

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

William Frederic Jung

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

United States District Judge for the Middle District of Florida

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.

Jung & Sisco, P.A.  
101 East Kennedy Boulevard, Suite 3920  
Tampa, Florida 33602

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

1958; Fort Belvoir, Virginia

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1980 – 1983, University of Illinois, College of Law; J.D. (*summa cum laude*), 1983

1976 – 1980, Vanderbilt University, B.A. (*magna cum laude*), 1980

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

2000 – present  
Jung & Sisco, P.A.  
101 East Kennedy Boulevard, Suite 3920  
Tampa, Florida 33602  
Partner

1993 – 2000  
Black & Jung, P.A.  
100 South Ashley Drive, Suite 1240  
Tampa, Florida 33602  
Partner

1990 – 1993  
United States Attorney's Office for the Middle District of Florida  
400 North Tampa Street  
Tampa, Florida 33602  
Assistant United States Attorney

1987 – 1990  
United States Attorney's Office for the Southern District of Florida  
99 Northeast Fourth Street  
Miami, Florida 33132  
Assistant United States Attorney

1985 – 1987  
Carlton Fields Jordan Burt, P.A.  
4221 Boy Scout Boulevard, Tenth Floor  
Tampa, Florida 33607  
Associate

1984 – 1985  
Supreme Court of the United States  
One First Street Northeast  
Washington, District of Columbia 20543  
Law Clerk to the Honorable William H. Rehnquist

1983 – 1984  
United States Court of Appeals for the Eleventh Circuit  
300 North Hogan Street  
Jacksonville, Florida 32202  
Law Clerk to the Honorable Gerald Bard Tjoflat

Summer 1982  
Rain Harrell Law Firm  
Subsumed into several firms by mergers  
Dallas, Texas  
Summer Law Clerk

Summer 1982  
Fulbright & Jaworski (now Norton Rose Fulbright)  
1301 McKinney Street  
Houston, Texas 77010

Summer Law Clerk

Summer 1981

Harwell Barr Martin & Sloan (now Bass, Berry & Sims)  
150 Third Avenue, South, Suite 2800  
Nashville, Tennessee 37201  
Summer Law Clerk

Summer 1980

Nashville Sounds Baseball Club  
534 Chestnut Street  
Nashville, Tennessee 37203  
Summer Ballpark Laborer

Other Affiliations (uncompensated):

2007 – present

First Step of Hillsborough, Inc.  
101 East Kennedy Boulevard, Suite 3920  
Tampa, Florida 33602  
President and Founder

2005 – 2006

Eleventh Circuit Chapter, Federal Bar Association  
No physical address  
Vice President

1999 – 2003

Tampa Bay Federal Bar Association  
No physical address  
Tampa, Florida  
Board of Directors

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 military. As a male born in 1958, I was not required to register for selective service and I have not registered.

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.

Life Fellow, American Bar Foundation (2015 – present)

Fellow, American College of Trial Lawyers (2014 – present)

Board Certified and denominated as an expert in criminal trial law, Florida Bar Board of Legal Specialization (1994 – present)

Martindale – Hubbell: highest rating, AV (1992 – present)

Chambers, Best Lawyers for Business (2004 – 2017)

Tampa Magazine, “White Collar Defense, Voted #1 by Peers” (April, May 2016)

Best Lawyers in America, “White Collar Defense Lawyer of the Year” for Tampa (2011; 2012; 2014 – 2017); recognized for “Criminal Defense” and “Bet-the-Company Litigation” (2015; 2017)

Florida Trend Magazine, “Legal Elite” (2008 – 2010, 2012 – 2017), Florida Lawyer Hall of Fame, 2017

Florida Super Lawyers, “Top 100 Lawyers in Florida” (2008; 2010; 2011; 2013; 2015, 2016); “Top Fifty Lawyers in Tampa Bay” (2014 – 2016)

“Have a Heart Award” Pro Bono Award, Bay Area Legal Services (2006 – 2008; 2010 – 2011; 2015)

Commendations for Pro Bono Work, Florida Supreme Court (2008; 2010; 2011; 2015)

James Kynes “In the Trenches” Award for Trial Advocacy, Hillsborough Bar Association Trial Lawyers Section (2010)

University of Illinois College of Law Distinguished Alumni Award (2009)

Tampa Bay Metro Magazine, Best Bay Area Lawyers (2008)

Statewide Selection Board, United States Naval Academy (2007)

Appointed to Regional Nomination Board, United States Naval Academy (2004 – 2006)

Recognition and award for investigation and prosecution of public corruption and case-fixing in the Thirteenth Judicial Circuit, Federal Bureau of Investigation (1993)

Recognition and award for outstanding contribution in the prosecution of narcotics cases, Organized Crime, Drug Enforcement Task Force in the Middle District of Florida (1993)

Recognition and award for investigation and prosecution in “Operation Pruning Season,” which involved the prosecution and conviction of four corrupt United States Customs

Agents, from George D. Heavey, Assistant Commissioner of United States Customs for Internal Affairs (1990)

Recognition and award for salutary assistance in fugitive apprehension in the Southern District of Florida, United States Marshals Service (1990)

Award for the highest score on the Florida Bar Examination in Florida's First Appellate District (1983)

Class Valedictorian, University of Illinois College of Law (1983)

Order of the Coif, University of Illinois College of Law (1982 – 1983)

Editor in Chief of Law Review, University of Illinois College of Law (1982 – 1983)

Recipient of five "Book Awards" for top examination scores, University of Illinois College of Law (1981 – 1983)

Phi Beta Kappa, Vanderbilt University (1979 – 1980)

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 (1985 – 1989; 1994 – present)  
Eleventh Circuit Editor, ABA Appellate Practice Journal (2001 – 2004)

American College of Trial Lawyers, Florida State Committee (2014 – present)

Attorney Grievance Committee 13 B (1994 – 1997)

Federal Bar Association (1993 – present)  
Eleventh Circuit Chapter Vice President (2005 – 2006)

Florida Bar Association (1983 – present)  
Committee on Criminal Appellate Practice, Practice and Advocacy Section (1996)  
Florida Bar Board of Legal Specialization and Education Media Contact Panel (2005)  
Florida Bar Task Force on Attorney Client Privilege (2007 – 2008)

Hillsborough County Bar Association (1985 – 1987, 1993 – present)

National Association of Criminal Defense Lawyers (2004 – present)

State of Florida Judicial Nominating Commission for the 13th Judicial Circuit  
Chair (2007 – 2008)

Member and Vice Chair (2002 – 2006)

Tampa Bay Federal Bar Association  
Board of Directors (1999 – 2003)

U.S. Middle District of Florida Magistrate Judge Nomination Committee  
Chair (2012 – 2013)  
Magistrate Judge Karla Spaulding Re-Nomination Committee Chair (2013)  
Member (2009 – 2010)

**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.

Florida, 1983

There has been no lapse in membership.

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

Supreme Court of the United States, 1984  
United States Court of Appeals for the Fourth Circuit, 1994  
United States Court of Appeals for the Eleventh Circuit, 1983  
United States District Court for the Middle District of Florida, 1983  
United States District Court for the Northern District of Florida, 1994  
United States District Court for the Southern District of Florida, 1987

There have been no lapses in membership.

**11. Memberships:**

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

Academy of the Holy Names (Tampa)  
Parents Annual Fund Committee (2005 – 2014)

Boy Scouts of America (1970 – 1975; 2006 – 2009) (Cub Scout Leader)

First Step of Hillsborough, Inc., President and Founder (2007 – present)

Florida Coastal Conservation Association (1992 – 1994)

Hillsborough County Republican Party Central Executive Committee (1998 – 2002)

The Tampa Club (2011 – present)

Tampa Yacht and Country Club (2010 – present)

YMCA (1992 – present)

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

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

## **12. Published Writings and Public Statements:**

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

*Not Dead Yet: The Enduring Miranda Rule 25 Years after the Supreme Court's October Term 1984*, 28 ST. LOUIS U. PUB. L. REV. 447 (2009). Copy supplied.

*The Last Unlikely Hero, Gerald Bard Tjoflat and the Jacksonville Desegregation Crisis – 35 Years Later*, FEDERAL LAWYER, July 2006, at 30. Copy supplied (reprinted in multiple outlets).

*Hail to the Chief*, TAMPA TRIBUNE, Sept. 11, 2005. Copy supplied.

*Court Affirms Dismissal of Establishment Clause Claim on Stare Decicis Grounds in Alabama Supreme Court's "Ten Commandments" Case*, ABA APPELLATE

PRACTICE JOURNAL, Summer 2004. Copy supplied.

*Eleventh Circuit: Clarification of Removal Jurisdiction and Punitive Penalties in Governmental Clean Air Act Case*, ABA APPELLATE PRACTICE JOURNAL, Spring 2004. Copy supplied.

*Appellate Jurisdiction Exists to Review Telecom Cases Arbitrated by State Agency*, ABA APPELLATE PRACTICE JOURNAL, Winter 2003. Copy supplied.

*Appellate Waiver of Recusal in Criminal Cases*, ABA APPELLATE PRACTICE JOURNAL, Fall 2003. Copy supplied.

*Standards of Review for Merit Systems Protection Board Litigation*, ABA APPELLATE PRACTICE JOURNAL, Spring 2003. Copy supplied.

*Court Reverses Broad Reading of Municipal "Adult Entertainment" Zoning*, ABA APPELLATE PRACTICE JOURNAL, Winter 2002. Copy supplied.

*Court Clarifies Appellate Jurisdiction for District Court Modification of Injunctions*, ABA APPELLATE PRACTICE JOURNAL, Fall 2002. Copy supplied.

*Letter to the Editor: A Soiled Image*, TAMPA TRIBUNE, Oct. 2, 2002. Copy supplied.

*Court Reverses Medicare Fraud Convictions for Failure to Prove Scienter*, ABA APPELLATE PRACTICE JOURNAL, Spring 2002. Copy supplied.

*Amount in Controversy in Diversity Class Action Cannot Be Aggregated Among Plaintiffs*, ABA APPELLATE PRACTICE JOURNAL, Winter 2001. Copy supplied.

*Restrictions on Law of the Case Doctrine*, ABA APPELLATE PRACTICE JOURNAL, Winter 2001. Copy supplied.

*Eleventh Circuit: Dismissal with Prejudice of a Claim Due to Standing Is Not a Final, Appealable Order When Claims Against Others Remain in the Case*, ABA APPELLATE PRACTICE JOURNAL, Fall 2001. Copy supplied.

*Eleventh Circuit: A Matter of First Impression – Disparate Impact Claims May Not Be Brought Under the Age Discrimination in Employment Act*, ABA APPELLATE PRACTICE JOURNAL, Fall 2001. Copy supplied.

*Letter to the Editor: Weak in Judgment*, TAMPA TRIBUNE, Aug. 14, 2001. Copy supplied.

*Eleventh Circuit: Suit Seeking Overturn of North American Free Trade Agreement Presents Non-Justiciable Political Question*, ABA APPELLATE PRACTICE JOURNAL, Spring 2001. Copy supplied.



*Eleventh Circuit: Clarifying Standard for Fee Awards Under Equal Access to Justice Act*, ABA APPELLATE PRACTICE JOURNAL, Spring 2001. Copy supplied.

*No Appellate Jurisdiction Exists When Parties Consent Through Inaction or Acquiescence to Magistrate Judges*, ABA APPELLATE PRACTICE JOURNAL, Fall 2000. Copy supplied.

*Letter to the Editor: Normalcy Is Refreshing*, TAMPA TRIBUNE, Aug. 10, 1996. Copy supplied.

*Letter to the Editor: HCC Now a Major Player*, TAMPA TRIBUNE, Apr. 29, 1996. Copy supplied.

*Criminal Tax: When the IRS Wants to Put Your Client Behind Bars*, CONTRA COSTA LAWYER (December 1994). Copy supplied (reprinted in multiple outlets).

*The Fifth Amendment and Subpoenas Duces Tecum*, FLORIDA BAR JOURNAL (May 1993). Copy supplied.

*Letter to the Editor: White Supremacist Take on Rehnquist's Work Draws Fire*, LEGAL TIMES (March 15, 1993). Copy supplied (reprinted in multiple outlets).

*Detecting and Preventing Computer Crime in the Office Setting*, FLORIDA BAR JOURNAL (December 1991). Copy supplied.

*The Rising Tide of Computer Crime*, CRIMINAL LAW SECTION NEWSLETTER, (Florida Bar October 1991). Copy supplied.

*Courts Show Caution on Polygraph Evidence*, CRIMINAL LAW SECTION NEWSLETTER (Florida Bar June/July 1990). I have not been able to locate a copy.

*Polygraph Evidence in Federal Criminal Trials after United States v. Piccinonna*, FLORIDA BAR JOURNAL (February 1990). Copy supplied.

*Effective Appellate Advocacy: Lessons Learned at the U.S. Supreme Court*, FLORIDA BAR JOURNAL (July/August 1986). Copy supplied.

Note, *Recognizing A Corporation's Rights Under the Indictment Clause*, 1983 ILL. L. REV. 477. Copy supplied.

Note, *Banking Mergers and "Line of Commerce" After the Monetary Control Act: A Submarket Approach*, 1982 ILL. L. REV. 731. Copy supplied.

Comment, *Trial Court Discovery Orders in Misdemeanor Cases: People v. Williams*, ILLINOIS BAR JOURNAL (July 1982). 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 was a member of the Florida Bar Task Force on the Attorney-Client Privilege that produced the *Interim Report of the Attorney-Client Privilege Task Force* (June 1, 2007) and the final *Report of the Attorney-Client Privilege Task Force on the Attorney-Client Privilege in the Public Sector* (June 2008). Copies 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.

Letter to Senators Arlen Specter and Patrick Leahy, in support of Samuel Alito's nomination to the U.S. Supreme Court (January 4, 2006). Copy supplied.

- 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.

September 3, 2015: Speaker, Reception for U.S. Attorney A. Lee Bentley, Tampa Bay Chapter of the Federal Bar Association, Tampa, Florida. I provided a biographical introduction of Mr. Bentley. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

November 14, 2012: Panelist, "How the JNC Process Works," Hillsborough Association for Women Lawyers, Tampa, Florida. This panel discussed the mechanics of state and federal judicial selection. I have no notes, transcript, or recording. The address of the Hillsborough Association for Women Lawyers is P.O. Box 173565, Tampa, Florida 33672.

June 18, 2010: Speaker, Investiture Ceremony of Judge Anthony K. Black, Florida Second District Court of Appeal, Tampa, Florida. I gave a biographical introduction of Judge Black. I have no notes, transcript, or recording. The address

of the Florida Second District Court of Appeal is 811 E. Main St., Lakeland, Florida 33801.

May 8, 2008: Speaker, "White Collar Crime Institute," Stetson University, Tampa Law Center, Tampa, Florida. I spoke about use of a proffer letter in cooperating with the Government. I have no notes, transcript, or recording. The address of Stetson University, Tampa Law Center is 1700 North Tampa Street, Tampa, Florida 33602.

December 12, 2005: Speaker, Tampa Bay Chapter of the Federal Bar Association, Washington, District of Columbia. I gave brief remarks at a small gathering at the U.S. Supreme Court, and presented a certificate of appreciation to Janet Rehnquist, the daughter of the late Chief Justice, as well as a donation to the Supreme Court Historical Society, in his honor on behalf of the Tampa Bay Chapter of the Federal Bar Association. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

December 9, 2005: Panelist, "Current Evidentiary Trends in Federal Court," Hillsborough County Bar Association, Tampa, Florida. The panel discussion concerned evidentiary trends in federal case law, and amendments to the rules of evidence. I have no notes, transcript, or recording. The address of the Hillsborough County Bar Association is 1610 North Tampa Street, Tampa, Florida 33602.

June 24, 2005: Speaker, "Criminal Law Update," Annual Meeting, Florida Bar, Boca Raton, Florida. This was a brief survey of new statutory developments and case law in the field. I have no notes, transcript, or recording. The address of the Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

Approximately 2003: Panelist, "The Healthcare Wars: A View from the Trenches," Annual Healthcare Conference, Credit Suisse First Boston, New York City, New York. The topic of the panel was health care fraud prosecutions. I have no notes, transcript, or recording. The address of Credit Suisse First Boston is 11 Madison Avenue, New York, New York 10010.

September 28, 2002: Speaker, "Media and Law Video Conference," United States District Court for the Middle District of Florida, various cities, Florida (via video conference). The topic involved media coverage of federal court proceedings. I have no notes, transcript, or recording. The address of the United States District Court for the Middle District of Florida is the Sam M. Gibbons United States Courthouse, 801 North Florida Avenue, Tampa, Florida 33602.

July, 1994: Speaker, "White Collar Crime Update: Keeping Your Clients Out of Mischief," Florida Bar, Orlando, Florida. This was an survey of white collar crime developments. I have no notes, transcript, or recording. The address of the

Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

January, 1992: Speaker, "Computer Crime," Technology and Office Practice Seminar, Florida Bar Convention, Orlando, Florida. The topic was preventing computer crime in law offices. I have no notes, transcript, or recording. The address of the Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

1983: Speaker, Swearing-In Ceremony for New Attorneys, Florida Supreme Court, Tallahassee, Florida. I gave a speech in connection with receiving an award for receiving the highest score on the Florida Bar Examination in Florida's First Appellate District. I have no notes, transcript, or recording. The address of the Florida Supreme Court is 500 South Duval Street, Tallahassee, Florida 32399.

- 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.

Anna M. Phillips, *Adams & Diaco Lawyer Under Investigation for Brawl at Florida-George Game*, Tampa Bay Times, Nov. 6, 2015. Copy supplied.

Coleman Watson, *Hon. Karla R. Spaulding*, Federal Lawyer, Dec. 2013. Copy supplied.

William R. Levesque, *All on the Line for White*, Tampa Bay Times, Oct. 30, 2011. Copy supplied.

Alexandra Zayas and Justin George, *U.S. Attorney a Veteran at Fighting Public Corruption*, Tampa Bay Times, June 16, 2011. Copy supplied.

Colleen Jenkins, *Humble Beginnings, Hard Work Define Obama's U.S. Attorney Pick for Florida*, Tampa Bay Times, June 19, 2010. Copy supplied.

TV panel discussion, "Your Turn – Kathy Fountain Call-In Show," regarding the nomination of Sonia Sotomayor to the U.S. Supreme Court, 13 News Fox, July 16, 2009. Transcript supplied.

Adrianna Rodriguez, *Crimefighter by Day*, University of Florida Law Magazine, Feb. 2, 2009. Copy supplied.

Carrie Weimar, *'Band-Aid Bandit' Judge Moves at His Own Pace*, Tampa Bay Times, Apr. 3, 2007. Copy supplied.

Justin George and Colleen Jenkins, *U.S. Attorney Perez Resigns for New Job*, St. Petersburg Times, Mar. 14, 2007. Copy supplied.

Brady Dennis and Jeff Testerman, *Commission Hopeful Got Improper Lobbying Fees*, St. Petersburg Times, Oct. 4, 2006. Copy supplied.

David Milenberg, *Bank of America Beefing Up Security by Hiring Federal Officials*, Charlotte Business Journal, Sept. 4, 2006. Copy supplied.

Jennifer Liberto, *Al-Arian Judge Enhances Image*, St. Petersburg Times, Dec. 12, 2005. Copy supplied.

Ercel Eaton, *Hamilton Native Participates in Rehnquist Services*, Hamilton Journal-News, Sept. 10, 2005. Copy supplied.

*Overheard*, St. Petersburg Times, Aug. 15, 2005. Copy supplied.

Bill Varian, *A Ruling for Wine Lovers to Savor*, St. Petersburg Times, Aug. 10, 2005. Copy supplied.

Jennifer Liberto, *Locally, Memories of Candor, Politeness*, St. Petersburg Times, July 2, 2005. Copy supplied.

David Corder, *Just Do It*, Business Observer, Jan. 14, 2005. Copy supplied.

Graham Brink, *Court Gives Judges More Say Over Jail Time*, St. Petersburg Times, Jan. 13, 2005. Copy supplied.

Graham Brink, *Ex-Housing Chief's Federal Trial Begins Today*, St. Petersburg Times, Nov. 1, 2004. Copy supplied.

Dong-Phuong Nguyen, *Let Me Call My Lawyer – Really*, St. Petersburg Times, Sept. 23, 2003. Copy supplied.

Bill Varian, *County Attorney Taken to Hospital*, St. Petersburg Times, June 26, 2003. Copy supplied.

David Karp, *Hillsborough Official Didn't Document Hours*, St. Petersburg Times, June 22, 2003. Copy supplied.

Bill Varian, *Acton Goes on Medical Leave*, St. Petersburg Times, May 17, 2003. Copy supplied.

Graham Brink, *Taxpayers Get Bill for Al-Arian Defense Team*, St. Petersburg Times, Apr. 8, 2003. Copy supplied.

Christopher Goffard and Tom Tobin, *Al-Arian's Lawyers Face Numerous Challenges*, St. Petersburg Times, Feb. 22, 2003. Copy supplied.

Kris Hundley, *Target: Enron*, St. Petersburg Times, Aug. 30, 2002. Copy supplied.

Anita Kumar, *Suit Against Al-Arian Dismissed*, St. Petersburg Times, June 12, 2002. Copy supplied.

*Overheard*, St. Petersburg Times, Apr. 1, 2002. Copy supplied.

Graham Brink, *Flaws in Al-Arian Suit Raise Doubts*, St. Petersburg Times, March 28, 2002. Copy supplied.

Paula Christian, *Middle District Awaits New Boss*, Tampa Tribune, Feb. 11, 2002. Copy supplied.

Mary Jacoby, *Lawyers Call Tape a "Smoking Gun,"* St. Petersburg Times, Dec. 14, 2001. Copy supplied.

Bill Adair and Paul de la Garza, *Letters Yield Clues, Little Consensus*, St. Petersburg Times, Oct. 25, 2001. Copy supplied.

*Federal Cases Getting Filed Take a Plunge*, Associated Press, Oct. 23, 2001. Copy supplied.

Paula Christian, *Court Cases Down in Wake of Attacks*, Tampa Tribune, Oct. 22, 2001. Copy supplied.

Paula Christian, *Ex-Clerk of Court Gets 27 Months in Prison*, Tampa Tribune, Apr. 20, 2001. Copy supplied.

Paula Christian, *U.S. Attorney Bucella Quits*, Tampa Tribune, Mar. 24, 2001. Copy supplied.

*Prosecutors Criticized After Shrimp Case*, Associated Press, Mar. 18, 2001. Copy supplied.

Paula Christian, *U.S. Attorney's Office Back in Hot Seat*, Tampa Tribune, Mar. 17, 2001. Copy supplied.

Scott Barancik, *Judge Orders Bilzerian to Prison*, St. Petersburg Times, Jan. 13, 2001. Copy supplied.

Graham Brink, *Former U.S. Court Clerk Admits to Kickbacks*, St. Petersburg Times, Nov. 30, 2000. Copy supplied.

Paula Christian, *Ex-Court Clerk Admits to Bribes*, Tampa Tribune, Nov. 30, 2000.

Copy supplied.

Maureen Byrne, *Wrongful-Death Suit Filed in Car Wreck*, St. Petersburg Times, Sept. 19, 2000. Copy supplied.

Hali White, *The Ritual of a Trial Lawyer*, Tampa Bay Review, Sept. 1, 2000. Copy supplied.

Larry Dougherty, *Drug Dealer Professes Wrongdoing at Hearing*, St. Petersburg Times, Apr. 15, 2000. Copy supplied.

Larry Dougherty, *Gag Rule One-Sided*, St. Petersburg Times, Apr. 12, 2000. Copy supplied.

Larry Dougherty, *Order Called Bad Omen for Prosecution's Case*, St. Petersburg Times, Feb. 26, 2000. Copy supplied.

Larry Dougherty, *Top-Dollar Informant Draws Fire from Defense Attorneys*, St. Petersburg Times, Feb. 15, 2000. Copy supplied.

Sarah Huntley, *Court to Rule if Aiding Informants Is Illegal*, Tampa Tribune, Dec. 28, 1998. Copy supplied.

*The Best Lawyer in the Land*, Tampa Tribune, Aug. 26, 1998. Copy supplied.

Wayne Washington, Marty Rosen, and Larry Dougherty, *Officials Ordered to Talk on TGH*, St. Petersburg Times, Aug. 21, 1998. Copy supplied.

Bill Duryea, *What Will They Ask and How Will They Ask It?*, St. Petersburg Times, Aug. 16, 1998. Copy supplied.

Larry Dougherty, *Mason Investigation: Where's It Headed?*, St. Petersburg Times, Apr. 28, 1998. Copy supplied.

Ralph Blumenthal, *Customs Auction to Feature Stuff Dreams Are Made Of*, New York Times, Apr. 12, 1998. Copy supplied.

Ralph Blumenthal, *An Auction with Big-Screen Plot: Drugs and Diamonds, Agents and Arrests*, New York Times, Mar. 29, 1998. Copy supplied.

David Sommer, *Lyons Hearing Time Rescheduled*, Tampa Tribune, Mar. 14, 1998. Copy supplied.

Bill Adair, *Lawyers See No Proof of Coverup*, St. Petersburg Times, Jan. 27, 1998. Copy supplied.

Mark Johnson, *Acquittal = Reimbursement? Bill Would Deter Rash Prosecutions, Panel Leader Says*, Richmond Times-Dispatch, Nov. 2, 1997. Copy supplied.

Adam C. Smith, Monica Davey, and David Barstow, *Baptist Official Says Signature Is Fake*, St. Petersburg Times, Sept. 26, 1997. Copy supplied.

Mike Wilson, David Barstow, and Monica Davey, *Bank Loan Secured with Forged Papers*, St. Petersburg Times, Sept. 18, 1997. Copy supplied.

Larry Dougherty and Craig Pittman, *Feds Join Investigation of Pastor*, St. Petersburg Times, Aug. 22, 1997. Copy supplied.

David Beard, *Tainted Shrimp Net Fine of \$1 Million*, Ft. Lauderdale Sun-Sentinel, May 14, 1997. Copy supplied.

Larry Dougherty, *Florida Executives Sentenced for Marketing Rancid Shrimp*, St. Petersburg Times, May 13, 1997. Copy supplied.

Larry Dougherty, *Former Outlaw President Cuts a Deal*, St. Petersburg Times, Apr. 24, 1997. Copy supplied.

*Firm Cited for Bad Seafood*, Associated Press, Oct. 20, 1996. Copy supplied.

Katherine Shaver, *Three Guilty of Selling Bad Shrimp*, St. Petersburg Times, Oct. 19, 1996. Copy supplied.

*British Duke Faces Prison in Florida for Fraud*, Reuters, Mar. 21, 1996. Copy supplied.

Bruce Vielmetti, *Bad-Shrimp Case Could Span Globe*, St. Petersburg Times, Oct. 23, 1995. Copy supplied.

David Sommer, *Jury Pardon Debate Resurfaces*, Tampa Tribune, Jan. 2, 1995. Copy supplied.

Bruce Vielmetti, *Tampa Prosecutor Switching Sides in a Big Way*, St. Petersburg Times, Jan. 31, 1994. Copy supplied.

Robert Klein, *Swap Shop*, Tampa Bay Business Journal, June 18, 1993. Copy supplied.

Bruce Vielmetti, *In Hillsborough, 'Ex Prosecutor' Is a Popular Job Title*, St. Petersburg Times, Jan. 30, 1993. Copy supplied.

*Thurgood Marshall Dies at 84*, Associated Press, Jan. 25, 1993. Copy supplied.



Bruce Vielmetti, *Attorney Complains About Trial Date*, St. Petersburg Times, Oct. 9, 1992. Copy supplied.

Maya Bell, *Pilot Didn't Ditch Trouble with Plane*, Orlando Sentinel, Apr. 5, 1989. Copy supplied.

Between 2000 and 2009, I appeared on five or more occasions on a local TV program, "Your Turn – Kathy Fountain Call-In Show." Viewers would call or email comments to the panel for discussion. My comments were typically on general law issues in the news. I have no notes, transcripts, or recordings, beyond the transcript supplied for the July 16, 2009 appearance above.

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 or held judicial office. As part of my bar service, I served on the Attorney Disciplinary Committee for my circuit from 1993 until 1996. This board reviews disciplinary complaints against lawyers and investigates attorney discipline and misconduct. The board does not try cases or conduct adjudications. The proceedings were confidential like a grand jury. There are no records extant from my service in this capacity. I do not recall any of the matters with any detail.

- 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 or held judicial office.

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

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

- a. List chronologically any public offices you have held, other than judicial offices,

including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held elective office and have not been a candidate for elective office. I was nominated in July 2008 by President George W. Bush to be a United States District Judge. In 2016, I was nominated by President Barack Obama to be a United States District Judge. Both of these nominations expired when Congress adjourned before my nomination was set for hearing.

- 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 played a role in a political campaign, but I served on the Hillsborough County Republican Central Executive Committee from approximately 1998 to 2002.

On May 15, 2009, I co-hosted a (non-fundraising) reception in Tampa for U.S. Senate candidate Dan Gelber, who later ran for Florida Attorney General rather than U.S. Senate.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;  
  
I served as a law clerk to Judge Gerald Bard Tjoflat on the United States Court of Appeals for the Eleventh Circuit, from 1983 to 1984.  
  
I served as a law clerk to then-Associate Justice William H. Rehnquist on the United States Supreme Court from 1984 to 1985.
  - 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.

1985 – 1987  
Carlton Fields, P.A.  
4221 Boy Scout Boulevard, Tenth Floor  
Tampa, Florida 33607  
Associate

1987 – 1990  
United States Attorney's Office for the Southern District of Florida  
99 Northeast Fourth Street  
Miami, Florida 33132  
Assistant United States Attorney

1990 – 1993  
United States Attorney's Office for the Middle District of Florida  
400 North Tampa Street  
Tampa, Florida 33602  
Assistant United States Attorney

1993 – 2000  
Black & Jung, P.A.  
100 South Ashley Drive, Suite 1240  
Tampa, Florida 33602  
Partner

2000 – Present  
Jung & Sisco, P.A.  
101 East Kennedy Boulevard, Suite 3920  
Tampa, Florida 33602  
Partner

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

I have served as an arbitrator in one case. This was a dispute in Hillsborough County, Florida involving two commercial home builders. The main issues involved the terms of a corporate "break up" or dissolution of the parties' business. The arbitration was connected to an ancillary civil law suit, Number 09-CA-028359 (Fla. 13th Circuit).

b. Describe:

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

From 1985 to 1987, I was a litigation associate at Carlton Fields in Tampa. I co-tried one jury trial in circuit court, a "slip and fall" at a Holiday Inn where the plaintiff received a surgical L-4 disc removal, and was seeking damages. I briefed and argued one appeal before the U.S. Court of Appeals for the Eleventh Circuit. My duties involved general commercial litigation, depositions, and discovery.

From 1987 to 1993, I was a federal prosecutor in the Southern and Middle Districts of Florida. I conducted grand jury investigations and presentations, tried nearly 40 felony jury trials, and handled appeals in the Eleventh Circuit.

From 1993 to 2000, I was a partner with Anthony K. Black. We conducted all types of litigation, trials and appeals. Our practice was fairly evenly split between criminal and civil. On the civil side, it was primarily defense oriented, but we did some commercial and personal injury plaintiff's work as well. In civil cases, we represented everybody from small local businesses to the Florida Power Corporation.

Since 2000, I have been a partner in Jung and Sisco, P.A. My work comes mainly from referrals by other lawyers. It is all litigation, and is assorted. Nearly half of the practice is commercial civil litigation involving, frequently, attorney malpractice defense cases. The other side of my practice is comprised of criminal defense. This practice is almost exclusively federal, although my partner does quite a bit of state court work.

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

As a litigation associate from 1985 to 1987, my clients were generally commercial entities, such as real estate companies and banks. As a federal prosecutor from 1987 to 1993, I represented the United States in criminal cases. As a partner at Black & Jung, P.A. from 1993 to 2000, my clients included small local businesses and large corporations on the civil side, and on the criminal side, various clients, such as health care executives and business persons. Since 2000, my civil litigation clients are assorted. A good portion of my civil practice has been defending lawyers in malpractice cases. The criminal defense clients are often lawyers, physicians, employees of large corporations, or companies themselves. Almost all of my work comes from lawyers referring cases, or the clients are lawyers themselves.

- 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 appear regularly and routinely in court for clients. When I was a federal prosecutor, it was often daily. Now, I still appear in court, but less frequently.

i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 80% |
| 2. state courts of record:  | 20% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 0%  |

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 40% |
| 2. criminal proceedings: | 60% |

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

I have tried approximately 48 cases to verdict or judgment. I was lead counsel in almost all of them. I was second chair in one or two of them, and was co-counsel in perhaps two or three.

i. What percentage of these trials were:

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

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

Throughout my career, I have filed several petitions for writ of certiorari, which were all denied. I do not have records of every petition I filed, but I was able to find the following case through searching on the internet:

Petition for Writ of Certiorari, *Brown v. Uniroyal, Inc.*, 118 S. Ct. 339 (1997) (No. 97-394). Copies available at 1997 WL 33557217.

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. Farley, et al.*, No. 15cr133 (M.D. Fla.)

This was an environmental crimes case I defended before Judge Richard Lazzara in the Tampa U.S. District courthouse. The United States filed the indictment in 2015, and my representation ended in 2017. I was the sole counsel for a foreman of a large renovation project involving condominium towers adjacent to the Tropicana baseball dome in St. Petersburg. The indictment alleged that my client and the project owner criminally violated the Clean Air Act by, basically, handling asbestos demolition in a reckless manner – several felonies were charged. This case involved 85,000 pages of discovery. There were multiple experts. Although the case is still pending for others, I was able to accomplish a misdemeanor plea for my client and a sentence of probation.

Counsel for the Government:

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Tampa, Florida 33602  
(813) 274-6000

Lana N. Pettus  
Thomas Franzinger  
U.S. Department of Justice  
601 D Street Northwest  
Washington, District of Columbia 20530  
(202) 305-0403

Counsel for Co-Defendants:

Matthew Farmer  
Farmer & Fitzgerald  
102 West Whiting Street # 501  
Tampa, Florida 33602  
(813) 413-7627

Ron Safer  
Riley Safer Holmes & Concila LLP  
70 West Madison Street, Suite 2900

Chicago, Illinois 60602  
(312) 399-9504

2. *United States v. Farha, et al.*, No. 08-cr-115-JMS (M.D. Fla.)

This was a criminal jury trial in Tampa's U.S. District Court that stretched from February 2013 to June 2013 before U.S. District Judge James Moody, Jr. after two years of preparation. It was a Medicaid fraud case colloquially known as "Wellcare," the name of the large healthcare company where the defendants worked. I was lead counsel for Wellcare's Director of Medical Economics. Like many health care prosecutions, this case involved a cooperating witness. This person recorded 680 hours of undercover "body bug" recordings so simply reviewing that material, and the three terabytes of discovery produced by the Government, was time-consuming. There were five defendants in the indictment; four went to trial after the fifth defendant was severed for health reasons. In the indictment, the clients were not charged with over-billing, but were charged with overstating costs to reduce a refund obligation.

My client was convicted of the two smallest non-fraud counts, albeit felonies. He was acquitted via verdict or hung jury (and subsequent dismissal) of the other ten counts against him. My client received a sentence of probation, with no prison term. The remaining trial defendants received prison sentences ranging from 12 to 36 months.

Counsel for the Government:

Jay Trezevant  
Cherie Kringsman  
United States Attorney's Office  
400 North Tampa Street, Suite 3200  
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(813) 274-6000

Counsel for Co-Defendants:

Peter George  
Doug Titus  
George and Titus  
100 South Ashley Street, Suite 320  
Tampa, Florida 33601  
(813) 273-0355

Morris "Sandy" Weinberg  
Zuckerman Spaeder LLP  
101 East Kennedy Boulevard, Suite 1200  
Tampa, Florida 33602  
(813) 221-1010



Stanley Reed and Lauri Cleary  
Lerch Early & Brewer Chrtd.  
Three Bethesda Metro Center 460  
Bethesda, Maryland 20814  
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John Lauro  
Lauro Law Firm  
101 East Kennedy Boulevard, Suite 3100  
Tampa, Florida 33602  
(813) 222-8990

Jeffrey Lamken  
Molo Lamken  
600 North Hampshire Avenue Northwest  
Washington, District of Columbia 20037  
(202) 556-2000

3. *United States v. Ross, et al.*, No. 4:10-cr-201 (S.D. Tex.)

My client was the human resources director for a large pallet/container company. I was lead counsel for this defendant, who was charged with two broad-ranging felonies. When Immigration and Customs Enforcement raided the company's 50 plants, a large number of laborers were found to be undocumented workers. Through motion practice we succeeded in reducing the case in impact, and the District Judge (Hon. Gray Miller) ruled against the Government on several pretrial motions. The case was aided by a venue transfer motion I filed, which took the case out of the indicting venue of the Northern District of New York, and sent the case to the venue of the Southern District of Texas, in Houston. Approximately ten employees pled guilty and my client was one of five who went to trial in late 2011. We were about to begin jury selection when the Government permitted each defendant to plead guilty to a no-jail, no-probation petit misdemeanor.

Counsel for the Government:

Tina Sciochetti  
New York State Education Department (formerly at U.S. Attorney's Office)  
89 Washington Avenue  
Albany, New York 12231  
(518) 474-1201

Counsel for Co-Defendants:

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Paul Hastings LLP  
875 15th Street Northwest  
Washington, District of Columbia 20005

(202) 551-1988

Chris Tritico  
Tritico Rainey  
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Houston, Texas 77007  
(713) 581-3399

Cathy Fleming  
Fleming Ruvolt  
1700 Broadway, Suite 2800  
New York, New York 10019  
(212) 706-1850

Norman Moscovitz  
Jane Moscovitz  
Moscovitz Law Firm  
1111 Brickell Avenue, Suite 2050  
Miami, Florida 33131  
(305) 379-8300

4. *United States v. Singer, et al.*, No. 9:05cr928 (D.S.C.)

This was a case in the U.S. District Court of South Carolina involving “Medical Manager” software and alleged accounting fraud by the publicly-traded company which sold it nationwide. I represented the indicted Assistant General Counsel. The case involved massive discovery, many tapes with my client on them, and lasted several years with many hearings before the district judge. A favorable ruling caused a key count to be dismissed. My work on the case included a day-long hearing on my motion for severance, which resulted in relocating the case for my client from South Carolina (U.S. District Judge David Norton), to Tampa (U.S. District Judge Susan Bucklew). The remaining two defendants were convicted before the federal jury in South Carolina, but U.S. District Judge Norton dismissed that case post-verdict. Our client eventually received a dismissal (in mid-2010) as well.

Counsel for the Government:

Eric J. Klumb  
United States Attorney’s Office  
151 Meeting Street  
Charleston, South Carolina 29401  
(843) 266-1678

Counsel for Co-Defendants:

John M. Fitzgibbons

Law Offices of John M. Fitzgibbons  
707 North Franklin Street, Suite 700  
Tampa, Florida 33602  
(813) 221-8800

Gary Trombley  
Trombley & Hanes  
707 North Franklin Street, Suite 1000  
Tampa, Florida 33602  
(813) 229-7918

Randall Turk  
Baker Botts LLP  
1299 Pennsylvania Avenue Northwest, Suite 2180  
Washington, District of Columbia 20004  
(202) 639-7739

Hon. Christopher R. Cooper  
formerly at Baker Botts, LLP  
United States District Court  
333 Constitution Avenue Northwest  
Washington, District of Columbia 20001  
(202) 354-3480

Kevin J. Napper  
Carlton Fields Jordan Burt  
4221 W. Boy Scout Boulevard, Suite 1000  
Tampa, Florida 33607  
(813) 223-7000

John Lauro  
Lauro Law Firm  
101 East Kennedy Boulevard, Suite 3100  
Tampa, Florida 33602  
(813) 222-8990

Hon. Timothy Broas  
Holland & Hart  
975 F Street, N.W. Ste. 900  
Washington, D.C. 20004  
(202) 654-6914

5. *United States v. Scruggs*, No. 5:08cr144 (N.D. Cal.)

I have represented four Major League Baseball players in the “steroid era” prosecutions. In *Scruggs*, I represented a relief pitcher who made a key portion of the case for the

Government during the pre-indictment investigation, and helped cause a successful prosecution of a health care practitioner who was involved. I did not participate in the federal trial of this matter, which happened in the Northern California of California. The other steroid cases resolved short of criminal charges or grand jury involvement for my clients.

Counsel for the Government:

Jeffrey Nedrow  
United States Attorney's Office  
1500 Almaden Boulevard, Suite 900  
San Jose, California 95113  
(408) 535-5045

6. *United States v. Whiteside, et al.*, No. S97-52-cr-FtM-24(d).

This was known as the "Columbia/HCA Healthcare" case, before U.S. District Judge Susan Bucklew in Tampa. I handled all aspects of this ten-week jury trial for my client, a healthcare executive. I also handled the year's discovery and motions that preceded this case. The issue was whether healthcare executives committed fraud in cost accounting for hospitals. Two defendants were convicted by the jury, one was acquitted, and the jury "hung" on my client. After the trial failed to result in the conviction of my client, the Government entered into a pre-trial diversion agreement with my client, and then dismissed his charges outright.

Counsel for the Government:

Robert Mosakowski  
United States Attorney's Office  
400 North Tampa Street, Suite 3200  
Tampa, Florida 33602  
(813) 274-6000

Ernest F. Peluso  
(then at the United States Attorney's Office)  
12157 Linebaugh Avenue, No. 313  
Tampa, Florida 33626  
(813) 230-7397

Counsel for Co-Defendants:

Peter George  
George and Titus  
100 South Ashley Street, Suite 310  
Tampa, Florida 33602  
(813) 273-0355

Charles Lembcke  
Charles Lembcke, P.A.  
1300 Riverside Place, Suite 605  
Jacksonville, Florida 32207  
(904) 355-5467

David Geneson  
Sheppard Mullin  
1300 Eye Street Northwest, Suite 11-E  
Washington, District of Columbia 20005  
(202) 218-0030

7. *United States v. Corces*, No. 92-28-Cr-T-17 (M.D. Fla.)

I was the Assistant United States Attorney prosecuting this matter, which ran from 1990 to 1993 in Tampa. In this case we prosecuted a lawyer who had bribed a state prosecutor to “fix” five criminal cases in Hillsborough County. The prosecution arose out of a narcotics “hit” murder that had been “fixed” in state court. The jury trial lasted six weeks before U.S. District Judge Elizabeth Kovachevich, in federal court in Tampa. I handled greater than half of the prosecution’s case at trial, including the opening statement, the first closing argument, and most of our direct case. The jury “hung” after a lengthy deliberation when one juror held out for acquittal against 11 for conviction. The defendant was convicted in a retrial a year later after I was in private practice, and the defendant received ten years in prison.

Co-Counsel:

Walter Furr  
United States Attorney’s Office  
400 North Tampa Street, Suite 3200  
Tampa, Florida 33602  
(813) 274-6000

Counsel for Defendant:

Anthony F. Gonzalez  
Law Office of Anthony Gonzalez  
11104 Winthrop Way  
Tampa, Florida 33612  
(813) 340-8899

8. *United States v. Sigma International Seafood, et al.*, No. 85-95-Cr-T-24 (M.D. Fla.).

The issue here was the alleged importation of unwholesome seafood, and alleged obstruction by the defendants. I represented the seafood company and handled the entire

11-week jury trial before Tampa's U.S. District Judge Susan Bucklew for my client, the company. Individual defendants were also represented by their counsel at trial. The case involved massive pretrial discovery, several complex hearings, and criminal depositions in India. Although several defendants were convicted by jury, including my client, the case ended up a victory. Trial counsel, including myself, handled the several appeals. Irregular grand jury proceedings uncovered during trial resulted in adverse appellate rulings against the Government, and the case was eventually settled much later, with the individuals' charges being dropped and a win for the defense.

Counsel for the Government:

Dennis I. Moore (retired)  
David Rhodes  
c/o United States Attorney's Office  
400 North Tampa Street, Suite 3200  
Tampa, Florida 33602  
(813) 274-6000

Michael Rubinstein (retired)  
201 East Kennedy Boulevard, Suite 1000  
Tampa, FL 33602  
(813) 225-1655  
(last known address and number)

Counsel for Co-Defendants:

Ronald K. Cacciatore  
Law Offices of Ronald Cacciatore  
2308 South Hesperides Street  
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(813) 223-4831

Mark Lipinski  
(deceased)

John M. Fitzgibbons  
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707 North Franklin Street, Suite 700  
Tampa, Florida 33602  
(813) 221-8800

Kevin J. Napper  
Carlton Fields Jordan Burt  
4221 W. Boy Scout Boulevard, Suite 1000  
Tampa, Florida 33607  
(813) 223-7000

9. *United States v. Montagu*, No. 95-65-Cr-T-21(e) (M.D. Fla.)

This case involved my defense of a British peer at a jury trial before Hon. Ralph Nimmons in the U.S. District Court in Tampa. Mr. Montagu was a sitting member of the British House of Lords; his title was the Duke of Manchester. He was charged with being part of a conspiracy to swindle promoters of the Tampa Bay hockey franchise. I was sole defense counsel at the five-day jury trial. Our defense was that the more-guilty perpetrators, who were then fugitives, were using the Duke for his name. The Duke was convicted and received 31 months in prison. The case involved several trips to England, and a visit to the House of Lords to meet potential character witnesses.

Counsel for the Government:

Robert Mosakowski  
Jay Hoffer  
United States Attorney's Office  
400 North Tampa Street, Suite 3200  
Tampa, Florida 33602  
(813) 274-6000

10. *State v. Dorrian*, No. 92-F012739-A (13th Judicial Circuit)

This is the only homicide case I ever tried. A young Airman at MacDill Air Force Base in Tampa strangled his wife to death. His first trial, before I was on the case, resulted in a jury "hung" nearly unanimously in favor of second-degree murder. I became the defendant's attorney after that. At a second trial, the jury, Hon. Diane Allen presiding, found my client guilty of manslaughter.

The case involved several difficult issues. First, in order to establish manslaughter and avoid a second-degree murder conviction, the client had to testify. Further, I had to establish adequate provocation to support a manslaughter finding, yet respect the victim and acknowledge the very disturbing facts. Second, I put on a medical/toxicology expert to address a post-arrest statement. The client's mental state at that time was in issue and the expert helped address the prejudicial impact of the statement.

Counsel for the Government:

Christopher Watson  
Office of Public Defender (formerly at State's Attorney's Office)  
700 East Twiggs Street, Fifth Floor  
Tampa, Florida 33602  
(813) 227-1517

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.)

I have been active in my local, state, and federal bar associations. I served as Eleventh Circuit Editor to the ABA Appellate Practice Journal, as well as Vice President for the Eleventh Circuit Chapter of the Federal Bar Association.

I also was nominated by the Florida Bar to serve on the Judicial Nomination Commission for my Circuit. This group is ordained under the Florida Constitution to meet and send County and Circuit Court nominees to the Governor for possible appointment. My peers on that Commission elected me Vice-Chair and then Chair.

Further, the judges in the Middle District of Florida have appointed me Chair of their United States Magistrate Judge Nomination Committee for two Magistrate Judge openings recently, as well as Chair of the review panel on the re-nomination of incumbent Magistrate Judge Karla Spaulding. Before my service as Chair on those occasions, I also served as a member of the Magistrate Judge Nomination Committee one time as well.

I have never performed lobbying activities.

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.

I have not taught.

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

None.

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

None.



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.

If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all cases where my current firm represents a party. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate action, including recusal, where necessary.

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

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

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

At any given time I usually have open one or more cases from our local pro bono office, Bay Area Legal Services. For several years I have received our Bay Area's "Have a Heart Award" for lawyering for their needy clients. I also received similar commendation letters from the Florida Supreme Court connected to this pro bono service. In 2015, I received a commendation signed by the Chief Justice of the Florida Supreme Court, Hon. Jorge Labarga.

Our state trial court desired to reduce the local recidivism rate by founding a "First Step Program" to support inmates who are returning to society from prison. This program has been very successful in Pinellas, Lake, and other nearby counties. The state court (Judges Menendez and Black) asked me to set it up and get it going. I did so, and serve as its first Chair. This support group pays for temporary housing, bus passes, work boots, etc. for released inmates. We spend about \$600 per month on these items, with me approving the expenditures and signing the checks.

From 2004 to 2007, Senator Mel Martinez appointed me to the regional board to select his nominees to the U.S. Naval Academy. I also served on the statewide, final panel in 2007.

Outside of work, I formerly served as Scout leader for my sons' Cub Scout pack and have coached in many of the sports leagues offered by our local YMCA.

**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.

Florida has a bi-partisan Judicial Nominating Commission that takes input from and involves both Senators. After seeing the opening on our District Court's web site, I filed an application with that Commission in July 2015. The Commission interviewed me in Orlando, Florida in August 2015. Senator Rubio interviewed me by phone on November 6, 2015, and Senator Nelson interviewed me by phone on April 25, 2016. I was then nominated to the District Court by President Obama in April 2016. After the nomination lapsed in January, 2017, Senators Nelson and Rubio kept my name for the District Court slot, and jointly recommended me to the White House by letter from both, in March 2017. I interviewed with personnel from the White House and Department of Justice in that month.

Since March, I have been in contact with officials from the Department of Justice and White House Counsel's Office about providing information for this nomination.

- 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.