responding to the insanity defense.

Co-Counsel: Emily Scruggs, Former AUSA, currently Trial Attorney, Criminal Division, Fraud Section, 1400 New York Avenue, NW, Bond Building -- Fourth Floor, Washington, DC 20005, (202) 514-2000

Counsel for the Defendant: Jason Tulley, Training Director, The Public Defender Service for the District of Columbia, 633 Indiana Avenue, NW, Washington, DC 20004, (202) 628-1200

Katerina Semyonova, Special Counsel to the Director (Policy and Legislation), The Public Defender Service for the District of Columbia, 633 Indiana Avenue, NW, Washington, DC 20004, (202) 628-1200

5. ***United States v. Garfield Taylor***

United States District Court for the District of Columbia, 13-CR-67 (RWR)
Judge Richard W. Roberts
(April 2013 [estimated] – May 2015)

Summary: From in or about September 2006 through in or about September 2010, Taylor ran a Ponzi scheme in which he convinced investors to invest with him by promising them substantial returns on their investment, telling them that he used a sophisticated securities trading strategy that protected against loss, and claiming that he had a proven track record of using this strategy effectively. Taylor, though, never used the trading strategy that he told investors that he would use.

The only way that Taylor was able to pay the substantial interest rates was to use portions of the principal invested by new investors to pay amounts that were owed to earlier investors. To the extent Taylor actually invested the funds he received, he either lost money or made minimal profits far below what was needed to pay the amounts he owed.

At the time of the scheme's collapse, Taylor owed investors over \$28.6 million just to cover the principal he was contractually required to return to them. After

being indicted, Taylor ultimately pled guilty to securities fraud. He was sentenced to 156 months, or 13 years, of incarceration and was ordered to pay restitution.

I handled all aspects of this prosecution

Co-Counsel: Not Applicable

Counsel for the Defendant: Cary Clennon, last known address PO Box 29302, Washington, DC 20017, (202) 269-0969

6. ***United States v. Washington Gas Energy Systems***

United States District Court for the District of Columbia, 14-CR-228 (KBJ)
Judge Ketanji Brown Jackson
(November 2014)

Summary: In 2010, the federal government sought to award through the 8(a) program contracts to make buildings in the District of Columbia and the surrounding area more energy efficient. The 8(a) program, which is administered by the SBA, was created to help small, disadvantaged businesses access the federal procurement market. To qualify to participate in the program, a business must be at least 51 percent-owned and controlled by a U.S. citizen (or citizens) of good character who meet the SBA's definition of socially and economically disadvantaged.

Washington Gas Energy Systems (WGES) was not eligible to participate in the 8(a) program. Since it was not eligible to participate, WGES partnered with a company that was eligible to participate in the 8(a) program. While true partnerships can be permissible under the applicable rules, WGES exercised impermissible control over the company's bidding for and performance on the contracts and misrepresented that the 8(a) company was performing the required percentage of work on the contracts. Through these unlawful efforts, WGES and the 8(a) company with which it conspired obtained, at least \$17,711,405 in contracts. WGES entered a deferred prosecution agreement and agreed to pay in excess of \$2.5 million in financial penalties.

I was one of the lead negotiators for the Department of Justice, and I handled the Court's consideration and ultimate acceptance of the Deferred Prosecution Agreement.

Co-Counsel: Craig Lee, formerly Assistant Chief in the Antitrust Division's Washington Criminal I Section, currently Partner, Hunton Andrews Kurth LLP, 2200 Pennsylvania Avenue, NW, Washington, DC 20037, (202) 419-2114

Diana Kane, Trial Attorney, Antitrust Division's Washington Criminal I Section, 950 Pennsylvania Avenue, NW, Washington, DC 20530, (202) 514-2000

Counsel for the Defendant: Howard Shapiro, Partner, WilmerHale, 1875 Pennsylvania Avenue, NW, Washington, DC 20006, (202) 663-6606

7. ***United States v. Amaro Goncalves, et al.***

United States District Court for the District of Columbia, 09-CR-335 (RJL)
Judge Richard J. Leon
(April 2011 [estimated] – February 2012)

Summary: In January 2010, 22 individuals were indicted in connection with an undercover operation in which the defendants were led to believe that the ministry of defense for an African country had issued a request for proposal for military equipment. As part of the undercover operation, the defendants were told they had to pay a 20 percent commission to a sales agent, who, in actuality, was an undercover FBI agent. Under the script of the undercover operation, the sales agent, was supposed to, in turn, pay a portion of this commission directly the minister of defense. While some defendants pled guilty, the overwhelming majority indicated that they wished to proceed to trial and their defense centered on the claim that it was not clear that they understood that a portion of the commission was to go to a government official. The defendants were divided into trial groups because trying all defendants at once was impractical. The first trial involved four of the defendants. A mistrial was declared after the jury failed to reach a verdict as to any of the four defendants.

While I had no involvement in the investigation, indictment, or first trial, I was asked by my supervisor to represent the United States Attorney's Office in the second trial, which involved six different defendants: R. Patrick Caldwell, Stephen Gerard Giordanella, John Gregory Godsey, Mark Frederick Morales, John Mushriqui, and Jeana Mushriqui. The Court dismissed the charges against Giordanella. The jury acquitted Godsey and Caldwell, and a mistrial was declared as to Morales and John and Jeana Mushriqui, as the jury was unable to reach a verdict as to these three defendants.

My co-counsel and I equally divided trial responsibilities.

Co-Counsel: Glenn Leon, formerly an Assistant Chief, Criminal Division, Fraud Section, currently Senior Vice President and Deputy General Counsel, Chief Ethics & Compliance Officer at Hewlett Packard Enterprise, 12010 Sunset Hills Road, Reston, VA 20190, (888) 342-2156

Joey Lipton, formerly Trial Attorney, Criminal Division, Fraud Section, currently Executive Director, Assistant General Counsel, JPMorgan Chase, 4 New York Plaza, 21st Floor, New York City, NY 10004, (212) 270-6000

Laura Perkins, formerly Trial Attorney, Criminal Division, Fraud Section, currently Partner, Hughes Hubbard & Reed LLP, 1775 I Street, NW, Washington, DC, 20006 (202) 721-4778

Counsel for Morales: Steven McCool, Partner, McCool Law PLLC, 1776 K Street, NW, Suite 200, Washington, DC 20006, (202) 450-3370

Counsel for Godsey: Mike Madigan, last known address, Partner, Orrick, Herrington, & Sutcliffe, 1152 15th Street, NW, Washington, DC 20005 (202) 339-8400

Counsel for Giordanella: Paul Calli, Managing Partner, Calli Law, One Flagler Building, Suite 1100, 14 Northeast 1st Avenue Miami, Florida 33132 (786) 504-0911

Counsel for Caldwell: Eric Dubelier, Partner, Reed Smith LLP, 1301 K Street, NW, Suite 1000 – East Tower, Washington, DC 20005, (202) 414-9291

Counsel for John Mushriqui: David Krakoff, Partner, Buckley LLP, 2001 M Street NW, Suite 500 Washington DC 20036, (202) 349-7950

Counsel for Jeana Mushriqui: Charles S. Leeper, Senior Counsel, Faeger Drinker, 1050 K Street NW, Suite 400, Washington DC 20001 (202) 842-8877

9. ***United States v. Neil Rodgers***

United States District Court for the District of Columbia, 14-CR-16 (JDB)
Judge John D. Bates
(January 2014 [estimated] – June 2015)

Summary: Rodgers was a staffer to former D.C. Councilmember Harry L. Thomas, Jr. Thomas, who had sponsored an inaugural ball to celebrate the first inauguration of President Obama, enlisted Rodgers assistance to pay the nearly \$100,000 that was owed to various vendors for the ball. Thomas and Rodgers ultimately settled on a scheme to take money that was originally donated by D.C. taxpayers to the Children at Risk and Drug Prevention Fund to pay for the inaugural ball. Rodgers submitted false paperwork to those managing the Fund that described the inaugural ball as a youth event. Rodgers provided multiple copies of budgets and supporting narratives that misled the Fund managers and resulted in the issuance of the Children at Risk and Drug Prevention Fund money to pay for the inaugural ball. Rodgers ultimately went to trial, where he was convicted of first degree fraud and ultimately sentenced to roughly one month of incarceration.

My co-counsel and I equally divided trial responsibilities.

Co-Counsel: Michelle Zamarin, AUSA, 555 Fourth Street, NW, Washington, DC 20530, (202) 252-1900

Counsel for the Defendant: Billy Martin, Partner, Barnes & Thornburg LLP, 1717 Pennsylvania Avenue, NW, Suite 500, Washington, DC 20006, (202) 371-6363

Kerry Brainard Verdi, Partner, Verdi & Ogletree PLC, 1325 G Street, NW, Suite 500, Washington D.C. 20005 (202) 449-7703

9. ***United States ex re. Maxwell et al. v. ANHAM USA, Inc., et al.***

United States District Court for the Eastern District of Virginia, 14-CV-156(CMH/JFA)

Judge Claude M. Hilton

(August 2019 – August 2020)

Summary: Relators filed a False Claims Act suit alleging that Unitrans International Inc. (Unitrans), a privately held Virginia defense contracting company, and nine other defendants had purportedly falsely represented construction progress on a warehouse in Afghanistan that would be used to help perform on a government contract in order to induce the government to award the contract to one of the defendants, Anham FZCO. Relators also claimed that the defendants falsely certified their compliance with United States sanctions against Iran. The relators alleged billions in damages. To resolve this matter, Unitrans agreed to pay \$27 million and did not admit liability in connection with the civil agreement. Moreover, Unitrans received a credit of \$13.5 million towards the settlement from a related criminal resolution, resulting in Unitrans needing to actually pay \$13.5 million, not \$27 million. As a result of this resolution with Unitrans, the government dismissed the relators complaint as to all defendants.

My co-counsel and I represented eight of the ten defendants. We negotiated all aspects of this civil resolution with relators' counsel and government counsel and then litigated relators' counsel's request for legal fees. We divided these responsibilities equally.

Co-Counsel: Courtney Gilligan Saleski, Partner, DLA Piper LLP (US), One Liberty Place, 1650 Market Street, Suite 5000, Philadelphia, PA 19103, (215) 656-2431

Counsel for Relators: Taline Sahakian, Constantine Canon LLP, 335 Madison Avenue, 9th Floor, New York, NY 10017

Counsel for Civil Division, Fraud Section: Art Coulter, Senior Trial Attorney, 175 N Street, NE, Washington, DC 20002, (202) 307-0237

Counsel for EDVA U.S. Attorney's Office: Krista Anderson, AUSA, Justin W. Williams United States Attorney's Building, 2100 Jamieson Avenue, Alexandria, VA, 22314, (703) 299-3995

10. ***United States v. Atat Marry***

Superior Court of the District of Columbia, 2008 CF3 12951
Judge Robert I. Richter
(July 2008 – February 2010)

Summary: In a single night in 2008, Marry robbed four different sets of individuals at gunpoint. During the course of the robberies, he obtained, among other things, cell phones from the victims. Victims reported Marry leaving the robberies in a car. After the fourth robbery, Marry was apprehended by police officers. While the officers did not recover a weapon from Marry, some of the victims were able to identify Marry and/or his car. Through the government's investigation, we were able to develop evidence that showed that one of the stolen phones was used miles from the area where it was stolen within a few hundred feet of Marry's home, corroborating the victim identifications. Marry was convicted at trial and sentenced to 188 months, or nearly 16 years, of incarceration.

I had sole responsibility for investigating the robberies, indicting the case, and trying it, including handling all pre-trial motions and all aspects of the trial.

Co-Counsel: None

Counsel for the Defendant: Joseph Caleb, former Assistant Public Defender, currently Partner, Caleb Andonian PLLC, 1100 H Street, NW, Suite 315, Washington, DC 20005, (202) 953-9850

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

While at DLA Piper LLP (US), I have handled a number of significant regulatory and civil matters for clients. My regulatory matters have involved Fortune 500 companies and other multi-national business organizations in matters implicating U.S. sanctions laws, export control laws, the Foreign Corrupt Practices Act, the Foreign Agent Registrations Act, and other U.S. laws. On a number of these matters, I have had primary responsibility for all interactions with the government, including negotiating resolutions. I routinely advise clients on best regulatory practices in an effort to promote compliance with the law and minimize legal risk. I have also handled a wide variety of civil litigation matters, advising on litigation strategy, conducting discovery, and briefing a variety of issues.

As an Assistant United States Attorney, I was regularly asked to try some of the most complex and difficult trial matters the Office handled. The *United States v.*

Wesley Johnson matter described in my response to Question 15 was a rare instance of a contested insanity defense going to trial. In most instances, either the defendant fails to develop sufficient evidence to proceed with the defense or the government reviews the defendant's expert evidence and agrees that the defense applies. Trials where both sides have experts offering conflicting opinions are a rarity and among the most complex in criminal prosecutions. Similarly, I was asked to join the trial team in *United States v. Amaro Goncalves, et al.*, after the government had already failed to secure a conviction against the first set of defendants who went to trial. During my time in the Fraud and Public Corruption Section, I led investigations that resulted in the foreign and international business organizations that were the subjects of these investigations collectively paying in excess of \$2 billion, including successfully resolving two prominent sanctions investigations. I also handled a number of sensitive investigations involving elected officials during my tenure. Finally, my supervisory responsibilities in the Section included overseeing the investigations of all officer-involved fatalities within the District of Columbia and other potential civil rights violations.

When I was an associate at WilmerHale, I worked on a number of prominent investigations of alleged accounting irregularities, including representing the Special Investigative Committee of the Board of Directors of WorldCom, Inc. and Fannie Mae.

I have not provided lobbying services for any clients.

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

I have not taught any courses on a full-time basis. On one occasion, in or around 2015, I coached a team of students who were part of a trial advocacy class at Georgetown University Law Center.

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

Please see my SF-278 as provided by the Office of Government Ethics.

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

None.

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

Please see my SF-278 as provided by the Office of Government Ethics.

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

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

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

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

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

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

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

I have been active in pro bono throughout my legal career.

At DLA Piper LLP (US), I am currently leading the firm's collaboration with The Promise of Justice Initiative on their Unanimous Jury Project, an effort to secure new trials for incarcerated individuals in Louisiana who were convicted by juries that did not unanimously find them guilty. Louisiana was one of two states that allowed for such non-unanimous convictions. The Supreme Court held last year that such non-unanimous convictions are unconstitutional in *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020), though, recently held in *Edwards v. Vannoy*, 141 S. Ct. 1547 (2021), that *Ramos* does not apply retroactively on federal collateral review. The Project continues in its efforts to secure new trials for these individuals despite the outcome in *Edwards*. The firm is representing a number of incarcerated individuals in connection with the Project.

I also helped lead the firm's collaboration with The National Women's Law Center in representing two women who were sexually harassed at the high school they attended. The lawsuits, *Goodwin v. Pennridge School District*, 17-CV-2431 (EDPA) and *Doe v. Pennridge School District*, 17-CV-3570 (EDPA), alleged that the school district failed under Title IX and 42 U.S.C. § 1983 to take appropriate steps to address the harassment. We filed complaints for the former students, handled discovery, prevailed at summary judgment, and resolved with the school district shortly before the first of the two matters was scheduled to proceed to trial. The opinions in these cases are now routinely cited by other plaintiffs who claim their rights were violated under Title IX and § 1983.

When I was at WilmerHale, I was part of a team that represented a DEA Agent in a Title VII suit alleging that the DEA had discriminated against her on the basis of race and sex and had also retaliated against her for her active participation in a long-running class action lawsuit alleging that the DEA had discriminated on the basis of race against African-American special agents. As a member of the trial team, I represented our client from discovery through trial. While the DEA prevailed at trial, the Fourth Circuit vacated and remanded, finding that the trial court had erroneously excluded evidence. *Buckley v. Mukasey*, 538 F.3d 306 (4th Cir. 2008). The client was able to resolve with the DEA after this appellate victory.

During my time with the United States Attorney's Office, I did not have the opportunity to represent any clients other than the United States.