

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

**Responses of Hon. Lisa O. Monaco
January 2021**

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

Lisa Oudens Monaco

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

Deputy Attorney General, U.S. Department of Justice

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.

O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006
Partner

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

February 25, 1968, Boston, Massachusetts

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.

University of Chicago Law School (1994–1997)
J.D., June 1997

United States Department of Agriculture (1991)
1991 (Evening course in economics)

Harvard University (1986–1990)
B.A., June 1990

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.

Accenture Federal Services
800 Glebe Road, Suite 300
Arlington, VA 22203
Member, Board of Managers (December 2017–present)

Afghanistan Peace Process Study Group
United States Institute of Peace
2301 Constitution Avenue, NW
Washington, DC 20037
Member of Congressionally-mandated bipartisan group (April 2020–present)

Alclear, LLC
65 East 55th Street, 17th Floor
New York, New York 10022
Member, Security Advisory Board (June 2019–present)

The Aspen Institute
2300 N St, NW #700
Washington, DC 20037
Co-Chair, Aspen Institute Cybersecurity Group (January 2018–present)

Bipartisan Commission on Biodefense
1201 Pennsylvania Avenue, NW
Washington, DC 20004
Commissioner (March 2018–present)

Brown University, Watson Institute for International and Public Affairs
111 Thayer Street
Providence, RI 02912
Member, Board of Overseers (May 2019–present)

Café Media
417 Fifth Avenue, 7th Floor
New York, NY 10016
Consultant (August 2020–present)

Carnegie Endowment for International Peace
1779 Massachusetts Avenue, NW
Washington, DC 20036
Member, Advisory Group, Partnership for Countering Influence Operations (November 2019–present)
Member, Encryption Working Group (2018–September 2019)

Cognosante LLC
3110 Fairview Park Drive, Suite 800
Falls Church, VA 22042
Member, Board of Advisors (October 2017–present)

George Mason University’s Antonin Scalia Law School, National Security Institute
George Mason University
3301 Fairfax Dr. Arlington, VA 22201
Member, Advisory Board (November 2017–present)

Hostage US
1875 Connecticut Avenue NW, Fl. 10
Washington, DC 20009
Member, Board of Directors (March 2018–present)

LOM Strategies, LLC
Manager/sole member (March 2017–present)

New York University School of Law
40 Washington Square South
New York, NY 10012
Distinguished Senior Fellow, Center on Law & Security; Center on Cybersecurity and Adjunct Professor of Law (February 2017–present)

O’Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006
Partner (March 2019–present)

University of Chicago Law School
University of Chicago
1111 E 60th Street
Chicago, IL 60637

Member, University of Chicago Law School Council (January 2018–present)

Biden-Harris Transition
1401 Constitution Avenue, NW
Washington, DC 20230

*Homeland Security Advisor to the Transition for Inauguration Security (January 2021–
January 2021; Served as Special Government Employee at the National Security Council
from 1/20/21–1/23/21)*

Volunteer on vetting and public health advisory committee (April 2020–January 2021)

Turner Broadcasting Systems, Inc.
One CNN Plaza
Atlanta, GA 30303

Senior National Security Analyst (March 2017–November 2020)

WestExec Advisors
875 15th Street, NW
Washington, DC 20005

Principal (February 2018–August 2020)

Harvard University, Kennedy School of Government, Belfer Center for Science and
International Affairs
79 John F. Kennedy Street
Cambridge, MA 02138

*Non-Resident Senior Fellow, Homeland Security Program (December 2017–
December 2019)*

New York State Bipartisan Counterterrorism Advisory Panel
NYS State Capitol Building
Albany, NY 12224

Co-Chair (December 2017–December 2018)

Lyft, Inc.
185 Berry Street
San Francisco, CA 94158
Advisor (August 2018–December 2018)

The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20530
Assistant to the President for Homeland Security & Counterterrorism and Deputy National Security Advisor (March 2013–January 2017)

United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Assistant Attorney General for National Security (July 2011–March 2013)
Principal Associate Deputy Attorney General (February 2010–June 2011)
Acting Principal Associate Deputy Attorney General (February 2010–January 2011)
Associate Deputy Attorney General (January 2009–February 2010)

Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535
Chief of Staff (September 2007–January 2009)
Deputy Chief of Staff and Counselor (April 2007–September 2007)
Special Counsel to the Director (on detail, January 2006–April 2007)

United States Attorney's Office for the District of Columbia
555 4th Street, NW
Washington, DC 20001
Assistant United States Attorney (January 2001–April 2007)

Enron Task Force
United States Department of Justice
1400 New York Avenue, NW
Washington, DC 20530
Assistant United States Attorney (on detail) (May 2004–January 2006)

United States Department of Justice
Office of the Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530
Counsel (November 1998–January 2001)

The Honorable Jane R. Roth
United States Court of Appeals for the Third Circuit
844 King Street
Wilmington, DE 19801
Law Clerk (September 1997–July 1998)

The Chicago Law Foundation
University of Chicago Law School
1111 E 60th Street
Chicago, Illinois 60637
(Scholarship organization that funded summer work by law students in the public interest)
Treasurer (1995–1997)

Hogan and Hartson, LLP
555 13th Street, NW
Washington, DC 20005
Summer Associate (June 1996–September 1996)

White House Counsel's Office
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500
Summer Intern (July 1996–August 1996)

United States Department of Justice
Office of Legislative Affairs
950 Pennsylvania Avenue, NW
Washington, DC 20530
Summer Intern (July–September 1995)

The Honorable Wendell P. Gardner
Superior Court of the District of Columbia
500 Indiana Avenue, NW
Washington, DC 20001
Summer Intern (June–July 1995)

United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510
Research Coordinator (June 1992–September 1994)

Health Care Advisory Board
Watergate Office Complex
Washington, DC 20005
Senior Associate (June 1991–June 1992)

The Wilson Quarterly
Woodrow Wilson International Center for Scholars
Smithsonian Institution
370 L'Enfant Plaza
Washington, DC 20024
Research Assistant (July 1990–July 1991)

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 never served in the military. I was not required to register for the selective service.

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

Officer of the French Legion of Honor (awarded by the French President in recognition of counterterrorism) (January 2017)

United States Department of Justice Edmund J. Randolph Award (recognizing outstanding contributions to the accomplishments of the Department's mission) (March 2013)

National Intelligence Distinguished Public Service Medal (January 2017)

CIA Director's Award (January 2017)

Editor-in-Chief, University of Chicago Law School Roundtable (September 1996–June 1997)

Attorney General's Award for Exceptional Service (September 12, 2006)

United States Department of Justice Awards for Special Achievement (September 2002; August 2003; December 2005)

Elizabeth Cary Agassiz Certificate of Merit, Harvard College

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.

New York Bar Association (Member, 1998–present)

As noted in response to Question 11 below, I am also a member of the ABA Standing Committee on Law and National Security. I may also have had a brief membership to the American Bar Association in approximately 2007 (no office held).

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.

New York Bar (April 14, 1998). I have had no lapses in membership.

District of Columbia Bar (January 10, 2020). I have had no lapses 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.

United States Court of Appeals for the Third Circuit (May 18, 1998)

United States Court of Appeals for the District of Columbia Circuit (May 29, 2001)

I believe the above admissions have lapsed because I have had no occasion to practice in those courts since 2004.

I also appeared frequently before the Court of Appeals for the District of Columbia in 2001 in connection with my work in the Appellate Division of the United States Attorney's Office. I do not believe I was required to acquire separate admission to that court. Similarly, as an Assistant United States Attorney I appeared regularly in the United States District Court for District of Columbia from 2003 to 2004 and in the United States District Court for the Southern District of Texas from 2004 to 2006. I do not believe I was required to be admitted before these courts.

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.

ABA Standing Committee on Law and National Security (August 2018–present)

American Law Institute (December 2017–present)

Carnegie Endowment for International Peace (various working groups, 2018–present)

Council on Foreign Relations (2011–present)

Harvard Club of New York (March 2018–present)

Homeland Security Experts Group (July 2019–present)

Women's Forum of New York (January 2018–present)

New York State Counterterrorism Advisory Panel (December 2017–December 2018)

Edward Bennett Williams Inn of Court, Associate-at-Large (2002–2011 (approx.))

I may have had a free membership in the Harvard Club shortly after graduation from college. In addition, I may briefly have been a member of the Harvard Club of Washington, D.C., when I moved here in 1990. I cannot locate any records of those memberships.

I have made financial contributions over the years to the schools I have attended. I may have made financial contributions to charitable organizations over the years, and they may have considered me a “member.” I have not included in the list above any organizations to which I gave funds and did not otherwise participate in programmatic activities.

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

Not that I am aware of.

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.

Appendix 12.a, attached, contains all of the books, articles, reports, letters to the editor, editorial pieces or other published material that I have identified after comprehensive searches including through a review of my personal files and searches of publicly available electronic databases. I am unaware of any other relevant material, but, given the breadth of my career, there may be some materials that I have been unable to identify, find, or remember.

- 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.

Appendix 12.b, attached, contains all reports, memoranda, or policy statements I prepared or contributed in the preparation of that I have identified after comprehensive searches including through a review of my personal files and searches of publicly available electronic databases. I am unaware of any other relevant material, but, given the breadth of my career, there may be some materials that I have

been unable to identify, find, or remember. In addition, as a staff assistant to the Senate Judiciary Committee from 1992-1994, I provided research assistance to a number of committee reports issued by the Chairman, but my work was assigned and reviewed by my superiors. Further, the Afghanistan Peace Process Study Group, of which I am a member, is expected to release a report containing forward-looking recommendations about U.S. policy on Afghanistan in early 2021.

- 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.

Appendix 12.c, attached, contains all testimony, official statements or other communications related, in whole or in part, to matters of public policy or legal interpretation that I have identified after comprehensive searches including through a review of my personal files and searches of publicly available electronic databases. I am unaware of any other relevant material, but, given the breadth of my career, there may be some materials that I have been unable to identify, find, or remember.

In addition, while in government, I provided information and testimony to Congress in closed session on a number of occasions. Since leaving government service, I was interviewed by SSCI staff and appeared in closed session before SSCI relating to election interference.

- 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.

Appendix 12.d, attached, includes all speeches and talks responsive to this request that I have identified after comprehensive searches including through a review of my personal files and searches of publicly available electronic databases. I am unaware of any other relevant remarks, but, given the breadth of my career, there may be others that I have been unable to identify, find, or remember.

- 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.

Appendix 12e, attached, includes all interviews given that I have identified after comprehensive searches including through a review of my personal files and searches of publicly available electronic databases. I am unaware of any other relevant interviews, but, given the breadth of my career, there may be others that I have been unable to identify, find, or remember.

- f. If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.

None.

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 never been a candidate for public office. However, as listed in my response to Question 6 above, I have held a number of positions in the federal government.

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

None. (As noted above, I served in a volunteer capacity to assist with vetting and as a member of the Public Health Advisory Committee for the Biden for President Campaign, and for the Biden-Harris Transition as volunteer on personnel/vetting and on homeland security issues for the 59th Presidential Inaugural.)

14. Legal Career: Answer each part separately.

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

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

I served as a law clerk to The Honorable Jane R. Roth, United States Court of Appeals for the Third Circuit (September 1997–June 1998).

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

I have never practiced alone.

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

O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006
Partner (March 2019–present)

New York University School of Law
40 Washington Square South
New York, NY 10012
Distinguished Senior Fellow, Center on Law & Security; Center on Cybersecurity and Adjunct Professor of Law (February 2017–present)

United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Assistant Attorney General for National Security (July 2011–March 2013)
Principal Associate Deputy Attorney General (February 2010–June 2011)
Acting Principal Associate Deputy Attorney General (February 2010–January 2011)
Associate Deputy Attorney General (January 2009–February 2010)

Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535
(January 2006–January 2009)
Chief of Staff to the Director
Deputy Chief of Staff and Counselor
Special Counsel to the Director (on detail)

Enron Task Force
United States Department of Justice
1400 New York Avenue, NW.
Washington, DC 20530
(May 2004–January 2006)
Assistant United States Attorney (on detail)

United States Attorney’s Office for the District of Columbia
555 4th Street, NW
Washington, DC 20001
(January 2001–April 2007)
Assistant United States Attorney

Office of the Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530
(November 1998–January 2001)
Counsel to the Attorney General

United States Court of Appeals for the Third Circuit
The Honorable Jane R. Roth
844 King Street
Wilmington, DE 19804
(September 1997–June 1998)
Law Clerk

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

I have never served as a mediator or arbitrator.

- v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I have never held a judicial office.

b. Describe:

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

I am currently a Partner of O'Melveny & Myers LLP, where I chair the firm's Data Security and Privacy group and am a member of the White Collar Defense and Corporate Investigations Practice Group. In my practice, I counsel clients on the cyber-threat landscape and the rapidly evolving legal risks associated with cyber-attacks; I train and educate clients regarding existing regulatory regimes, management of cyber risks, and potential liabilities in the event of data breaches; and I provide privileged and confidential assessments of cybersecurity risks of existing holdings or proposed acquisitions. As part of my practice, I have also counseled clients regarding various disputes and litigation matters. During the COVID-19 pandemic, I provided crisis and incident response counseling to clients seeking to adapt their business operations to the circumstances brought on by the global pandemic.

From 2013 to 2017, I served as the President's Homeland Security and Counterterrorism Advisor. In this role, I did not serve as a lawyer but coordinated the federal government's crisis management and response to a wide array of risks and challenges—from cyber threats and pandemics to terrorist threats—and chaired the Cabinet-level Homeland Security Council Principals Committee and advised the President on homeland security issues and crises.

In 2011, I was nominated by the President and confirmed by the United States Senate as Assistant Attorney General for National Security. I led the National Security Division's nearly 400 lawyers and professional staff and oversaw all federal terrorism and national security prosecutions nationwide. During my tenure, I made cyber threats a top priority and created the first nationwide network of national security cyber specialists.

From September 1998 to January 2001, I was Counsel to the Attorney General, tasked with providing information and staff assistance on a range of criminal justice issues. From 2001 to 2013, I continued to serve in the Department of Justice primarily as a prosecutor and then as an advisor and supervisor of national security, law enforcement, and criminal and civil litigation matters.

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

As a partner of O'Melveny & Myers LLP, my clients consist primarily of businesses and other institutions, such as universities and non-profit organizations, specializing in data security and privacy, and white collar defense and investigations. As indicated in response to Question 23, these representations include pro bono work.

From March 2013 to January 2017, I was not serving as a lawyer, but was the President's Homeland Security and Counterterrorism Advisor and Deputy National Security Advisor.

Prior to 2013, my only client was the United States.

The areas in which I have specialized are national security, data privacy and cyber security, criminal prosecution, and law enforcement.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

- i. Indicate the percentage of your practice in:

- 1. federal courts:

1998–2001: 0%

2001–2003: 0%

2003–2011: 100%

2011–2017: 100%

2017–present: 0%

2. state courts of record:

1998–2001: 0%
2001–2003: 100%
2003–2011: 0%
2011–2017: 0%
2017–present: 0%

3. other courts:

None.

4. administrative agencies:

None.

ii. Indicate the percentage of your practice in:

1. civil proceedings:

1998–2009: 0%
2009–2011: 50%
2011–2013: 20%
2013–2019: 0%
2019–present: 50%

2. criminal proceedings:

1998–2009: 100%
2009–2011: 50%
2011–2013: 80%
2013–2019: 0%
2019–present: 50%

From 1998 to 2001, while serving as Counsel to the Attorney General, I provided staff assistance on criminal justice, national security and congressional oversight matters and did not appear in court. When I became an Assistant United States Attorney (AUSA) in 2001, all of my work was in the criminal arena. For approximately four years, I appeared in court often on a daily basis in the District of Columbia Superior Court and United States District Court in the District of

Columbia. In 2004, I was detailed to the Department of Justice's Criminal Division and the Enron Task Force. During the investigation and subsequent trials of several Enron executives I appeared in court or the grand jury frequently, including a three-month trial in Federal court in Houston, Texas. During my career as an AUSA, my practice was roughly split between Superior Court in the District of Columbia and Federal court matters.

During 2006 to 2009, while I was at the FBI, my work did not often involve litigation and I did not have occasion to appear in court. In 2009, I began work as an Associate Deputy Attorney General and assisted in the supervision of federal criminal and civil matters related to national security (as well as criminal and other matters) but I did not have direct responsibility for any cases and did not appear in court.

In 2010, I began work as Acting Principal Associate Deputy Attorney General and later as Principal Associate Deputy Attorney General. In that role, I supervised the staff of lawyers in the Office of the Deputy Attorney General and assisted the Deputy Attorney General in overseeing the operations of the Department.

From 2011 to 2013, I served as Assistant Attorney General for National Security. In that role, I supervised national security investigations and prosecutions but did not appear in court. From 2013–2017, I served as the President's Homeland Security and Counterterrorism Advisor. In that role, I was not serving as a lawyer and did not appear in court.

From February 2017 to the present, I have been a Distinguished Senior Fellow and Adjunct Professor of Law at the New York University School of Law where I have taught a course on national security law and policy.

From March 2019 to the present, I have been a Partner of O'Melveny & Myers LLP. In this role, I have provided counseling on criminal and civil matters, but I have not appeared in court.

- 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: 30%

2. non-jury: 70%

I have tried approximately 15 jury trials to verdict. I was sole counsel in approximately 10 of these cases. In the other cases, I worked with one other prosecutor, with the exception of one case in which I was co-counsel with two other prosecutors.

During my time in the United States Attorney's Office for the District of Columbia and the misdemeanor section of that office, I tried many non-jury cases to verdict.

The majority of misdemeanor cases were resolved by plea or bench trial. I do not recall how many bench trials I tried to verdict, but I estimate 30 to 40.

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

I have not personally practiced before the Supreme Court of the United States. However, I signed amicus briefs authored on behalf of former government officials that were filed in the Supreme Court in *Trump v. Hawaii*, Case No. 17-965. Copies of these amicus briefs are included in Appendix 12.c, described above.

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) *U.S. v. Joseph Hirko; Scott Yeager; Rex Shelby; Michael Krautz; and Kevin Howard*
Southern District of Texas, 4:03-CR-00093
Judge Vanessa Gilmore
(April 2005–July 2005)

Summary: Defendants were five executives of Enron’s Broadband business unit who were charged with conspiracy to commit securities and wire fraud, insider trading, and money laundering in connection with misrepresentations to the investing public about the progress and success of the Enron “intelligent network.” The investigation and prosecution was part of the Enron Task Force’s investigation into the collapse of Enron stemming from the December 2001 bankruptcy of that corporation. I was co-lead counsel in a three-month trial after which the jury was unable to reach a verdict on a majority of the charges. In 2005, my co-counsel and I reindicted the defendants in three indictments. After I left the Task Force, a number of defendants pleaded guilty or were retried.

In 2008, the lead defendant (Hirko) pleaded guilty to wire fraud. He received a 16-month sentence and was ordered to pay more than \$8 million in restitution and forfeiture. In 2010, defendant Shelby pleaded guilty to insider trading. He was sentenced to 2 years of probation, including 3 months of community confinement, 3 months of home confinement and 230 hours of community service. Defendants Krautz and Howard were retried in 2006. At retrial, Howard was convicted of fraud, conspiracy and falsifying books and records. Krautz was acquitted. Howard moved to vacate his convictions based on *United States v. Brown*, 459 F.3d 509 (5th Cir. 2006), *cert. denied*, 127 S.Ct. 2249 (2007), which clarified the meaning of “honest services” fraud. The district court vacated the convictions (471 F. Supp. 2d 772), and the Fifth Circuit affirmed (517 F.3d 731). In 2009, Howard pleaded guilty to one count of falsifying books and records and was sentenced to one year of probation. Defendant Yeager challenged the November 2005 superseding indictment on collateral estoppel and double jeopardy grounds. The district court denied his motion to dismiss the superseding indictment (446 F. Supp. 2d 719) and the Fifth Circuit affirmed (521 F.3d 367). In 2009, the Supreme Court granted certiorari, reversed and remanded, finding that the jury’s inability to reach verdicts on insider trading counts was a “nonevent” for purposes of determining the issue-preclusive effect of the acquittals. (129 S.Ct. 2360).

Co-Counsel: Benton Campbell, Former AUSA on the Enron Task Force; currently, General Counsel, Deloitte LLP, 1221 Avenue of the Americas, New York, NY 10020, 212-653-3317

Cliff Stricklin, Former AUSA on the Enron Task Force; currently, Partner at Bryan Cave Leighton Paisner, 1700 Lincoln Street, Suite 4100, Denver, CO 80203-4541, 303-866-0372

Counsel for Defendants: Defendant Hirko was represented by: Per Ramjford, Partner, Stoel Rives LLP, 760 SW Ninth Avenue, Suite 3000, Portland, OR 97204, 503-294-

9257; and David Angeli, Angeli Law Group, LLC, 121 S.W. Morrison Street, Suite 400, Portland, OR 97204, 503-222-1552

Defendant Yeager was represented by: J.A. “Tony” Canales, Canales and Simonson, PC, 2601 Morgan Avenue, P.O. Box 5624, Corpus Christi, TX 78405, 361-883-0601

Defendant Shelby was represented by: Edwin J. Tomko, currently Senior Counsel, Dykema Gossert PLLC, 1717 Main Street, Suite 4200, Dallas, TX 75201, 214-462-6447; Jason Ross, currently Member, Dykema Gossert PLLC, 1717 Main Street, Suite 4200, Dallas, TX 75201, 214-462-6417

Defendant Krautz was represented by: Barry J. Pollack, currently Partner, Robbins Russell, Englert, Orseck, Untereiner & Sauber LLP, 2000 K Street, NW, 4th Fl., Washington, DC 20006, 202-775-4514

Defendant Howard was represented by: Jack B. Zimmerman and Jim E. Lavine, Zimmermann Lavine & Zimmermann, O.C., 770 S. Post Oak Lane, Suite 620, Houston, TX 77056, 713-552-0300

(2) *United States v. Kevin Hannon*

Southern District of Texas, 4:03-cr-00093
Judge Vanessa Gilmore
(August 2004)

Summary: The defendant was the Chief Operating Officer of the Enron Broadband business unit. In August 2004, I negotiated a plea agreement with the defendant in which he pleaded guilty to conspiracy to commit wire and securities fraud and agreed to testify in subsequent trials for the Enron Task Force. He was sentenced to 24 months of incarceration.

Counsel for Defendant: Reid Figel, Partner, Kellogg, Huber, Hansen, Todd, Figel & Frederick PLLC, 1615 M Street, NW, Suite 400, Washington, DC 20036, 202-326-7918

(3) *United States v. Ken Rice*

Southern District of Texas, 4:03-cr-00093
Judge Vanessa Gilmore
(July 2004)

Summary: The defendant was the Co-Chief Executive Officer of the Enron Broadband business unit. He was indicted in 2003 for conspiracy to commit securities and wire

fraud, insider trading and money laundering. In July 2004, my co-counsel and I negotiated a plea agreement with defendant Rice in which he pleaded guilty to securities fraud and agreed to testify as a cooperating witness in subsequent Enron Task Force prosecutions. He was sentenced to 27 months of incarceration and ordered to forfeit approximately \$15 million to the victims of the Enron fraud.

Co-counsel: Benton J. Campbell, Partner, Latham & Watkins, 885 Third Avenue, New York, New York, 10022, 212-906-1200

Counsel for Defendant: William D. Dolan, III, William D. Dolan, III, PC, 212 N Oak Street, Falls Church, VA 22046, 703-584-8377

(4) *United States v. Jeffrey K. Skilling and Kenneth Lay*

Southern District of Texas, C.R. No. H-04-25 (S-2)

Judge Simeon P. Lake

(December 2005–January 2006)

Summary: I worked on certain pre-trial litigation matters but was not a part of the trial team for this case. My involvement in pretrial litigation included work on the government's motion to preclude certain expert testimony and to provide for additional disclosure from the defense. In addition, I litigated the government's response to the defendants' motion to preclude the government from introducing evidence of defendants' fraudulent trading strategies and market manipulation by Enron traders in California. Although the government lost that motion, it was significant because it highlighted Enron's practice of generating profits from fraudulent strategies and concealing those profits using reserve accounts. This was a strategy employed in the overall conspiracy to misrepresent the true state of Enron with which the defendants were charged.

Attorneys for the Government: Sean M. Berkowitz, former Director, Enron Task Force, currently, Partner, Latham & Watkins, LLP, 330 North Wabash Avenue, Suite 2800, Chicago, IL 60611, 312-777-7016

Kathryn H. Ruemmler, former Deputy Director, Enron Task Force, currently, Global Head of Regulatory Affairs, Goldman Sachs, 200 West Street, New York, NY 10282-2102, 212-934-1054

John Hueston, former AUSA, Enron Task Force, currently, Partner, Hueston Hennigan, LLP, 620 Newport Center Drive, Suite 1300, Newport Beach, CA 92660, 949-226-6740

Cliff Stricklin, Former AUSA on the Enron Task Force, currently, Partner at Bryan Cave Leighton Paisner, 1700 Lincoln Street, Suite 4100, Denver, CO 80203-4541, 303-866-0372

J. Douglas Wilson, last known position Appellate Chief, Criminal Division, U.S. Attorney's Office for San Francisco, 450 Golden Gate Avenue, San Francisco, CA 94102, 415-436-7039

Counsel for Defendants: Daniel M. Petrocelli, Partner, O'Melveny & Myers, LLP, 1999 Avenue of the Stars, 7th Floor, Los Angeles, CA 90067, 310-246-6850; Mark C. Holscher, Partner, Kirkland & Ellis, 555 South Flower Street, Suite 3700, Los Angeles, CA 90071, 213-680-8190; Chip B. Lewis, currently 1207 S. Shepherd Dr, Houston, TX 77019, 713-523-7878

(5) *United States v. Obafemi Orenuga*

United States District Court for the District of Columbia, No. 03-464
Judge John Bates
(March 2004)

Summary: Defendant was a tax auditor for the District of Columbia Office of Tax and Revenue. He was convicted at trial for receiving bribes in exchange for reducing the tax liability of local businesses. He was sentenced to 24 months of incarceration.

Co-counsel: Julieanne Himelstein, former Assistant United States Attorney, U.S. Attorney's Office for the District of Columbia, currently author, JustSecurity, last known address 120 E 87th Street, Apt R28C, New York, NY 10128, 212-722-0383.

Counsel for Defendant: Edward C. Sussman, deceased.

(6) *United States v. Reginald Steward*

Superior Court of the District of Columbia Criminal Division, No. 03-CF-393
Judge Erik P. Christian
(April 2003)

Summary: Defendant was convicted of unlawful distribution of heroin after a jury trial. The government utilized expert testimony regarding the practice of drug distribution operations and eyewitness testimony. The defendant was sentenced to 27 years of incarceration, with all but 180 months sentence suspended.

Counsel for the defendant: Walter Booth, deceased.

(7) *United States v. William Mayo*

Superior Court of the District of Columbia Criminal Division, No. F-6976-02
Judge Russell Canan
(February 2003)

Summary: Defendant was charged with armed robbery and possession of a firearm during the commission of a crime of violence. The defendant was acquitted. The matter was significant because it involved litigation over expert testimony regarding eyewitness identification by the sole witness/victim to the armed robbery.

Counsel for the Defendant: Cynthia Katkish, currently retired, last known address 223 South West Street, Suite 900, Raleigh, NC 27603, 919-998-9297

(8) *United States v. Didar Velasquez*, 801 A.2d 72 (D.C. 2002)

District of Columbia Court of Appeals
Chief Judge Wagner, Judge Schwelb, and Judge Farrell

Summary: I briefed and argued this appeal involving a defendant who was convicted of assault with intent to commit first-degree sexual abuse and threatening to injure a person. The case arose out of an incident in which the defendant assaulted the complaining witness who was babysitting her three-year-old cousin. The defendant argued that his conviction should be reversed because the trial court violated his Sixth Amendment right to confront the witness against him by precluding his cross examination of the complaining witness about her mental illness following the assault. The Court of Appeals affirmed.

Counsel for the Defendant: Donald L. Dworsky, last known address P.O. Box 409, Glen Echo, MD 20812, 301-229-1904

(9) *United States v. Ricardo Riley*, 790 A.2d 538 (D.C. 2002)

District of Columbia Court of Appeals
Judges Steadman, Glickman and Belson

Summary: I briefed and argued this appeal involving a defendant who was convicted of armed robbery. The defendant argued that the trial court erred permitting the government to introduce evidence of other crimes to demonstrate his intent to aid and abet another in the commission of the robbery. The Court of Appeals affirmed.

Counsel for the Defendant: Kali Bracey, formerly of Public Defender Service; currently Partner, Jenner & Block, 1099 New York Avenue, NW, Suite 900, Washington, DC 20001, 202-639-6867

(10) *United States v. Jose Chavez-Ouintanilla*, 788 A.2d 564 (D.C. 2002)

District of Columbia Court of Appeals
Judges Terry, Ruiz and Pryor

Summary: I briefed and argued this appeal involving a defendant who was convicted of possession of cocaine and marijuana with intent to distribute. On appeal the defendant challenged the basis for the search of the convenience store that was being used as a front for drug distribution in a District of Columbia neighborhood. In particular, the defendant challenged the use of confidential source information as a basis for an affidavit establishing probable cause for the search. The Court of Appeals affirmed.

Counsel for Defendant: Manuel Retureta, Retureta & Wassem, PLLC, 300 New Jersey Avenue, NW, Suite 900, Washington, DC 20001, 202-450-6119

- 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.)

From September 1998 to January 2001, I was Counsel to the Attorney General. In that position, I provided information, advice and staff assistance on a range of criminal justice, law enforcement, national security and oversight matters. I was not engaged in litigation.

In January 2001, I joined the United States Attorney's Office for the District of Columbia as an Assistant United States Attorney and thereafter worked as a prosecutor. I served in the Appellate Section and in the Superior Court Misdemeanor, Felony Trial and Grand Jury Sections as well as the Criminal Division's Fraud and Public Corruption Section. In Superior Court, my practice consisted of representing the United States in criminal appeals to the District of Columbia Court of Appeals and the Court of Appeals for the District of Columbia Circuit, and conducting grand jury investigations and prosecuting drug and gun-related offenses and other violent crimes. In Federal District Court, my practice consisted of investigating and prosecuting cases of public corruption and fraud. In 2004, I began a detail to the Department of Justice Criminal Division and the Enron Task Force. I served as a

prosecutor (on detail) to the Enron Task Force to investigate and prosecute the fraud associated with the collapse of Enron.

In January 2006, I began another detail as an Assistant United States Attorney serving as Special Counsel to the Director of the Federal Bureau of Investigation. As Special Counsel to the Director, I provided advice and guidance on a range of national security and law enforcement matters. I did not appear in court in this job.

In April 2007, I became Deputy Chief of Staff and Counselor to the Director and then Chief of Staff at the Federal Bureau of Investigation. During this time, I ran the day-to-day operations of the Director's office and provided advice and guidance on national security operations and investigations as well as on criminal and law enforcement matters. I also assisted in the management and oversight of the National Security Branch of the FBI (which is responsible for counterterrorism and counterintelligence investigations) and in the development of the intelligence capability of the FBI. I assisted the Director of the FBI and other senior executives in advancing the transformation of the FBI into a threat-based, intelligence-driven national security organization. In this capacity, I had regular interaction with representatives of the Intelligence Community, the President's Foreign Intelligence Advisory Board, and congressional staff.

In 2009, I became an Associate Deputy Attorney General. During this period, I assisted the Deputy Attorney General in the management of the national security functions of the Department including the National Security Division and the Federal Bureau of Investigation. On behalf of the Deputy Attorney General, I assisted in the supervision of significant investigations and prosecutions to disrupt national security threats. I worked regularly with prosecutors and agents on issues relating to counterterrorism and counterintelligence investigations and prosecutions but I did not have direct responsibility for any cases. From time to time, I briefed senior officials on pending investigations, prosecutions and national security policy matters. My work also involved representing the Department at the National Security Council and in interagency meetings with counterparts from the Departments of Defense, State, Central Intelligence Agency, and the Office of the Director of National Intelligence and other agencies on a range of issues concerning law enforcement investigations, intelligence collection, and detention policy.

From 2010 to 2011, I served as the Principal Associate Deputy Attorney General (PADAG) (first in an acting capacity). In this role, I had responsibility for management of the staff of lawyers in the Deputy Attorney General's Office who assist the Deputy Attorney General in conducting management of the Department. I assisted the Deputy Attorney General in oversight of a range of litigation, policy, and operational matters. These matters ranged from significant national security investigations and operations to criminal prosecutions and civil

litigation. As PADAG, I assisted the Deputy Attorney General and the Attorney General in the overall management of the Department of Justice, including the 94 U.S. Attorney's Offices.

In 2011, I was nominated by the President and confirmed by the United States Senate as Assistant Attorney General for National Security. I led the National Security Division's nearly 400 lawyers and professional staff and oversaw all federal terrorism and national security prosecutions nationwide and matters before the Foreign Intelligence Surveillance Court. Among other significant prosecutions, I oversaw the investigation and prosecution of Manssor Arbabsiar and another individual for participation in a plot directed by elements of the Iranian government to murder the Saudi Ambassador to the United States with explosives while the Ambassador was in the United States. In addition, as Assistant Attorney General, I made cyber threats, including by nation state actors, a top priority and created the first nationwide network of national security cyber specialists in U.S. Attorney's Offices around the country.

From 2013 to 2017, I served as the President's Homeland Security and Counterterrorism Advisor. In this role, I coordinated the federal government's crisis management and response to a wide array of risks and challenges—from cyber threats and pandemics to terrorist threats—and chaired the Cabinet-level Homeland Security Council Principals Committee. Among other significant matters, during my first month on the job, I coordinated the federal government's response to the Boston Marathon bombings. Throughout my time as Homeland Security Advisor, I advised the President on homeland security issues and crises.

From February 2017 to the present, I have been a Distinguished Senior Fellow and Adjunct Professor of Law at the New York University School of Law. I have taught a course on national security law and policy, mentored students, overseen research and engaged in the programs of the Reiss Center on Law & Security at the Law School.

From March 2019 through the present, I have been a Partner of O'Melveny & Myers LLP, where I chair the firm's Data Security and Privacy group and am a member of the White Collar Defense and Corporate Investigations Practice Group. In this role, I counsel clients on risk management and incident response, with a particular focus on data security and privacy matters, and advise clients on a range of disputes and litigation matters.

- 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.

From 2017 to 2020, I taught a National Security Law and Policy Seminar at New York University Law School. The course covered topics at the intersection of national security law and national security policy, including relationships among the three branches, the different institutional actors within the executive branch, and the interaction between U.S. national security agencies and their counterparts abroad. Specific topics included intelligence, counterterrorism, the role of the courts in national security matters, and cybersecurity, among others.

The syllabi from my courses are attached as Appendix 17.

- 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.

I participate in retirement plans offered by New York University and O'Melveny & Myers LLP. I will resign my positions at both New York University and O'Melveny & Myers LLP upon entering government service, but I will continue to participate in the retirement plans. The sponsors will make no further contributions after my resignation. In addition, pursuant to the partner compensation plan of O'Melveny & Myers LLP, like all partners, I am eligible for a bonus for my work during 2020. At this time, however, the firm has not yet completed the bonus determination process, and I have no information regarding whether I will receive any bonus compensation. In addition, as part of my compensation for my service on the board of advisors of Cognosante LLP, I have been awarded restricted units in the company. Pursuant to the company's compensation plan, upon my resignation, the company will repurchase my vested restricted units and I will receive a cash payout.

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

No.

- 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.

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

Please 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.

If I am confirmed, I will resign all outside positions and implement any additional commitments that I undertake in an ethics agreement as described in Question 22(b) below.

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I will enter into with the Department's designated agency ethics official.

- 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 work load, 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.

While a partner of O'Melveny & Myers LLP, I have participated in pro bono client counseling. I counseled a non-profit organization on data privacy best practices and worked

with a team of attorneys to prepare materials for the organization to train its staff on cybersecurity and ensure its preparedness to address cybersecurity incidents. In another pro bono matter, I assisted a junior attorney in preparing for an oral argument in a pro bono case by participating in a moot argument. I also have served as a Director of Hostage US, a non-profit organization that supports families of Americans taken hostage or wrongfully detained abroad, and supports hostages and detainees when they return home.

During my service at the Department of Justice, I did not have the opportunity to represent anyone other than the United States. From time to time, I spoke to law school and college classes regarding careers in the law and national security.

During law school, I served in the Mandel Legal Aid Clinic at the University of Chicago Law School representing indigent clients in the Law School's mental health clinic. I performed this work during my second and third years of law school. Also during law school, I served as the treasurer of a public interest scholarship fund that enabled law students to do work in the public interest during the summers.