

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Dominic William Lanza

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

United States District Judge for the District of Arizona

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.

United States Attorney's Office
District of Arizona
40 North Central Avenue, Suite 1800
Phoenix, Arizona 85004

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

1976; Seattle, Washington

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.

1999 – 2002, Harvard Law School; J.D. (*cum laude*), 2002

1994 – 1998, Dartmouth College; A.B. (*summa cum laude*), 1998

1997, University of California, Santa Barbara; no degree conferred (exchange quarter from Dartmouth)

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

October 2008 – present

United States Attorney's Office
District of Arizona
40 North Central Avenue, Suite 1800
Phoenix, Arizona 85004
Chief/Executive Assistant United States Attorney (2015 – present)
Chief, Financial Crimes and Public Integrity Section (2012 – 2015)
Assistant United States Attorney (2008 – 2012)

2003 – 2008
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, California 90071
Associate

2002 – 2003
The Honorable Pamela A. Rymer
United States Court of Appeals for the Ninth Circuit
125 South Grand Avenue
Pasadena, California 91105
Law Clerk

Summer 2002
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, California 90071
Summer Associate

Summer 2001
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Summer Associate

Summer 2001
Williams & Connolly LLP
725 North 12th Street, N.W.
Washington, D.C. 20005
Summer Associate

Summer 2000
Testa, Hurwitz & Thibault LLP
125 High Street
Boston, Massachusetts 02110
Summer Associate
Now defunct.

1998 – 1999
D.E. Shaw & Co.
116 Avenue of the Americas, Ninth Floor
New York, New York 10036
Sales and Trading Associate

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

I have not served in the military. I registered for selective service upon turning eighteen.

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.

FBI Certificate of Recognition (2016)
EOUSA Director's Award, Superior Performance by an AUSA—Criminal (2015)
U.S. Attorney's Office Award for Appellate Excellence (2014)
DHS-OIG Certificate of Appreciation (2013)
FBI Certificate of Recognition (2013)
U.S. Attorney's Office Award for Appellate Excellence (2013)
"Southern California Rising Star," *Law & Politics Magazine* (2006 – 2007)
Gibson Dunn & Crutcher's Most Challenging Pro Bono Matter Award (2005)
Law degree conferred *cum laude* (2002)
Editor and Transition Chair, *Harvard Law Review* (2000 – 2002)
Admitted to Wearers of the Green (1999)
Undergraduate degree conferred *summa cum laude* (1998)
Barrett All-Around Achievement Cup (1998)
Dartmouth Cup (1998)
NCAA Post-Graduate Scholarship (1998)
NACDA Post-Graduate Scholarship (1998)
Burger King College Football Scholarship (1997)
Moe Frankel '34 Scholarship (1997)
Phi Beta Kappa (1997)
Rufus Choate Scholar (1995 – 1997)
Varsity Football (1995 – 1997)
 Academic/Athletic All-American
 All-Ivy League

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.

Arizona State Bar Task Force on Lawyer Ethics, Professionalism, and Unauthorized

Practice of Law (2016 – 2017)

Diversity Committee, United States Attorney's Office for the District of Arizona (2015 – present)

Chair, Subcommittee on Recruitment and Hiring (2015 – present)

Federal Bar Association (2013 – present)

Inmate Restraint Policy Committee, United States District Court for the District of Arizona (2015 – 2017)

Local Rules of Practice Advisory Committee, United States District Court for the District of Arizona (2015 – present)

Chair, Criminal Practice Subcommittee (2017 – present)

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.

State Bar of California, 2003

State Bar of Texas, 2017

There have been 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 Eighth Circuit, 2006

United States Court of Appeals for the Ninth Circuit, 2004

United States District Court for the Central District of California, 2004

United States District Court for the Northern District of California, 2005

Supreme Court of California, 2003

Supreme Court of Texas, 2017

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.

Federalist Society for Law and Public Policy (2015 – present)
Arizona Republican Lawyers Association (2011 (approximate) – present)
Arizona Health Care Fraud Task Force (2012 – 2015)
Arizona Mortgage Fraud Task Force (2012 – 2015)

- 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.

With Theodore J. Boutrous, Jr., *Global Warming Tort Litigation: The Real "Public Nuisance,"* 35 ECOLOGY L. CURRENTS 80 (2008)

Leading Cases, Voting Rights—Race-Based Redistricting, 115 HARV. L. REV. 386 (2001)

Recent Cases, Title VI—Third Circuit Upholds Viability of Standardized Test Scores as a Component of Freshman Athletic Eligibility Requirements, 114 HARV. L. REV. 947 (2001)

In 2005, while working at Gibson Dunn, I helped edit the first supplement to an ABA antitrust treatise entitled *Competition Laws Outside The United States*. I do not have a copy of the treatise, nor have I been able to locate one.

- 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.

Arizona State Bar Task Force on Lawyer Ethics, Professionalism, and Unauthorized Practice of Law, Report of the Task Force, June 1, 2017. Copy supplied.

Local Rules of Practice Advisory Committee, Meeting Minutes, December 15, 2016. Copy supplied.

Local Rules of Practice Advisory Committee, Agenda, September 20, 2016. Copy supplied.

Inmate Restraint Policy Committee, Memorandum, March 4, 2016. Copy supplied.

Local Rules of Practice Advisory Committee, Meeting Minutes, December 1, 2015. Copy supplied.

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

None.

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

December 4, 2017: Presenter, Arizona State Commission on Judicial Appointments, Phoenix, Arizona. I spoke on behalf of a candidate seeking a position on the Arizona Court of Appeals. I have no notes, recording, or transcript. The commission hearing took place at 1501 West Washington, Phoenix, Arizona 85007.

October 19, 2017: Co-presenter, "Supreme Court Review," Federal Bar Association Luncheon, Phoenix, Arizona. Notes supplied.

September 27 – 29, 2017: Emcee, “25th Annual Four Corners Indian Country Conference,” Glendale, Arizona. Outline supplied.

June 14, 2017. Panelist, “Preparing for Appellate Oral Argument,” United States Attorney’s Office, Phoenix, Arizona. Outline supplied.

March 9, 2017: Panelist, “The Impact of Technology on the Fourth Amendment and the Right to Digital Privacy,” ASU-Arkfeld eDiscovery and Digital Evidence Conference, Phoenix, Arizona. Outline supplied.

November 3, 2016: Speaker, “Federal Prosecution of Gun Crimes,” Project Safe Neighborhood Call-In Event, Phoenix, Arizona. Notes supplied.

October 26, 2016: Speaker, National Institute of Corrections, Reentry Employment Specialist Training, Phoenix, Arizona. I spoke about the difficulty that felons often experience when attempting to reenter their communities after serving prison terms. I have no notes, recording, or transcript. The training took place at Arizona at Work, 1840 North 95th Avenue, Phoenix, Arizona 85037.

October 25, 2016: Speaker, “The Diversion Process,” United States Attorney’s Office, Phoenix, Arizona. PowerPoint slides supplied.

October 20, 2016: Speaker, “Criminal Trademark Enforcement,” International Anti-Counterfeiting Coalition Fall Conference, Scottsdale, Arizona. PowerPoint slides supplied.

September 29, 2016: Presenter, Arizona State Commission on Judicial Appointments, Phoenix, Arizona. Notes supplied.

September 20, 2016: Co-presenter, “Supreme Court Review,” Phoenix Lawyers’ Chapter of the Federalist Society, Phoenix, Arizona. Outline supplied.

June 6, 2016: Panelist, “*Miranda* At 50,” Arizona State Bar Convention, Phoenix, Arizona. Notes supplied.

March 10, 2016: Panelist, “Big Brother Is Always Watching, But What Do You Do When They Actually Knock (Government Investigations),” ASU-Arkfeld eDiscovery and Digital Evidence Conference, Tempe, Arizona. PowerPoint slides supplied.

September 24, 2015: Co-presenter, “Supreme Court Review,” Phoenix Lawyers’ Chapter of the Federalist Society, Phoenix, Arizona. Outline supplied.

September 12, 2015: Speaker, “USAO Update,” Judicial Retreat of the United States District Court for the District of Arizona, Phoenix, Arizona. PowerPoint slides supplied.

June 25, 2015: Panelist, "Securities Regulation," Arizona State Bar Convention, Phoenix, Arizona. Notes supplied.

April 23, 2015: Presenter, "Crime Victims' Rights Week Service Awards Ceremony," United States Attorney's Office, Phoenix, Arizona. Notes supplied.

April 14, 2015: Speaker, Federal Courthouse Overview for High School Students, Phoenix, Arizona. I spoke about the role of a prosecutor's office. I have no notes, recording, or transcript. The address of the U.S. District Court for the District of Arizona is 401 West Washington Street, Phoenix, Arizona 85003.

March 20, 2015: Speaker, "Spring Training For Lawyers, Criminal Law Update: Technology, Privacy, And The Fourth Amendment," Arizona State Bar, Phoenix, Arizona. PowerPoint slides supplied.

March 12, 2015: Panelist, "We Don't Need No Stinkin' Badges (Criminal Cases)," ASU-Arkfeld eDiscovery and Digital Evidence Conference, Tempe, Arizona. I have no notes, recording, or transcript. The address of the Sandra Day O'Connor College of Law is 111 East Taylor Street, Phoenix, Arizona 85004.

April 25, 2014: Speaker, "Federal Election Law Enforcement and the U.S. Attorney's Office," Arizona State Bar, Phoenix, Arizona. Notes supplied.

April 18, 2014: Speaker, "Financial Fraud, Public Corruption, and Ethics," Phoenix College, Phoenix, Arizona. Notes supplied.

March 26, 2014: Panelist, Brown-Bag Lunch, Snell & Wilmer, Phoenix, Arizona. Notes supplied.

On January 28, 2014, I gave a presentation on white collar prosecutions and insurance fraud at an insurance industry conference in Phoenix, Arizona. I do not recall who sponsored the conference, and I do not have any notes, recording, or transcript of my remarks. I do recall that the event was held at the Embassy Suites by Hilton, 4415 E. Paradise Village Parkway, Phoenix, Arizona 85032.

April 8, 2013: Panelist, Brown-Bag Lunch, Snell & Wilmer, Phoenix, Arizona. I spoke about developments in the law regarding white collar crime. I have no notes, recording, or transcript. The address for Snell & Wilmer is 400 East Van Buren Street, Phoenix, Arizona 85004.

February 6, 2013: Panelist, "Criminal Law Lunch," Arizona Summit Law School, Phoenix, Arizona. I discussed my choice to pursue a career as a prosecutor. I have no notes, recording, or transcript. The address for Arizona Summit Law School is 1 North Central Ave., Phoenix, Arizona 85004.

June 29, 2007: Panelist, "Punitive Damages," American Bar Association Products Liability Conference, Detroit, Michigan. PowerPoint slides supplied.

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

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

Lanza Wins Scholarship, SEATTLE TIMES (Oct. 17, 1997). Copy supplied.

Hard to Improve on Perfection, N.H. UNION LEADER (Aug. 31, 1997). Copy supplied.

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

I have not served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

- i. Of these, approximately what percent were:

jury trials:	_____%
bench trials:	_____%
civil proceedings:	_____%
criminal proceedings:	_____%

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

- e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not served as a judge.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
 - b. a brief description of the asserted conflict of interest or other ground for recusal;
 - c. the procedure you followed in determining whether or not to recuse yourself;
 - d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.
15. **Public Office, Political Activities and Affiliations:**
- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or

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

None.

- 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.

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

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

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

From August 2002 to August 2003, I served as a judicial law clerk for the Honorable Pamela A. Rymer of the United States Court of Appeals for the Ninth Circuit in Pasadena, California.

- 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.

Summer 2002
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, California 90071
Summer Associate

2002 – 2003
The Honorable Pamela A. Rymer
United States Court of Appeals for the Ninth Circuit
125 South Grand Avenue
Pasadena, California 91105
Law Clerk

2003 – 2008
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, California 90071
Associate

October 2008 – present
United States Attorney's Office
District of Arizona
40 North Central Avenue, Suite 1800
Phoenix, Arizona 85004
Assistant United States Attorney (2008 – 2012)
Chief, Financial Crimes and Public Integrity Section (2012 – 2015)
Chief/Executive Assistant United States Attorney (2015 – present)

- 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 in alternative dispute resolution proceedings.

b. Describe:

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

From 2002 to 2003, I served as a judicial law clerk to the Honorable Pamela A. Rymers of the United States Court of Appeals for the Ninth Circuit. In this role, I conducted legal research, drafted bench memoranda, and assisted in drafting opinions.

From 2003 to 2008, I was an associate in the constitutional and appellate law practice group of Gibson, Dunn & Crutcher LLP. While there, I represented vehicle manufacturers in over 40 product liability lawsuits and appeals, focusing on constitutional defenses to punitive damage claims. I also worked on a number of antitrust, legal malpractice, and pro bono matters.

Since October 2008, I have been an Assistant United States Attorney in the Phoenix office of the United States Attorney's Office for the District of Arizona. In this role, I have prosecuted over 300 defendants for a wide array of federal crimes, including immigration offenses, firearms, worksite enforcement, drug trafficking, alien smuggling, bribery, public corruption, cyber crimes, money laundering, witness tampering, investment fraud,

mortgage fraud, tax fraud, defense contractor fraud, and procurement fraud. I also have authored more than twenty Ninth Circuit briefs and argued eleven cases before the Ninth Circuit. From December 2012 to January 2015, I served as the chief of the Phoenix office's Financial Crimes and Public Integrity section. Since January 2015, I have served as the Chief/Executive Assistant U.S. Attorney. In this role, I am responsible for overseeing the Phoenix office's criminal, civil, appellate, and administrative divisions and advising the U.S. Attorney on sensitive case- and policy-related matters.

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

While at Gibson Dunn, my typical clients were manufacturers. Since joining the U.S. Attorney's Office, I only have represented the United States.

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

Since joining the United States Attorney's Office in 2008, 100% of my practice has been in litigation. I appeared in court on a near-daily basis from 2008 to 2010 while in the Southwest Border Section and have continued appearing in court frequently since then. While at Gibson Dunn from 2003 to 2008, 100% of my practice was in litigation and I appeared in court occasionally.

- 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: 20%
- 2. criminal proceedings: 80%

- 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 13 cases to verdict. I tried seven of those cases while at the United States Attorney's Office, all as lead or co-lead counsel. While at Gibson Dunn, I was part of the trial team (associate counsel) in six additional cases that were tried to verdict.

- i. What percentage of these trials were:
 - 1. jury: 85%
 - 2. non-jury: 15%

- 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 was one of the authors of an amicus brief on behalf of the Product Liability Advisory Council in support of the petitioner in *Philip Morris USA v. Mayola Williams*, Case No. 05-1256. Copy supplied.

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

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
 - 1. *United States v. Slade et al.*, CR 09-1492-PHX-ROS (D. Ariz.) and C.A. Nos. 13-10523 and 13-10529 (9th Cir.).

The defendants operated a group of Arizona-based investment funds that collected more than \$166 million from investors and came to function as a Ponzi scheme. The case involved several years of pretrial litigation concerning discovery and evidentiary matters. The first trial lasted nearly a month, involved 30 witnesses and approximately 600 admitted exhibits, and resulted in a hung jury. The retrial resulted in guilty verdicts on all counts. I first-chaired both trials, presenting the opening statements, closing arguments, and rebuttal closings, and conducted the direct and cross examinations of about half of the witnesses. The defendants received sentences ranging from 7.5 to 15 years in prison and were ordered to pay nearly \$40 million in restitution. I also handled the appellate briefing and oral argument in the Ninth Circuit, which resulted in the affirmance of the defendants' convictions. For my work on this case, I received the EOUSA Director's Award for "Superior Performance by an AUSA—Criminal."

Date of Representation: December 2009 – August 2015

Judges

Hon. Jack Zouhary, United States District Judge (visiting judge from N.D. Ohio)
Hon. Roslyn Silver, United States District Judge
Hon. Michelle Burns, United States Magistrate Judge
Hon. Alex Kozinski, United States Circuit Judge
Hon. Richard Tallman, United States Circuit Judge
Hon. Lawrence Piersol, United States District Judge (visiting judge from D.S.D.
sitting by designation)

Co-Counsel

Peter Sexton, Esq.
Kevin Rapp, Esq.
United States Attorney's Office
District of Arizona
40 North Central Avenue
Phoenix, Arizona 85004
(602) 514-7500

Counsel for Duane Slade

Dennis Wilenchik, Esq.
Wilenchik & Bartness
2810 North Third Street
Phoenix, Arizona 85004
(602) 606-2810

Counsel for Brent Williams

Alan Simpson, Esq.
Alan Simpson, P.C.
P.O. Box 2976
Carefree, Arizona 85377
(480) 488-1119

Counsel for Guy Williams

Stephen Dichter, Esq.
Christian, Dichter & Sluga, P.C.
2700 North Central Avenue, Suite 1200
Phoenix, Arizona 85004
(602) 792-1700

Counsel for Russell Sewell

David Eisenberg, Esq.
David Eisenberg PLC
3550 North Central Avenue, Suite 1155
Phoenix, Arizona 85012

(602) 237-5076

2. *United States v. Danny's Family Car Wash et al.*, CR 13-1143-PHX-NVW, CR 13-1271-PHX-NVW, CR 14-108-PHX-NVW, CR 14-301-PHX-NVW, and CR 14-990-PHX-NVW (D. Ariz.).

A Phoenix car wash chain was forced to terminate over 900 employees after an audit by the Department of Homeland Security revealed they were aliens who were unauthorized to work in the United States. Afterward, the company and its managers engaged in a multi-year scheme to rehire many of the old employees using stolen identifies and falsified documents. I oversaw the criminal investigation of this hiring scheme, which culminated in the simultaneous execution of approximately 25 search warrants, and acted as lead counsel during the post-indictment proceedings. The owner pleaded guilty to conspiracy to commit identity theft, was sentenced to 12 months in prison, and was required to divest himself of any future ownership, managerial, or profit-sharing interest in the company. Thirteen other managers also pleaded guilty to felony charges and received sentences ranging from probation to three months in prison. Finally, the corporate entities, which pleaded guilty to the crime of pattern/practice of employing unauthorized aliens, were required to forfeit over \$156,000.

Date of Representation: August 2013 – November 2014

Judge

Hon. Neil Wake, United States District Judge

Co-Counsel

Lisa Jennis, Esq.
United States Attorney's Office
District of Arizona
40 North Central Avenue
Phoenix, Arizona 85004
(602) 514-7500

Counsel for Danny Hendon

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(602) 258-2599

Counsel for Corporate Entities

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Polsinelli
One East Washington Street, Suite 1200
Phoenix, Arizona 85004

(602) 650-2020

Counsel for Randall Sanford

James Belanger, Esq.
J Belanger Law PLLC
P.O. Box 447
Tempe, Arizona 85280
(602) 888-6072
Formerly of Coppersmith Brockelman PLC

Counsel for Juan Ruiz-Gonzalez

Adrian Fontes, Esq.
Fontes Law
5353 North 16th Street, Suite 110
Phoenix, Arizona 85016
(602) 274-5400

Counsel for Jack Edlund

Patricia Gitre, Esq.
Law Office of Patricia A. Gitre
801 North 1st Avenue
Phoenix, Arizona 85003
(623) 500-2248

Counsel for Oscar Aguilar-Gastelum

Shannon Peters, Esq.
Tyler Allen Law Firm
4201 North 24th Street, Suite 200
Phoenix, Arizona 85016
(602) 456-0545

Counsel for Antonio Baca

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1761 East McNair Drive, Suite 101
Tempe, Arizona 85283
(480) 345-7032

Counsel for Humberto Dominguez

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Phoenix, Arizona 85003
(602) 257-1295

Counsel for Manuel Aldaco

Erik Kessler, Esq.
Kessler Law Office
240 North Center Street
Mesa, Arizona 85201
(480) 644-0093

Counsel for Miguel Mejia-Estrada

Randall Craig, Esq.
Law Offices of Randall J. Craig PLLC
15333 North Pima Road, Suite 305
Scottsdale, Arizona 85260
(888) 710-6153

Counsel for Martin Mejia-Estrada

Stephen L. Duncan, Esq.
Law Offices of Stephen L. Duncan, P.L.C.
4295 North 75th Street
Scottsdale, Arizona 85251
(602) 832-7404

Counsel for Juan Zarate-Carreon

Neil LaBarge, Esq.
Law Office of Neil C. LaBarge
2601 North 16th Street
Phoenix, Arizona 85006
(602) 252-4090

Counsel for Adam Wakeley

Myles Schneider, Esq.
Myles A. Schneider & Associates
14001 North 7th Street, Suite C-106
Phoenix, Arizona 85022
(602) 926-7373

Counsel for Pedro Zoquitecatl-Flores

Eugene Marquez, Esq.
Yuma County Public Defender
168 South Second Avenue
Yuma, Arizona 85364
(928) 817-4600
Formerly of Eugene Marquez PLC

Counsel for Henry Hernandez-Alonzo

Michael Reeves, Esq.
Law Office of Michael S. Reeves
1212 East Osborn Road

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Counsel for Guadalupe Carlos Vazquez-Escorcza

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3. *United States v. Marchiol*, CR 13-1391-PHX-SRB and CV 16-2235-PHX-SRB (D. Ariz.) and C.A. No. 15-10106 (9th Cir.).

The defendant was a real estate agent who helped two drug dealers buy a house with drug money and then attempted to conceal the dealers' ownership of the house through a series of complicated financial maneuvers. The defendant also failed to file personal tax returns for several years and made illegal structured cash withdrawals in an attempt to hide money from the IRS. I gave the opening statement during trial and conducted the direct and cross examinations of about half of the witnesses. The defendant was convicted on all counts and sentenced to 48 months' imprisonment. I also helped draft the response to the defendant's post-trial motions (which were denied), the sentencing-related pleadings, the government's appellate brief (which persuaded the Ninth Circuit to affirm without holding oral argument), and the response to the defendant's habeas petition (which the district court denied).

Date of Representation: October 2013 – March 2017

Judges

Hon. Susan Bolton, United States District Judge
Hon. Margaret McKeown, United States Circuit Judge
Hon. Kim Wardlaw, United States Circuit Judge
Hon. Richard Tallman, United States Circuit Judge

Co-Counsel

Kevin Rapp, Esq.
United States Attorney's Office
District of Arizona
40 North Central Avenue
Phoenix, Arizona 85004
(602) 514-7500

Counsel for Tanya Marchiol

Ed Novak, Esq.
Polsinelli

One East Washington, Suite 1200
Phoenix, Arizona 85004
(602) 650-2020

4. *United States v. Lopez-Garcia et al.*, CR 12-177-PHX-PGR (D. Ariz.) and C.A. No. 13-10607 (9th Cir.).

A Border Patrol agent and a state prison guard conspired to take bribes in return for leaking sensitive information to traffickers who were seeking to smuggle drugs and aliens into the United States from Mexico. The leaked information included sensor maps, combinations to gates located near the Mexican border, computer records concerning prior drug seizures, the location of Border Patrol units, and the identity of a confidential informant. I oversaw the criminal investigation, which included multiple undercover operations and a wiretap, and the post-indictment proceedings, which included detention hearings, a suppression hearing, and extensive motion practice. Both defendants pleaded guilty and received sentences of 15 years and 9 years, respectively. Afterward, the Border Patrol agent appealed. I handled the appellate briefing and oral argument in the Ninth Circuit, which resulted in the affirmance of the conviction. For my work on this case, I received certificates of recognition from the FBI and DHS-OIG.

Date of Representation: January 2012 – August 2015

Judges

Hon. Paul Rosenblatt, United States District Judge
Hon. Stephen Reinhardt, United States Circuit Judge
Hon. Wallace Tashima, United States Circuit Judge
Hon. Consuelo Callahan, United States Circuit Judge

Counsel for Michael Lopez-Garcia

Stephen Ralls, Esq.
Law Offices of Steven G. Ralls
314 South 6th Avenue
Tucson, Arizona 85701
(520) 884-1234
Formerly of Ralls Aguilera & Reidy PC

Counsel for Ivhan Herrera-Chiang

Philip Seplow, Esq.
Law Office of Philip A. Seplow
518 East Willetta Street
Phoenix, Arizona 85004
(602) 254-8817

5. *United States v. Sualim*, CR 13-1515-PHX-SRB and CV 16-1018-PHX-SRB (D. Ariz.).

The defendant operated a sophisticated internet fraud scheme that spanned four continents and duped more than a dozen victims out of more than \$13 million. I oversaw the criminal investigation of the scheme, which was jointly pursued by the FBI, the IRS, and the Royal Canadian Mounted Police, and the post-indictment proceedings, which included a suppression hearing and extensive motion practice. The defendant ultimately pleaded guilty, was sentenced to 12.5 years in prison, and was ordered to pay over \$13 million in restitution (which included an unusual agreement requiring the defendant to liquidate more than \$2 million of his Canadian assets for the benefit of victims). I also drafted the response to a habeas petition the defendant filed after going to prison, which the district court denied. For my work on this case, I received a certificate of recognition from the FBI.

Date of Representation: October 2013 -- January 2017

Judge

Hon. Susan Bolton, United States District Judge

Co-Counsel

Peter Sexton, Esq.
United States Attorney's Office
District of Arizona
40 North Central Avenue
Phoenix, Arizona 85004
(602) 514-7500

Counsel for Alex Sualim

Paul Charlton, Esq.
Steptoe & Johnson LLP
201 East Washington Street, Suite 1600
Phoenix Arizona 85004
(602) 257-5205

6. *United States v. Loughner*, CR 11-187-TUC-LAB (D. Ariz.).

In January 2011, Jared Loughner went on a tragic shooting spree in Tucson that killed six people and injured 13 more. The crime scene was jointly processed by the FBI and the Pima County Sheriff's Office ("PCSO"). After Loughner was indicted on federal charges, a consortium of media organizations, including the *Washington Post*, submitted a public-records request to the PCSO demanding that it turn over all of its investigative materials and files. I drafted an emergency motion for a protective order to prohibit the PCSO from disclosing this material while the criminal case was pending. The motion was granted. A few weeks later, the media organizations filed a motion to overturn the protective order. I drafted the government's response and represented the government during oral argument.

The district court adopted the government's position and denied the motion.

Date of Representation: March 2011 – May 2011

Judge

Hon. Larry Burns, United States District Judge (visiting judge from S.D. Cal.)

Co-Counsel

Beverly Anderson, Esq.
Christina Cabanillas, Esq.
Mary Sue Feldmeier, Esq.
Bruce Ferg, Esq.
Wallace Kleindienst, Esq.
United States Attorney's Office
District of Arizona
405 West Congress Street, Suite 4800
Tucson, Arizona 85701
(520) 620-7300

Counsel for Media Organizations

David Bodney, Esq.
Ballard Spahr LLP
1 East Washington Street, Suite 2300
Phoenix, Arizona 85004
(602) 798-5400
Formerly of Steptoe & Johnson LLP

7. *United States v. Aguilar-Reyes*, C.A. No. 10-10216 (9th Cir.).

The defendant was a Mexican citizen who was charged with, and pleaded guilty to, the crime of illegal reentry after deportation. The district court initially imposed a 33-month sentence but decided several weeks later (over the government's jurisdictional objection) to reduce the sentence to time served. I obtained permission from the Office of the Solicitor General to pursue an affirmative appeal, researched and drafted the appellate briefs, and represented the government at oral argument. The Ninth Circuit reversed, adopting the government's jurisdictional arguments. *United States v. Aguilar-Reyes*, 653 F.3d 1053 (9th Cir. 2011).

Date of Representation: May 2010 – November 2011

Judges

Hon. Barry Silverman, United States Circuit Judge
Hon. Susan Graber, United States Circuit Judge
Hon. Barbara Lynn, United States District Judge (visiting judge from N.D. Tex. sitting by designation).

Counsel for Marcelino Aguilar-Reyes

Juan Rocha, Esq.

Law Office of Juan L. Rocha

P.O. Box 5965

Mesa, Arizona 85211

(480) 855-1759

Formerly of the Federal Public Defender's Office

8. *United States v. Large*, CR 10-1296-PHX-ROS (D. Ariz.).

Over a six-month period in 2010, the defendant spent over \$35,000 purchasing a total of 63 firearms from federally-licensed firearm dealers in Arizona, most of which were AK-47 style assault rifles. When purchasing these firearms, the defendant repeatedly misstated his address and falsely declared that he was the "actual purchaser" of the firearms. In fact, the defendant was purchasing these firearms for other people. During trial, I gave the opening statement and conducted the direct and cross examinations of about half of the witnesses. The defendant was convicted on all counts and sentenced to 63 months' imprisonment. His conviction was later affirmed on appeal.

Date of Representation: October 2011 – April 2012

Judge

Hon. Jack Zouhary, United States District Judge (visiting judge from N.D. Ohio)

Co-Counsel

Lisa Jennis, Esq.

United States Attorney's Office

District of Arizona

40 North Central Avenue

Phoenix, Arizona 85004

(602) 514-7500

Counsel for Gary Large

Tyrone Mitchell, Esq.

Tyrone Mitchell PC

2633 East Indian School Road, Suite 320

Phoenix, Arizona 85016

(602) 595-8422

9. *Masimo Corp. et al. v. Tyco Health Care et al.*, C.A. Nos. 07-55960 & 07-56017 (9th Cir.).

Masimo obtained a \$140 million verdict in an antitrust lawsuit against Tyco. After trial, the district court reduced the damage award to \$14.5 million. Tyco then

retained Gibson Dunn (which did not serve as trial counsel) to represent it on appeal. The appeal was particularly complex because it involved a dense factual record arising from a case we had not tried and novel issues of antitrust law. The case also had an unusual procedural posture: both parties filed notices of appeal, with Masimo seeking reinstatement of the original \$140 million verdict (which, after trebling, would result in a \$420 million award) and Tyco seeking reversal of the entire judgment. I conducted legal and factual research, wrote drafts of our appellate briefs, and worked with the other members of the appellate team to revise and finalize the briefs. In 2009, the Ninth Circuit issued an unpublished decision in which Tyco prevailed in significant part. *Masimo Corp. v. Tyco HealthCare Group*, 2009 WL 3451725 (9th Cir. 2009).

Date of Representation: July 2007 – October 2008

Judges

Hon. Melvin Brunetti, United States Circuit Judge
Hon. Barry Silverman, United States Circuit Judge
Hon. Carlos Bea, United States Circuit Judge

Co-Counsel

Theodore Olson, Esq.
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 955-8500

Hon. James Ho
United States Court of Appeals for the Fifth Circuit
1100 Commerce Street, Suite 1264
Dallas, Texas 75242
Formerly of Gibson, Dunn & Crutcher LLP

Theodore J. Boutrous, Jr., Esq.
Christopher Dusseault, Esq.
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, California 90071
(213) 229-7000

Counsel for Masimo Corp.

M. Laurence Popofsky, Esq.
Deceased

10. *California v. General Motors Corp. et al.*, CV 06-5755-MJJ (N.D. Cal.) and
C.A. No. 07-16908 (9th Cir.).

California filed a “public nuisance” lawsuit against the six major automakers seeking billions of dollars in damages based on the automakers’ contributions to global warming. I was responsible for identifying and researching possible defenses, writing drafts of the automakers’ motion to dismiss, and working with other members of the defense team to revise and finalize the motion. The district court granted the motion, holding that California’s lawsuit “raise[d] non-justiciable political questions.” *California v. GMC*, 2007 WL 2726871 (N.D. Cal. 2007). After California appealed to the Ninth Circuit, I again served as the lead associate on the defense team. I was responsible for conducting research, writing drafts of the answering brief, and working with the other members of the defense team to finalize the brief. After the case was fully briefed, but before oral argument, California chose to voluntarily dismiss its appeal.

Date of Representation: September 2006 – October 2008

Judge

Hon. Martin Jenkins, United States District Judge

Co-Counsel

Theodore Olson, Esq.
Raymond Ludwiszewski, Esq.
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Washington, D.C. 20036
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Theodore J. Boutros, Jr., Esq.
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(213) 229-7000

Counsel for State of California

Kenneth P. Alex, Esq.
Office of the Governor
State Capitol, Suite 1173
Sacramento, California 95814
(510) 590-7763

Formerly of the Office of Attorney General, State of California

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.)

Since 2015, I have served as a member of the Local Rules of Practice Advisory Committee of United States District Court for the District of Arizona. Also, since 2017, I have served as the chair of the criminal practice subcommittee. The Committee is tasked with evaluating proposals (which may be submitted by members of the bench, bar, and public) to amend the district court's local rules. My participation has involved reviewing, evaluating, and voting upon such proposals.

Separately, in 2016, I was selected to serve as a member of the Arizona State Bar Task Force on Lawyer Ethics, Professionalism, and Unauthorized Practice of Law. The task force was created to evaluate the performance of three state bar committees that were, at the time, responsible for addressing those subject areas. Between October 2016 and May 2017, the task force met on multiple occasions. During those meetings, we considered the current and historical practices of the existing committees, the practices of other state bars, legal and practical constraints on the operation of the committees and performance of their functions, and feedback received from stakeholders and members of the public. At the end of this process, the task force issued a report recommending, among other things, that the Arizona Supreme Court exercise increased oversight over some of the bar committees' functions.

I have never been a lobbyist.

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 any courses.

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.

As a federal employee, I contribute to the Thrift Savings Plan.

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

I have no plans, commitments, or agreements to pursue outside employment in the future.

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).

Please see the attached Financial Disclosure Report.

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

Please see the attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

My wife is a shareholder in the Phoenix office of the law firm Fennemore Craig P.C. I would recuse myself from all matters in which Fennemore Craig represents one of the litigants. I also would recuse myself from all criminal cases brought by the United States Attorney's Office, and all civil matters brought or defended by the United States Attorney's Office, if a file pertaining to that case was open within the office during my tenure as an Assistant United States Attorney. Last, I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action, with the advice of parties and their counsel, 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.

In all cases, I will follow the Code of Conduct for United States Judges, the Ethics Reform Act of 1989, 28 U.S.C. § 455, and other relevant recusal rules and guidelines.

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.

I pursued an active pro bono practice while at Gibson Dunn. In *Gardenhire v. Superior Court*, 127 Cal. App. 4th 882 (Cal. Ct. App. 2005), I authored an appellate brief that resulted in a Catholic charity prevailing in a complicated probate dispute. For my work

on this case, I received the firm's "Most Challenging Pro Bono Matter" award. I would estimate that I spent over 100 hours on this matter alone.

Although my ability to do volunteer legal work in the community was restricted once I became an Assistant United States Attorney, I have continued attempting to serve the disadvantaged since then. For example, since 2009, I have served as a volunteer participant in the annual "Court Works" program overseen by the Honorable Mary Murguia of the Ninth Circuit. In Court Works, local students (who hail primarily from at-risk schools) act as the attorneys, witnesses, jurors, and judge in a simulated trial. The program is intended to encourage the students to pursue professional careers, to increase their knowledge of civics, and to enhance their respect for the law. I also participate in the district court's Veteran's Court program, which provides increased support and guidance to federal criminal defendants who are veterans of the armed services.

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.

Following the 2016 election, Senators McCain and Flake of Arizona created a judicial selection commission. I submitted an application to the Commission on January 12, 2017. On March 6, 2017, I was interviewed by a member of Senator Flake's staff. In early March 2017, I was informed that I had been selected for an interview with the Commission. My interview with the Commission occurred on March 22, 2017. On April 3, 2017, Senator McCain's office informed me that my name was being passed onto the White House for further consideration. Since then, I have been in contact with officials from the White House Counsel's Office and Office of Legal Policy at the Department of Justice in Washington, D.C. On April 19, 2017, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, D.C. On January 23, 2018, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.