

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Jessie Kong Liu

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

United States Attorney for the District of Columbia

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

United States Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Suite 3000
Washington, D.C. 20220

Residence: Arlington, Virginia

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

1973; Kingsville, Texas

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

Yale Law School, 1995-1998
J.D., June 1998

Harvard College, 1991-1995
A.B., *summa cum laude*, English and American Literature and Language, June 1995

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.

Compensated Employment

2017-present
Deputy General Counsel
United States Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Suite 3000
Washington, D.C. 20220

2016-2017
Partner
Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W.
Suite 6000
Washington, D.C. 20006

and

Partner
Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
McLean, Virginia 22102

2009-2016
Partner
Jenner & Block LLP
1099 New York Avenue, N.W.
Suite 900
Washington, D.C. 20001

2007-2009
Deputy Assistant Attorney General
Civil Rights Division
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

2007

Counsel to the Deputy Attorney General
Office of the Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

2006-2007

Deputy Chief of Staff
National Security Division
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

2002-2006

Assistant United States Attorney
United States Attorney's Office for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20530

2000-2002

Associate
Jenner & Block LLP
601 Thirteenth Street, N.W.
Washington, D.C. 20005
(Now located at 1099 New York Avenue, N.W., Suite 900, Washington, D.C. 20001)

1999-2000

Associate
Jenner & Block LLP
One IBM Plaza
Chicago, Illinois 60611
(Now located at 353 North Clark Street, Chicago, Illinois 60654)

1998-1999

Law Clerk
The Honorable Carolyn Dineen King
United States Court of Appeals for the Fifth Circuit
515 Rusk Avenue
Houston, Texas 77002

1997
Research Assistant
Professor Steven B. Duke
Yale Law School
127 Wall Street
New Haven, Connecticut 06511

1997
Summer Associate
Gibson, Dunn & Crutcher LLP
2100 McKinney Avenue
Dallas, Texas 75201

1997
Summer Associate
Baker & Botts LLP (now known as Baker Botts LLP)
2001 Ross Avenue
Dallas, Texas 75201

and

Summer Associate
Baker & Botts LLP (now known as Baker Botts LLP)
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

1997
Summer Associate
Susman Godfrey LLP
1000 Louisiana
Suite 1000
Houston, Texas 77002

1996-1997
Research Assistant
Professor W. Michael Reisman
Yale Law School
127 Wall Street
New Haven, Connecticut 06511

1996
Summer Associate
Gibson, Dunn & Crutcher LLP
2100 McKinney Avenue
Dallas, Texas 75201

1996
Summer Associate
Baker & Botts LLP (now known as Baker Botts LLP)
2001 Ross Avenue
Dallas, Texas 75201

1995
Receptionist
Yale School of Management
135 Prospect Street
New Haven, Connecticut 06520

Uncompensated Employment

1997
Coker Fellow (Teaching Assistant)
Professor Joseph Goldstein (Deceased)
Yale Law School
127 Wall Street
New Haven, Connecticut 06511

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

I have not served in the U.S. Military. I was not required to register for selective service.

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

Chambers and Partners, Up and Coming, District of Columbia, Litigation: White Collar Crime and Government Investigation, 2016

White Collar Trailblazer, *National Law Journal*, 2015

100 Women in Investigations, *Global Investigations Review*, 2015

Best Lawyers Under 40, National Asian Pacific American Bar Association, 2011

Rising Star Award, Asian Pacific American Bar Association of the Greater Washington, D.C. Area, 2011

United States Secret Service Certificate of Appreciation, 2006

Service Award, National Association of Women Lawyers, 2005

Special Achievement Award, United States Attorney's Office for the District of Columbia, 2003-2007

Yale Law Journal, 1996-1998

Phi Beta Kappa, 1994

Ford Foundation Fellowship for Undergraduate Research, 1994

John Harvard Scholarship, 1992-1995

Elizabeth Cary Agassiz Scholarship, 1992-1995

National Merit Scholar, 1991

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

American Bar Association

Member, 2000-present

Editorial Board, *Criminal Litigation Newsletter*, approximately 2004-2006, 2009-2010

Co-Chair, Judicial Internship Opportunity Program, 2009-2011

Criminal Justice Section, 2017-present

Asian Pacific American Bar Association of the Greater Washington, D.C. Area

Member, approximately 2005-present

Director, Educational Fund, 2004-2006

Co-Chair, Host Committee, National Asian Pacific American Bar Association Annual Convention, 2012

District of Columbia Bar, Hearing Committee, Board on Professional Responsibility

Member, 2005-2013

United States Chamber Litigation Center

Administrative Law and Government Litigation Advisory Committee

Member, 2013-2017

Virginia Bar Association

Member, 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.

Texas Bar, November 13, 1998-present. No lapses.

Illinois Bar, May 30, 2000-present. Voluntarily inactive from May 6, 2010 to September 26, 2016. I was removed from the master roll on three occasions: February 10, 2003 to March 11, 2003; February 2, 2005 to February 24, 2005; and February 23, 2009 to May 6, 2010. [Note: The lapses in my Illinois bar membership were the result of inadvertent late bar dues payments that I corrected as soon as I became aware of them and that I have taken steps to ensure do not recur. During these lapses, I was practicing in the District of Columbia and was a member in good standing of both the D.C. and Texas bars.]

District of Columbia Bar, July 9, 2001-present. No lapses.

Virginia Bar, October 20, 2010-present. No lapses.

- 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 Supreme Court, 2002

United States Court of Appeals, District of Columbia Circuit, 2003

United States Court of Appeals, Second Circuit, 2014

United States Court of Appeals, Fourth Circuit, 2008

United States Court of Appeals, Fifth Circuit, 1999

- Lapsed at some point between 2001 and 2010 because I did not renew membership as it was not necessary to my practice at the time.

United States Court of Appeals, Seventh Circuit, 2000

United States Court of Appeals, Tenth Circuit, 2008

United States Court of Appeals, Federal Circuit, 2009

United States District Court, District of Columbia, 2012

- Lapsed in 2016 because I did not renew membership as it was not necessary to my practice at the time; renewed in 2017.

United States District Court, Northern District of Illinois, 2000

United States District Court, Southern District of Illinois, 2011

- Lapsed in 2015 because I did not renew membership as it was not necessary to my practice at the time.

United States District Court, Eastern District of Virginia, 2016

United States Bankruptcy Court, District of Columbia, 2012

- Lapsed in 2016 because I did not renew membership as it was not necessary to my practice at the time; renewed in 2017.

Except as indicated above, all admissions are current with no lapses.

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.

Arlington Traditional School Parent Teacher Association
Member, intermittently 2009-2016.

Assistant United States Attorney Association for Washington, D.C.
Member, intermittently 2003-present
Treasurer, 2011-2012
Vice-President, 2012-2013
President, 2013-2014

D.C. Women's White Collar Defense Association
Member, intermittently 2009-2017

Edward Bennett Williams Inn of Court
Associate-at-Large, 2003-2014
Barrister, 2014-present

Federalist Society
Member, 2001-present

The Heritage Foundation
National Security Law Working Group
Member, approximately 2015-present

Kol Ami Northern Virginia Reconstructionist Community
Member, 2009-present

National Association of Women Lawyers
Vice-President, 2005-2006
President-Elect, 2006

Phi Beta Kappa
Member, 1994-present

Shakespeare Theatre Company, Bard Association
Management Committee Member, 2015-present

Supreme Court Historical Society
Member, 2009-2010

Trump-Pence Presidential Transition Team
Member, United States Department of Justice Agency Action and Landing
Teams, 2016-2017

Yale Law School Class of 1998
Class Secretary, approximately 2014-present

Yale Law School Alumni Association of Washington, D.C.
Director, approximately 2006-2008

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

None.

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

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

I have done my best to identify all items called for by this question, including through a review of my personal files and searches of publicly available electronic databases. Despite these efforts, there may be some items I have been unable to identify, remember, or find. I have located the following:

Client Alert: Top Ten International Anti-Corruption Developments for July 2016, Morrison & Foerster LLP, August 29, 2016. [*Note:* I neither wrote nor edited this publication, but it is credited to the “MoFo FCPA and Global Anti-Corruption Team,” and I am listed as a point of contact at the end of the piece.] [Copy attached.]

Client Alert: Top Ten International Anti-Corruption Developments for June 2016, Morrison & Foerster LLP, July 29, 2016. [Note: I neither wrote nor edited this publication, but it is credited to the “MoFo FCPA and Global Anti-Corruption Team,” and I am listed as a point of contact at the end of the piece.] [Copy attached.]

Client Alert: Top Ten International Anti-Corruption Developments for May 2016, Morrison & Foerster LLP, June 24, 2016. [Note: I neither wrote nor edited this publication, but it is credited to the “MoFo FCPA and Global Anti-Corruption Team,” and I am listed as a point of contact at the end of the piece.] [Copy attached.]

Client Alert: Top Ten International Anti-Corruption Developments for April 2016, Morrison & Foerster LLP, May 11, 2016. [Note: I neither wrote nor edited this publication, but it is credited to the “MoFo FCPA and Global Anti-Corruption Team,” and I am listed as a point of contact at the end of the piece.] [Copy attached.]

DOJ Issues Guidance Regarding Enhanced FCPA Enforcement and Credit for Voluntary Disclosure, Cooperation and Remediation, Jenner & Block LLP, April 7, 2016. [Copy attached.]

How the United States’ International Treaty Obligations Could Expand the FCPA’s Reach, *GIR Just Anti-Corruption*, February 5, 2016. [Copy attached.]

Business Guide to Anti-Corruption Laws 2016, Jenner & Block LLP, January 12, 2016. [Copy attached.]

Foreign Corrupt Practices Act (FCPA) Business Guide, 2015 Mid-Year Update, Jenner & Block LLP, July 2015. [Copy attached.]

Foreign Corrupt Practices Act (FCPA) Business Guide – 2015 Edition, *The Jenner & Block Report, Japanese Update*, Jenner & Block LLP, July 2015. [Copy attached.]

Avon: Deferred Prosecution Agreement, Outside Monitor, Penalty and Disgorgement; Another MRO Company Resolves Charges with Deferred Prosecution Agreement/Fine, *The Jenner & Block Report, Japanese Update*, Jenner & Block LLP, May 2015. [Copy attached.]

Russian Indicted for Allegedly Funneling Bribes to Multilateral Development Bank; SEC Penalties Even Though “Bribe” Not Paid and Firm Lost Bid for One Affected Project; Record Penalty in Settlement with Alstom/Subs for Wide-Ranging FCPA Charges; Avon: Deferred Prosecution Agreement, Outside Monitor, Penalty and Disgorgement; FCPA Charges Settled Without Admission, Receives Credit for Real-Time Cooperation; Another MRO Company Resolves Charges with Deferred Prosecution Agreement; Former Direct Access Partners Executives Plead Guilty, *Spotlight Newsletter*, Jenner & Block LLP, March 2015. [Copy attached.]

FCPA Charges Resolved by Payment of Significant Criminal Penalty and Disgorgement; DOJ Seeks Forfeiture of Amounts in Bank with Interbank Accounts in US; SEC Imposes First FCPA-Related Administrative Sanctions of Individuals Since 2012, *The Jenner & Block Report, Japanese Update*, Jenner & Block LLP, February 2015. [Copy attached.]

Foreign Corrupt Practices Act (FCPA) Business Guide 2015, Jenner & Block LLP, January 8, 2015. [Copy attached.]

A Primer on FCPA-Related Civil Actions Brought by Private Parties, *Hospitality and Gaming Legal Review 2015*, Jenner & Block LLP, 2015. [Copy attached.]

FCPA Charges Resolved by Payment of Significant Criminal Penalty and Disgorgement; DOJ Seeks Forfeiture of Amounts in Bank with Interbank Accounts in U.S.; SEC Imposes First FCPA-Related Administrative Sanctions of Individuals Since 2012, *Spotlight Newsletter*, Jenner & Block LLP, December 2014. [Copy attached.]

Foreign Official Relinquishes \$30 Million in U.S. Assets Purchased Through Corruption; Supreme Court Denies Certiorari in Case Challenging “Instrumentality” Finding; SEC Settlement After Self-Reporting FCPA Violations and Cooperating in Investigation; Russian Subsidiary Pleads Guilty to FCPA Violation – \$58.8 Million Fine Imposed, *The Jenner & Block Report, Japanese Update*, Jenner & Block LLP, December 2014. [Copy attached.]

Foreign Official Relinquishes \$30 Million in U.S. Assets Purchased Through Corruption; Supreme Court Denies Certiorari in Case Challenging “Instrumentality” Finding; SEC Settlement After Self-Reporting FCPA Violations and Cooperating in Investigation; Russian Subsidiary Pleads Guilty to FCPA Violation – \$58.8 Million Fine Imposed, *Spotlight Newsletter*, Jenner & Block LLP, November 2014. [Copy attached.]

Esquenazi Defendants Ask Supreme Court to Define “Instrumentality” Under FCPA; DOJ Secures More Guilty Pleas from Executives in Enforcement Actions; Second Circuit Affirms Dismissal of FCPA-Based RICO Suit Against Siemens; Noble Executives Resolve FCPA Charges with Injunctive Relief Only; Smith & Wesson Settlement a “Wake-Up Call” for Businesses Entering High-Risk Markets, *The Jenner & Block Report, Japanese Update*, Jenner & Block LLP, November 2014. [Copy attached.]

Esquenazi Defendants Ask Supreme Court to Define “Instrumentality” Under FCPA; Texas Supreme Court Grants Review in FCPA Defamation Case; DOJ Secures More Guilty Pleas from Executives in Enforcement Actions; Second Circuit Affirms Dismissal of FCPA-Based RICO Suit Against Siemens; Noble Executives Resolve FCPA Charges with Injunctive Relief Only; Smith & Wesson Settlement a “Wake-Up Call” for Businesses Entering High-Risk Markets, *Spotlight Newsletter*, Jenner & Block LLP, October 2014. [Copy attached.]

British Jury Convicts Former Innospec Executives for Bribing Indonesian Officials; FCPA Covers Bribes to Employees of State-Owned Enterprises, *Spotlight Newsletter*, Jenner & Block LLP, August 2014. [Copy attached.]

FCPA Business Guide Mid-Year Update 2014, Jenner & Block LLP, July 1, 2014. [Copy attached.]

No Action for Buyout of Shareholder Who Was Senior Foreign Official, *The Jenner & Block Report, Japanese Update*, Jenner & Block LLP, June 2014. [Copy attached.]

Hewlett-Packard Resolves Claims of Bribery Scheme Involving Three Subsidiaries; Execs of U.S. Broker-Dealer Charged with Conspiring to Bribe Venezuelan Official; Repeat Offense Faulted for Weak Compliance/Lack of Cooperation; No Action for Buyout of Shareholder Who Was Senior Foreign Official, *Spotlight Newsletter*, Jenner & Block LLP, June 2014. [Copy attached.]

Client Alert: Eleventh Circuit Finds FCPA Covers Bribes to State-Owned Enterprise, Jenner & Block LLP, May 19, 2014. [Copy attached.]

Failure to Make FCPA Voluntary Disclosure May Trigger Derivative Suit, *Spotlight Newsletter*, Jenner & Block LLP, April 2014. [Copy attached.]

Client Alert: Mandatory Disclosure Internal Investigations May Be Found to Be Non-Privileged If Legal Function Not Sufficiently Involved, Jenner & Block LLP, March 19, 2014. [Copy attached.]

Guilty Plea for “Conscious Disregard”; SEC Disgorgement Includes IRS Forfeiture, *Spotlight Newsletter*, Jenner & Block LLP, March 2014. [Copy attached.]

DOJ OKs Payment of Medical Expenses for Foreign Official's Daughter, *The Jenner & Block Report, Japanese Update*, Jenner & Block LLP, March 2014. [Copy attached.]

Foreign Corrupt Practices Act (FCPA) Business Guide 2014, Jenner & Block LLP, February 3, 2014. [Copy attached.]

Client Alert: In First Cases of 2014, DOJ Shows Continuing Commitment to Vigorous FCPA Enforcement, Jenner & Block LLP, January 8, 2014. [Copy attached.]

FCPA Business Guide Mid-Year Update, *Financial Fraud Law Report*, September 2013. [Note: This is a reprint of Jenner & Block's FCPA Business Guide Mid-Year Update, originally published by the firm in the summer of 2013.] [Copy attached.]

FCPA Mid-Year Update 2013: Pace of Enforcement Actions Increases and Significant Penalties Obtained by DOJ and SEC, Jenner & Block LLP, August 12, 2013. [Copy attached.]

Foreign Corrupt Practices Act (FCPA) Business Guide, Jenner & Block LLP, April 2, 2013. [Note: This publication is dated March 2013 on its face, but its entry on Jenner & Block LLP's website is dated April 2, 2013.] [Copy attached.]

Client Alert: Two Federal Court Decisions Analyze Due Process Limits on Asserting Personal Jurisdiction Over Non-U.S. Employees of Public Companies in FCPA Cases, Jenner & Block LLP, March 5, 2013. [Copy attached.]

Client Alert: What Contractors Should Know About the FY 2013 National Defense Authorization Act, Jenner & Block LLP, January 7, 2013. [Copy attached.]

The Foreign Corrupt Practices Act: Addressing Problem Areas to Minimize Potential for Enforcement Actions, *Hospitality and Gaming Legal Review 2013*, Jenner & Block LLP, 2013. [Copy attached.]

Client Alert: New UK Bribery Act Guidance Covers Facilitation Payments, Self-Reporting and Hospitality, Jenner & Block LLP, October 12, 2012. [Copy attached.]

FCPA Business Guide Mid-Year Update 2012, Jenner & Block LLP, 2012. [Note: This publication reports on Foreign Corrupt Practices Act enforcement actions and developments between January and July 2012; it is dated only with the year, 2012, but was published in the late summer or early fall.] [Copy attached.]

Client Alert: Ninth Circuit Rules that Contractors with No Formal Fiduciary Relationship with the Government May Be Liable for Honest Services Fraud, Jenner & Block LLP, May 7, 2012. [Copy attached.]

Foreign Corrupt Practices Act (FCPA) Business Guide 2012, Jenner & Block LLP, March 2012. [Copy attached.]

Client Alert: Two Defendants Acquitted on All Counts in Second “FCPA Sting Trial”; Three Others Granted Mistrial, Jenner & Block LLP, February 1, 2012. [Copy attached.]

White Collar Defense and Investigations Practice Advisory: *Lindsey Manufacturing* Decision Vacating Convictions at Trial Reflects Court’s View That Gravity of Multiple Prosecutorial Errors Was Compounded by Less Than Compelling Evidence of Defendants’ Criminal Intent, Jenner & Block LLP, December 5, 2011. [Copy attached.]

Schindler Elevator Resolves That *Qui Tam* False Claims Act Cases May Not Proceed If Based on Written FOIA Responses, *Financial Fraud Law Report*, Autumn 2011. [Note: This is a reprint of a Jenner & Block client advisory with the same title that originally was published by the firm on May 7, 2011.] [Copy attached.]

White Collar Defense and Investigations Practice Advisory: First Trial in “Catch 22” Foreign Corrupt Practices Act Prosecution Ends in Hung Jury on All Counts, Jenner & Block LLP, July 8, 2011. [Copy attached.]

U.S. v. SAIC: Collective Knowledge Theory and the False Claims Act, *Washington Legal Foundation*, June 17, 2011. [Copy attached.]

Foreign Corrupt Practices Act: Central District of California Rejects Argument That State-Owned Corporations Can Never Be “Instrumentalities” of Foreign Governments, *Business Law Today*, June 16, 2011. [Note: This is a reprint of a Jenner & Block client advisory with the same title that originally was published by the firm on April 27, 2011.] [Copy attached.]

Client Alert: SEC Adopts Final Rules to Implement Dodd-Frank Whistleblower Provisions, Jenner & Block LLP, June 1, 2011. [Copy attached.]

Client Advisory: Government Contracts Practice Advisory: *Schindler Elevator* Resolves That *Qui Tam* False Claims Act Cases May Not Proceed If Based on Written FOIA Responses, Jenner & Block LLP, May 7, 2011. [Copy attached.]

Client Advisory: Central District of California Rejects Argument That State-Owned Enterprises Can Never Be “Instrumentalities” of Foreign Governments Under the FCPA, Jenner & Block LLP, April 27, 2011. [Copy attached.]

Client Advisory: The Elephant in the Room: Indictment of Former GlaxoSmithKline In-House Attorney Dismissed Due to Prosecutors' Misstatement of Advice of Counsel Defense to Grand Jurors, Jenner & Block LLP, March 24, 2011. [Copy attached.]

Foreign Corrupt Practices Act (FCPA) Business Guide 2011, Jenner & Block LLP, February 2011. [Copy attached.]

Recent Opinion Releases from DOJ Provide Guidance with Respect to Due Diligence and Anti-Corruption Controls for Third-Party Relationships, *Financial Fraud Law Report*, January 2011. [Note: This is a reprint of a Jenner & Block client advisory with the same title that originally was published by the firm on October 12, 2010.] [Copy attached.]

Client Advisory: D.C. Circuit Reverses Decision That Had Dramatically Expanded False Claims Act Liability, Jenner & Block LLP, December 6, 2010. [Copy attached.]

Client Advisory: Indictment of Former GlaxoSmithKline In-House Attorney Highlights Risks and Provides Lessons for Handling Document Requests in Government Investigations, Jenner & Block LLP, November 23, 2010. [Copy attached.]

Client Advisory: Recent Opinion Releases from DOJ Provide Guidance with Respect to Due Diligence and Anti-Corruption Controls for Third-Party Relationships, Jenner & Block LLP, October 12, 2010. [Copy attached.]

FCPA Business Guide Mid-Year Update 2010, Jenner & Block LLP, September 15, 2010. [Copy attached.]

Honest Services After *Skilling*: Judicial, Prosecutorial, and Legislative Responses, *Criminal Litigation*, Vol. 11, No. 1, American Bar Association Section of Litigation, Fall 2010. [Copy attached.]

Client Advisory: Supreme Court Pares Back Reach of "Honest Services" Fraud Statute, Jenner & Block LLP, June 25, 2010. [Copy attached.]

Opting In: Making the Move from Government to Private Practice, *The Women's Advocate*, American Bar Association Section of Litigation, Summer 2010. [Copy attached.]

Client Advisory: U.K. Enacts Bribery Act 2010 as a Major Foreign Bribery Legislative Reform, Jenner & Block LLP, May 20, 2010. [Copy attached.]

Litigation Client Advisory: Federal Circuit Adopts Broad Definition of IR&D Costs as Advocated by Contractors, Jenner & Block LLP, March 19, 2010. [Copy attached.]

Foreign Corrupt Practices Act (FCPA) Business Guide 2010, Jenner & Block LLP, March 2010. [Copy attached.]

FCPA Prosecutions: Lessons Learned from *U.S. v. Green, Bloomberg Law Reports: Risk & Compliance*, February 16, 2010. [Copy attached.]

U.S. Money Laundering Laws as Anti-Corruption Statutes, in *Practicing Under the U.S. Anti-Corruption Laws* 3-1 (Joseph P. Covington & Iris Bennett eds., 2010-2014). [Note: This is a chapter of a looseleaf legal treatise that I updated annually until the treatise went out of publication in early 2014.] [Copy of most recent edition of chapter attached.]

Other Anti-Corruption Statutes, in *Practicing Under the U.S. Anti-Corruption Laws* 4-1 (Joseph P. Covington & Iris Bennett eds., 2010-2012). [Note: This is a chapter of a looseleaf legal treatise that I updated annually until the publishers decided to delete the chapter from the treatise. The treatise itself went out of publication in early 2014.] [Copy of most recent edition of chapter attached.]

DOJ Enforcement of the FCPA, in *Practicing Under the U.S. Anti-Corruption Laws* 7-1 (Joseph P. Covington & Iris Bennett eds., 2010-2014). [Note: This is a chapter of a looseleaf legal treatise that I updated annually until the treatise went out of publication in early 2014.] [Copy of most recent edition of chapter attached.]

White Collar Practice Alert: *U.S. v. Gerald and Patricia Green* Highlights the Need to Be Prepared for Aggressive Litigation Tactics in FCPA Prosecutions, Jenner & Block LLP, October 6, 2009. [Copy attached.]

Foreign Corrupt Practices Act (FCPA) Business Guide 2009, Jenner & Block LLP, March 2009. [Note: I am not identified as an author of this publication, but I am listed as a point of contact. I may have assisted in editing it shortly after I rejoined Jenner & Block in March 2009.] [Copy attached.]

Internal Investigations: A Primer, Jenner & Block LLP, approximately 2009-2010. [Copy attached.]

Adjusting Federal Sentences to Reduce Federal-State Sentencing Disparities in a Post-Booker World, *Criminal Litigation Newsletter*, American Bar Association, Section of Litigation, Committee on Criminal Litigation, Summer/Fall 2006. [Copy attached.]

Crime and Punishment, Chicago-Style, *Criminal Litigation Newsletter*, American Bar Association, Section of Litigation, Committee on Criminal Litigation, Summer 2005 (reviewing Steve Borgia, *Courtroom 302: A Year Behind the Scenes in an American Criminal Courtroom*). [Copy attached.]

Victimhood, 71 *Mo. L. Rev.* 115 (2006). [Copy attached.]

Book Note, Just the Facts, 106 *Yale L.J.* 1953 (1997) (review of H. Richard Uviller, *Virtual Justice: The Flawed Prosecution of Crime in America* (1996)). [Copy attached.]

Recent Publications, Intellectual Property Law, 21 *Yale J. Int'l L.* 487 (1996) (review of Jonathan Band and Masanobu Katoh, *Interfaces on Trial: Intellectual Property and Interoperability in the Global Software Industry* (1995)). [Copy attached.]

Recent Publication, 21 *Yale J. Int'l L.* 254 (1996) (review of *Criminal Justice in Europe: A Comparative Study* (Phil Fennell et al. eds., 1995)). [Copy attached.]

Let's Go: Thailand (1995). [Note: I researched and drafted the sections on Hong Kong, Singapore, and Peninsular Malaysia, which then were revised by the editors of this travel guide.] [Copy attached.]

200 in Boston Rally to Protest Thomas, *Harvard Crimson*, October 16, 1991. [Copy attached.]

Dartmouth Launches Fund Drive, *Harvard Crimson*, October 10, 1991. [Copy attached.]

Ed School Centennial Showcases Lectures, *Harvard Crimson*, September 28, 1991. [Copy attached.]

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have done my best to identify all items called for by this question, including though a review of my personal files and searches of publicly available electronic databases. Despite these efforts, there may be some items I have been unable to identify, remember, or find. I have located the following:

From 2005 to 2013, I was a member of a Hearing Committee of the District of Columbia Bar's Board on Professional Responsibility, and in that capacity

conducted hearings on formal charges of attorney misconduct and issued reports and recommendations regarding discipline. The public reports and recommendations to which I contributed are listed below and attached:

In re Sherri L. Wyatt, Board Docket No. 10-BD-123, Bar Docket No. 2005-D292, December 31, 2012. [Copy attached.]

In re Paul B. Royer, Bar Docket No. 345-09, December 20, 2011. [Copy attached.]

In re Alan S. Toppelberg, Bar Docket Nos. 087-07, 099-07, 235-07, 063-08 & 157-08, January 30, 2009. [Copy attached.]

In re Willie N. Hewitt, Bar Docket No. 374-04, September 21, 2006. [Copy attached.]

Reports, memoranda, or policy statements that I had no role in preparing and to which I did not contribute may have been issued by organizations of which I was a member; I have not listed any such items here.

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

I have done my best to identify all items called for by this question, including through a review of my personal files and searches of publicly available electronic databases. Despite these efforts, there may be some items I have been unable to identify, remember, or find. I have located the following:

Letter to Chairman Richard Burr and Vice Chairman Mark Warner, United States Senate Select Committee on Intelligence, re: Nomination of Courtney Simmons Elwood to be General Counsel of the Central Intelligence Agency, April 6, 2017 (with others). [Copy attached.]

Letter to Chairman Patrick J. Leahy and Ranking Member Charles E. Grassley, United States Senate Committee on the Judiciary, re: Nomination of John P. Carlin to be Assistant Attorney General for National Security, United States Department of Justice, December 13, 2013 (with others). [Copy attached.]

Letter to Chairman Patrick J. Leahy and Ranking Member Charles E. Grassley, United States Senate Committee on the Judiciary, re: Nomination of Jesse M. Furman to be United States District Judge, Southern District of New York, July 6, 2011 (with others). [Copy attached.]

Congressional Testimony, Hearing Entitled “Enforcement of the Fair Housing Act of 1968,” U.S. House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, June 12, 2008. [Available at <https://www.c-span.org/video/?205946-1/fair-housing-act-enforcement>.] [Copy of transcript attached.]

Statement of Jessie K. Liu, Deputy Assistant Attorney General, Civil Rights Division, Before the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, Committee on the Judiciary, U.S. House of Representatives, Hearing Entitled “Enforcement of the Fair Housing Act of 1968,” June 12, 2008. [Copy attached.]

Testimony, official statements, or other communications that I had no role in preparing and to which I did not contribute may have been issued or provided to public bodies or public officials by organizations of which I was a member; I have not listed any such items here.

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

I have done my best to identify all items called for by this question, including though a review of my personal files and searches of publicly available electronic databases. Despite these efforts, there may be some items I have been unable to identify, remember, or find. I have located the following:

Panelist, Women on Wednesday, Morrison & Foerster LLP, New York, New York, January 27, 2017. [Copy of outline attached.]

Panelist, The Threat of Criminal Liability: Compliance Programmes to Minimise Liability in Risky Transactions, International Bar Association, Miami, Florida, November 3, 2016. [Copy of outline attached.]

Panelist, Investigations: Yeah, We Do That, Morrison & Foerster LLP, Rancho Palos Verdes, California, October 7, 2016. [Copy of presentation attached.]

Moderator, Asian Pacific American General Counsel Roundtable, MLA Global and Morrison & Foerster LLP, Washington, D.C., September 26, 2016. [Copy of outline attached.]

Panelist, Ethics in Banking and Financial Services 2016, Practising Law Institute, New York, New York, August 4, 2016. [*Available at [http://www.pli.edu/Content/OnDemand/Ethics in Banking and Financial Services/_N-4nZ1z11i9s?fromsearch=false&ID=295951](http://www.pli.edu/Content/OnDemand/Ethics%20in%20Banking%20and%20Financial%20Services/_N-4nZ1z11i9s?fromsearch=false&ID=295951)*.] [Copy of presentation attached.]

Panelist, Inclusion in the Modern-Day Workforce, American Bar Association Public Contract Law Section Diversity Committee, Washington, D.C., May 19, 2016. [*Summary: This was a panel discussion of diversity and inclusion issues in the modern legal workplace. The moderator was James W. Kim, McDermott, Will & Emery LLP. The other panelists were Michelle Coleman, U.S. Air Force, and Kevin S. Minoll, U.S. Environmental Protection Agency.*] [Copy unavailable.]

Panelist, A New Deal for Iran Sanctions? Practical Implications, Morrison & Foerster LLP and the German American Business Council, Washington, D.C., May 11, 2016. [Copy of Morrison & Forester LLP materials provided to attendees attached.]

Moderator, Asian Pacific American General Counsel Roundtable, MLA Global and Jenner & Block LLP, Washington, D.C., December 3, 2015. [Press account attached.]

Panelist, Compliance Challenges: What Keeps In-House Counsel Up at Night, New York City Bar, New York, New York, December 2, 2015. [Copy of outline attached.]

Panelist, Partner Perspectives: Insights on Making and Transitioning to Partner, Asian Pacific American Bar Association of the Greater Washington, D.C. Area, Washington, D.C., October 20, 2015. [Copy of outline attached.]

Panelist, Caught in the Middle: Responding to Multi-Jurisdictional Investigations, Association of Corporate Counsel, McLean, Virginia, September 17, 2015. [Copy of presentation attached.]

Panelist, Ethics in Banking and Financial Services 2015, Practising Law Institute, New York, New York, August 6, 2015. [Copy of presentation attached.]

Welcoming and Concluding Remarks and Speaker Introductions, Annual Dinner and Awards Ceremony, Assistant United States Attorney Association for Washington, D.C., Washington, D.C., November 12, 2014. [*Summary: The Association is an organization of current and former Assistant United States Attorneys for Washington, D.C. that hosts an annual dinner and awards ceremony. As President of the Association, I gave welcoming and concluding remarks at this event and introduced various speakers.*] [Copy unavailable.]

Panelist, SEC Enforcement Update — From Operation Broken Gate to Market Integrity: The SEC Zeroes In, National Asian Pacific American Bar Association, Scottsdale, Arizona, November 7, 2014. [Copy of outline attached.]

The Enforcement Prism: Principled Prosecution or Profiteering?, Fifteenth Annual Legal Reform Summit, U.S. Chamber Institute for Legal Reform, October 24, 2014. [Available at <http://www.instituteforlegalreform.com/resource/the-enforcement-prism-principled-prosecution-or-profiteering.>]

Panelist, Ethics in Banking and Financial Services 2014, Practising Law Institute, New York, New York, August 7, 2014. [Copy of presentation attached.]

Speaker, Banking Ethics, Lorman Education, Webinar, April 15, 2014. [Copy of outline attached.]

Speaker, *Lawson v. FMR LLC*: Post-Decision SCOTUScast, Federalist Society, Podcast, April 15, 2014. [Available at <http://www.fed-soc.org/multimedia/detail/lawson-v-fmr-llc-post-decision-scotuscast.>]

Panelist, Current Developments in Federal Civil Practice 2014, Practising Law Institute, New York, New York, January 29, 2014. [Copy of presentation attached.]

Panelist, Discussion of Helen Wan's Novel *The Partner Track*, Asian Pacific American Bar Association of Washington, D.C., Washington, D.C., October 29, 2013. [Summary: This was a panel discussion regarding a novel by attorney Helen Wan, *The Partner Track*, about a young Asian-American female attorney's efforts to make partner at a large New York law firm. Ms. Wan was one of the other panelists.] [Copy unavailable.]

Panelist, To Be or Not to Be: Classic and Contemporary Motives Behind the Government's Case, National Association of Criminal Defense Lawyers, Washington, D.C., October 24, 2013. [Summary: This was a panel discussion exploring considerations and strategies at the beginning of a white collar criminal case, including designing and executing a parallel internal investigation; retaining counsel for the corporation and individual employees; privilege issues; media tactics; and motions practice. The moderator was Abbe D. Lowell, Chadbourne & Parke LLP. The other panelists were Mary McNamara, Swanson McNamara LLP; Marjorie A. Meyers, Federal Public Defender's Office; and Steven F. Reich, Deutsche Bank.] [Copy unavailable.]

Panelist, Ethics in Banking and Financial Services 2013, Practising Law Institute, New York, New York, August 8, 2013. [Copy of presentation attached.]

Panelist, Current Developments in Federal Civil Practice 2013, Practising Law Institute, New York, New York, January 30, 2013. [Copy of presentation attached.]

Panelist, First Read: DOJ/SEC Resource Guide to the Foreign Corrupt Practices Act, Practising Law Institute, Telephone Briefing, December 17, 2012. [Copy of presentation attached.]

Co-Emcee, Gala Installation Banquet, National Asian Pacific American Bar Association, Washington, D.C., November 17, 2012. [Summary: I was one of two emcees at the gala banquet on the final night of the National Asian Pacific Bar Association's annual convention. The other emcee was Judge Edward M. Chen, United States District Court for the Northern District of California.] [Copy unavailable.]

Panelist, Trial Advocacy by the Best Under 40 Network, National Asian Pacific American Bar Association, Washington, D.C., November 17, 2012. [Summary: This was a panel discussing trial techniques. The moderator (Wesley L. Hsu, U.S. Attorney's Office for the Central District of California) and panelists (Curtis A. Kin, U.S. Attorney's Office, Central District of California; BJay Pak, Ballard Spahr LLP; Michael Li-Ming Wong, Gibson Dunn & Crutcher LLP; and I) all were previous recipients on the Best Lawyers Under 40 award from the National Asian Pacific American Bar Association.] [Copy unavailable.]

Speaker, Corporate Crime: *Southern Union v. United States* and Other Key Supreme Court Decisions of the 2011-2012 Term, Practising Law Institute, Telephone Briefing, July 25, 2012. [Audio recording attached.]

Panelist, Current Developments in Federal Civil Practice 2012, Practising Law Institute, New York, New York, February 1, 2012. [Copy of presentation attached.]

Speaker, *Perry v. New Hampshire*: Post-Decision SCOTUScast, Federalist Society, Podcast, January 31, 2012. [Available at <http://www.fed-soc.org/multimedia/detail/perry-v-new-hampshire-post-decision-scotuscast>.]

Panelist, How Does She Do It? Succeeding in the Legal Profession While Raising a Family, Women's Bar Association of the District of Columbia, Washington, D.C., January 27, 2012. [Summary: This was a panel discussion about balancing a legal career with parenting, including personal stories, tips for success, and pitfalls to avoid. The other panelists were Anastasia Kelly, DLA Piper LLP; and Loretta King, Civil Rights Division, United States Department of Justice.] [Copy unavailable.]

Speaker, *Perry v. New Hampshire*: Post-Argument SCOTUScast, Federalist Society, Podcast, November 9, 2011. [Available at <http://www.fed-soc.org/multimedia/detail/perry-v-new-hampshire-post-argument-scotuscast>.]

Panelist, Executive Compensation Alert: Mid-2011 Regulatory and Compliance Update on Dodd-Frank Clawback Provisions, Practising Law Institute, Washington, D.C., September 6, 2011. [Copy of presentation attached.]

Panelist, Ethics for Commercial Litigators, Practising Law Institute, New York, New York, June 30, 2011. [Summary: This was a panel discussion covering new developments in confidentiality, the attorney-client privilege, and the attorney work product doctrine; lawyers' exposure to civil liability; whistleblower remedies for lawyers; recent developments impacting the "no-contact" rules and lawyer "dissemblance"; recent cases involving conflicts of interest; current issues relating to multiple representation; dangers to lawyers arising out of parallel investigations and the heightened regulatory environment; and current issues in electronic discovery. The moderator was C. Evan Stewart, Zuckerman Spaeder LLP. The other panelists were William F. Kuntz II, Baker & Hostetler LLP; and David S. Versfelt, K&L Gates LLP.] [Copy unavailable.]

Panelist, Dodd-Frank Whistleblower Provisions: Overview and Implications for FCPA Enforcement, Practising Law Institute, Telephone Briefing, February 15, 2011. [Copy of presentation attached.]

Panelist, Individual Criminal and Civil Liability: The Risks for Corporate Executives and Corporate Counsel, Washington Metropolitan Area Corporate Counsel Association, McLean, Virginia, January 26, 2011. [Copy of outline attached.]

Panelist, Hot Topics in Ethics and Compliance, Defense Industry Initiative, Webinar, December 8, 2010. [Copy of presentation attached.]

Panelist, Corporations in Crisis: How to Mitigate Risk, Plan for the Problem and Manage the Crisis, National Asian Pacific American Bar Association, Los Angeles, California, November 20, 2010. [Copy attached.]

Speaker, New Federal Rules of Expert Disclosures: Navigating the Amendments of FRCP 26, Practising Law Institute, Telephone Briefing, November 2, 2010. [Copy attached.]

Speaker, Movements in Employment Discrimination, Federalist Society, Emory University School of Law Chapter, Atlanta, Georgia, October 13, 2010.

[*Summary*: I discussed the employment discrimination cases the Supreme Court was set to hear in the 2010-2011 Term; the employment discrimination cases brought in the new Administration to date; and employment discrimination theory with regard to *Ricci v. DeStefano* and affirmative action. Professor Charles A. Shanor of the Emory University School of Law then offered a response to my remarks.] [Copy unavailable.]

Panelist, Doing Business in Bad Neighborhoods: Tips and Challenges for Staying on the Right Side of the FCPA, Jenner & Block Litigation Department Spotlight Live Seminar Series Event CLE Seminar, Chicago, Illinois, September 29, 2010.

[*Summary*: This was a panel discussion covering topics addressed in the then-recently published *Practicing Under the U.S. Anti-Corruption Laws*, a treatise edited by Jenner & Block LLP partners Joseph P. Covington and Iris E. Bennett. The moderator was Jenner chairman Anton R. Valukas. The other panelists were Jenner partners Mr. Covington, Ms. Bennett, and David A. Savner, and James S. Portnoy, Kraft Foods, Inc. The subject matter was substantially similar to the presentation of the same name given on April 29, 2010, which I have attached.] [Copy unavailable.]

Panelist, Ethics for Commercial Litigators, Practising Law Institute, New York, New York, July 1, 2010. [*Summary*: This was an earlier version of my 2011 panel of the same name, described above, that covered essentially the same topics. The moderator was C. Evan Stewart, Zuckerman Spaeder LLP. The other panelists were David Braff, Sullivan & Cromwell LLP; William F. Kuntz II, Baker & Hostetler LLP; and David S. Versfelt, K&L Gates LLP.] [Copy unavailable.]

Panelist, Courtroom Technology: When to Use, When Not to Use, What to Use, What Not to Use . . . , National Asian Pacific American Bar Association, Williamsburg, Virginia, May 21, 2010. [Copy of presentation attached.]

Panelist, Doing Business in Bad Neighborhoods: Tips and Challenges for Staying on the Right Side of the FCPA, Jenner & Block Litigation Department Spotlight Live Seminar Series Event CLE Seminar, Washington, D.C., April 29, 2010. [Copy of presentation attached.]

Panelist, Changes in the Relationship Between General Counsels and Their Outside Attorneys, Asian Pacific American Bar Association of the Greater Washington, D.C. Area, McLean, Virginia, April 14, 2010. [*Summary*: This was a panel discussion about the relationship between in-house and outside counsel. The hosts were Robert Bostrom and Ankur Shah, Freddie Mac. The other panelists were Richard T. Choi, Jorden Burt LLP; Christiana Lin, comScore, Inc.; Ho Shin, Octagon; and Michael Wu, Rosetta Stone.] [Press account attached.]

Panelist, Government Contracts-Related Practices, American Bar Association Section of Public Contract Law Young Lawyers Committee, Washington, D.C., February 24, 2010. [*Summary*: This was a panel featuring speakers from three government contracts-related practice areas: government relations, mergers and acquisitions involving government contractors, and Foreign Corrupt Practices Act/white collar criminal law. The moderator was Daniel E. Chudd, Jenner & Block LLP. The other panelists were Todd Overman, Hogan & Hartson LLP, who discussed mergers and acquisitions; and Mary Ann Gilleece of Holland & Knight LLP, who discussed government relations.] [Copy unavailable.]

Panelist, Keeping Your Company Out of Trouble in China: Anti-Corruption Developments and Compliance Strategies, Jenner & Block LLP, Chicago, Illinois, January 27, 2010. [Copy of presentation attached.]

Panelist, Keeping Your Company Out of Trouble in China: Anti-Corruption Developments and Compliance Strategies, Jenner & Block LLP, New York, New York, January 26, 2010. [Copy of presentation attached.]

Panelist, Serving Our Military Servicemembers and Veterans: An Introduction to Providing Pro Bono and Other Legal Assistance Under USERRA and SCRA, National Asian Pacific American Bar Association, Boston, Massachusetts, November 21, 2009. [*Summary*: This was a panel on the Uniformed Services Employment and Reemployment Rights Act of 1993 and the Servicemembers Civil Relief Act. The panel chair and moderator was then-Major (now Lieutenant Colonel) Kay K. Wakatake, U.S. Army Judge Advocate General's Corps. The other panelists were Brad Yamauchi, Minami Tamaki LLP; and Brigadier General Thomas Ayres, U.S. Army Judge Advocate General's Corps.] [Copy unavailable.]

Panelist, Developing Your Own Trial Style – Finding the Theme, Personality, and Technology to Fit Your Case, National Asian Pacific American Bar Association, Boston, Massachusetts, November 20, 2009. [*Summary*: This was a panel on trial techniques. I believe that I was a last minute-substitution for one of the other panelists: Paul Chan and Ekwan Rhow, Bird Marella Boxer Wolpert Nessum Dooks & Lincenburg, P.C.; Eric A. Kuwana, Katten Muchin Rosenman LLP; and Michael Li-Ming Wong, Ropes & Gray, LLP.] [Copy unavailable.]

Panelist, Recent Developments in Foreign Corrupt Practices Act Enforcement, State Bar of California, San Diego, California, September 13, 2009. [*Summary*: This was a panel on the Foreign Corrupt Practices Act at the 2009 annual meeting of the California State Bar. I have not been able to recall or identify any of the other participants.] [Copy unavailable.]

Speaker, American Criminal Law, Institute for U.S. Law, Washington, D.C., July 29, 2009. [*Summary*: This was a presentation on the basics of American criminal law for a group of foreign lawyers and law students sponsored by the Institute for U.S. Law, a non-profit academic and research institute in Washington, D.C., and was nearly identical in content to my presentations in 2004 and 2008, copies of which I have attached.] [Copy unavailable.]

Panelist, Lawyer to Lawyer Relations: Balancing Your Obligations to Your Client, Your Community, and Yourself, Asian Pacific American Bar Association of the Greater Washington, D.C. Area, June 30, 2009. [*Summary*: This was a panel on legal ethics. Participants considered three hypotheticals, based on real cases, relating to a lawyer's duty of civility, roles as an officer of the court and a member of the legal community, and obligation to report another lawyer's impairment due to alcohol abuse. The other panelists were Alfred Carr, Virginia State Bar; Katie Uston, Virginia State Bar; Tejpal Chawla, U.S. Attorney's Office for the District of Columbia; Leah Frazier, Federal Trade Commission; and Taron Murakami, Seyfarth Shaw LLP.] [Press account attached.]

Welcoming Remarks, Multi-Family Housing Access Forum, United States Department of Justice, Civil Rights Division, Houston, Texas, November 18, 2008. [*Summary*: The Multi-Family Housing Access Forum is a nationwide program sponsored by the Civil Rights Division of the United States Department of Justice for developers, building professionals, government officials, and advocates for individuals with disabilities to raise awareness of the Fair Housing Act's accessibility requirements. At the time of this event, I was serving as Deputy Assistant Attorney General in the Civil Rights Division.] [Copy unavailable.]

Speaker, American Criminal Law, Institute for U.S. Law, Washington, D.C., July 29, 2008. [Copy of presentation attached.]

Welcome Dinner Speaker, Leadership, Diversity and Harmony — Gateway to Success, Federal Asian Pacific American Council, Annual National Leadership Training Conference, New York, New York, June 23, 2008. [*Summary*: This was a welcome speech at a dinner during the annual leadership training conference of the Federal Asian Pacific American Council, an affinity group for Asian Pacific American employees of the federal and District of Columbia governments. At the time of this event, I was serving as Deputy Assistant Attorney General in the Civil Rights Division.] [Copy unavailable.]

Welcoming Remarks, Multi-Family Housing Access Forum, United States Department of Justice, Civil Rights Division, Seattle, Washington, May 20, 2008. [Summary: The Multi-Family Housing Access Forum is a nationwide program sponsored by the Civil Rights Division of the United States Department of Justice for developers, building professionals, government officials, and advocates for individuals with disabilities to raise awareness of the Fair Housing Act's accessibility requirements. At the time of this event, I was Deputy Assistant Attorney General in the Civil Rights Division.] [Copy unavailable.]

Panelist, Lunch Presentation by Distinguished Government Officials from the Equal Employment Opportunity Commission, the Department of Labor, and the Department of Justice, National Conference on Equal Employment Opportunity Law, American Bar Association Labor and Employment Law Section, Tucson, Arizona, March 26, 2008. [Summary: This was an American Bar Association conference on equal employment opportunity law. I participated on a lunchtime panel with officials from other agencies. I have not been able to recall or identify the other speakers.] [Copy unavailable.]

Moderator, Federal Appellate Clerkships, Robert E. Wone Judicial Clerkship and Internship Conference, Howard University School of Law, Washington, D.C., March 24, 2007. [Summary: I moderated a panel discussion on federal appellate clerkships at a conference on judicial clerkships and internships at Howard University School of Law. The panelists were the Honorable Robert N. Davis, U.S. Court of Appeals for Veterans Claims; the Honorable Timothy B. Dyk, U.S. Court of Appeals for the Federal Circuit; and the Honorable Scott W. Stucky, U.S. Court of Appeals for the Armed Forces.] [Press account attached.]

Panelist, Plenary Session, Robert E. Wone Judicial Clerkship and Internship Conference, Howard University School of Law, Washington, D.C., March 24, 2007. [Summary: This was a plenary panel discussing judicial clerkships and internships – including how to apply for and obtain a clerkship or internship, how to excel at a clerkship or internship, and the benefits of working for a judge in such a capacity – at a conference at Howard University. The other panelists were Leah Frazier, Miller & Chevalier Chartered; Patricia Tolliver Giles, U.S. Attorney's Office for the Eastern District of Virginia; Michelle Johnson, U.S. Attorney's Office for the District of Columbia; and Zakiyyah Salim, Heller Ehrman LLP.] [Press account attached.]

Panelist, Asian American Women Attorneys in Criminal Law, Asian Pacific American Bar Association of the Greater Washington, D.C. Area, Washington, D.C., November 15, 2006. [Summary: This was a panel on the experiences of Asian American women working in the criminal law. The moderator was Cynthia Lee, George Washington University Law School. The other panelist was Jeannie E. Cho, Shulman Rogers Gandal Porfy & Ecker, P.A.] [Copy unavailable.]

Speaker, American Criminal Law, Institute for U.S. Law, Washington, D.C., July 29, 2005. [Summary: This was a presentation on the basics of American criminal law for a group of foreign lawyers and law students sponsored by the Institute for U.S. Law, a non-profit academic and research institute in Washington, D.C., and was nearly identical in content to my presentations in 2004 and 2008, copies of which I have attached.] [Copy unavailable.]

Moderator, Oral Argument in the United States Supreme Court, National Association of Women Lawyers, Washington, D.C., January 6, 2005. [Summary: This was a panel discussion in which Justice Sandra Day O'Connor, U.S. Supreme Court; Justice Ruth Bader Ginsburg, U.S. Supreme Court; Beth S. Brinkmann, Morrison & Foerster LLP; Michael R. Dreeben, Office of the Solicitor General, U.S. Department of Justice; and Maureen E. Mahoney, Latham & Watkins LLP, discussed how they prepare for and conduct oral argument before the Supreme Court of the United States.] [Copy unavailable.]

Speaker, American Criminal Law, Institute for U.S. Law, Washington, D.C., July 16, 2004. [Copy of presentation attached.]

I have listed above one instance in which I spoke at the Robert E. Wone Judicial Clerkship and Internship Conference at Howard University School of Law on March 24, 2007. It is possible that I may have spoken at another Judicial Clerkship and Internship Conference events, but I have not been able to identify any with specificity.

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

I have done my best to identify all items called for by this question, including through a review of my personal files and searches of publicly available electronic databases. I have included articles that purport to quote me even where I did not give an interview (for example, where a reporter attended a court hearing at which I spoke). Despite these efforts, there may be some items I have been unable to identify, remember, or find. I have located the following:

Roger Hamilton-Martin, MoFo Hires Jenner & Block's White Collar Practice Head, *GIR Just Anti-Corruption*, April 19, 2016. [Copy attached.]

William C. Pericak, Former Director of Justice Department's Deepwater Horizon Task Force, Joins Jenner & Block LLP as DC Partner, *US Official News (Pakistan)*, December 3, 2014. [Copy attached.]

Casey Sullivan, Jenner Snags Former Head of DOJ's Deepwater Horizon Task Force, *Reuters Legal*, December 2, 2014. [Copy attached.]

William C. Pericak, Former Director of Justice Department's Deepwater Horizon Task Force, Joins Jenner & Block LLP as DC Partner, *PR Newswire*, December 1, 2014. [Copy attached.]

Andrew Westney, Jenner Adds Ex-DOJ White Collar Investigations Pro, *Law360*, December 1, 2014. [Copy attached.]

Mike Koehler, What Others Are Saying About the "Foreign Official" Cert Petition, This and That, *FCPA Professor*, August 18, 2014. [Note: This article suggests that it may be at least partially a reprint of a *Law360* article, but I have not been able to locate a copy of such a *Law360* article, if it exists.] [Copy attached.]

David A. Steiger, *Transactions Without Borders: A Client and Lawyer's Guide to Overseas Operations*, American Bar Association, 2014. [Note: This is a book about legal issues associated with international business. I was one of numerous people interviewed.] [Copy of text quoting me attached.]

Jaclyn Jaeger, A Dip in the Pace of DPAs, NPAs – For Now, *Compliance Week*, August 6, 2013. [Copy attached.]

Jocelyn Allison, SAIC Appeal Could Up FCA Liability for Contractors, *Law360*, October 8, 2010. [Copy attached.]

Partners' Forum & In-House Counsel Committee Host Panel, Asian Pacific American Bar Association of the Greater Washington, D.C. Area Newsletter, Summer 2010. [Copy attached.]

Jenner & Block, *Legal Bisnow*, March 23, 2009. [Copy attached.]

Jacqueline Bell, DOJ Prosecutor Rejoins Jenner & Block's DC Office, *Law360*, March 16, 2009. [Copy attached.]

Former DOJ Deputy Assistant AG Jessie K. Liu Returns to Jenner & Block's Litigation Department, *PR Newswire*, March 16, 2009. [Copy attached.]

Meet Our Newest Partners of Color, *Equal Time Newsletter*, Jenner & Block LLP, Spring 2009. [Copy attached.]

A Day in Court for Actor on "The Wire"; Go-Go's Big G Given Suspended Sentence on Gun Charge, *Washington Post*, December 23, 2004. [Copy attached.]

Henri E. Cauvin, Defiance Leads to Cellblock; Senate Disruptor Won't Apologize, *Washington Post*, June 29, 2004. [Copy attached.]

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 been appointed to the following public offices:

1998-1999: Judicial Law Clerk; U.S. Court of Appeals for the Fifth Circuit; Carolyn Dineen King, Circuit Judge.

2002-2006: Assistant United States Attorney; District of Columbia; Roscoe C. Howard Jr., United States Attorney.

2006-2007: Deputy Chief of Staff; National Security Division, United States Department of Justice; Alberto R. Gonzales, Attorney General.

2007: Counsel to the Deputy Attorney General; Office of the Deputy Attorney General, United States Department of Justice; Alberto R. Gonzales, Attorney General.

2007-2009: Deputy Assistant Attorney General; Civil Rights Division, United States Department of Justice; Michael B. Mukasey, Attorney General.

2017: Deputy General Counsel; United States Department of the Treasury; Steven T. Mnuchin, Secretary of the Treasury.

I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

Legal Issues and Judiciary Working Group (informal advisory group), Marco Rubio for President, 2015-2016.

Crime and Domestic Law Enforcement Legal Team (informal advisory group), Mitt Romney for President, 2012.

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 clerk to the Honorable Carolyn Dineen King, United States Court of Appeals for the Fifth Circuit, 1998-1999.

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

I have not practiced alone.

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

2017-present
United States Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Suite 3000
Washington, D.C. 20220
Deputy General Counsel

2016-2017
Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W.
Suite 6000
Washington, D.C. 20006
Partner

and

Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
McLean, Virginia 22102
Partner

2009-2016
Jenner & Block LLP
1099 New York Avenue, N.W.
Suite 900
Washington, D.C. 20001
Partner

2007-2009
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Deputy Assistant Attorney General (Civil Rights Division)

2007
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Counsel to the Deputy Attorney General

2006-2007
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Deputy Chief of Staff (National Security Division)

2002-2006
Office of the United States Attorney for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20530
Assistant United States Attorney

2000-2002
Jenner & Block LLP
601 Thirteenth Street, N.W.
Washington, D.C. 20001
Associate

1999-2000
Jenner & Block LLP
One IBM Plaza
Chicago, Illinois 60611
Associate

1998-1999

United States Court of Appeals for the Fifth Circuit
515 Rusk Avenue
Houston, Texas 77002
Law Clerk to the Honorable Carolyn Dineen King

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

I have not served as a mediator or arbitrator.

b. Describe:

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

From 1998 to 1999, I served as a judicial law clerk, conducting legal research and preparing draft opinions. I did not appear in court.

From 1999 to 2000, as an associate at Jenner & Block LLP, I focused my practice on general commercial litigation. I conducted legal research, drafted motions and briefs, and participated in fact discovery. I appeared in court occasionally.

From 2002 to 2006, as an Assistant United States Attorney for the District of Columbia, I conducted grand jury investigations and handled prosecutions and appeals in a wide range of criminal matters. I appeared in court frequently.

From 2006 to 2007, as Deputy Chief of Staff for the National Security Division of the United States Department of Justice, I worked on national security litigation and policy issues. I did not appear in court.

In 2007, as Counsel to the Deputy Attorney General in the United States Department of Justice, I worked on national security litigation and policy issues. I did not appear in court.

From 2007 to 2009, as Deputy Assistant Attorney General for the Civil Rights Division of the United States Department of Justice, I supervised the Civil Rights Division's Appellate, Employment Litigation, and Housing and Civil Enforcement Sections. I also personally handled appellate litigation. I appeared in court occasionally.

From 2009 to 2017, as a partner at Jenner & Block LLP and Morrison & Foerster LLP, I focused my practice on internal and government

investigations, compliance and regulatory counseling, and complex civil litigation. I appeared in court occasionally.

As Deputy General Counsel at the United States Department of the Treasury, a position I have held from 2017 to the present, I provide legal and policy advice to the Secretary of the Treasury and other senior Department officials. I have not appeared in court.

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

In my government positions at the United States Department of Justice and the United States Department of the Treasury, my sole client was the United States.

In private practice at Jenner & Block LLP and Morrison & Foerster LLP, I had a wide variety of clients, including individuals and entities, such as defense and aerospace contractors, financial services firms, and manufacturers.

- 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.

The percentage of my practice that has been in litigation has been approximately 80%. Over the course of my career, the frequency of my appearances in court has varied. I have described such variance in response to Question 14b.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 80%
 - 2. state courts of record: 10%
 - 3. other courts: 0%
 - 4. administrative agencies: 10%
- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings; 40%
 - 2. criminal proceedings: 60%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.
- i. What percentage of these trials were:
 1. jury: 12 (~33%) jury trials
10 as sole counsel; 1 as lead counsel; 1 as co-lead counsel
 2. non-jury: ~24 (~67%) non-jury trials
All but 1 as sole counsel; 1 as co-lead counsel
- 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 done my best to identify all items called for by this question, including though a review of my personal files and searches of publicly available electronic databases. Despite these efforts, there may be some items I have been unable to identify, remember, or find. I have located the following:

Brief of the United States Chamber of Commerce as Amicus Curiae in Support of Respondents, *City of Los Angeles v. Patel*, No. 13-1175 (January 30, 2015).

Brief of the Chamber of Commerce of the United States of America, the National Mining Association, the American Farm Bureau Federation, the American Petroleum Institute, the National Association Home Builders, and the American Forest Resource Council as Amici Curiae in Support of Petitioners, *American Independence Mines v. United States Dep't of Agriculture*, No. 12-935 (February 27, 2013).

Reply Brief of Petitioner, *Bowie v. Maddox*, No. 11-670 (February 7, 2012).

Petition for Writ of Certiorari, *Bowie v. Maddox*, No. 11-670 (November 29, 2011).

Reply to Brief in Opposition, *Peel v. United States*, No. 10-83 (December 23, 2010).

Petition for Writ of Certiorari, *Peel v. United States*, No. 10-83 (July 14, 2010).

Brief Amicus Curiae of the International Association of Official Human Rights Agencies in Support of Respondents, *Meyer v. Holley*, No. 01-1120 (September 20, 2002).

Brief in Opposition of Respondents National Association of Broadcasters, Association of Local Television Stations, Inc., the Univision Network Limited Partnership, Univision Television Group, Inc., the Association of Public Television Stations, the Public Broadcasting Services, and the Corporation for Public Broadcasting, *Satellite Broadcasting and Communications Association v. Federal Communications Commission*, No. 01-1332 (May 13, 2002).

In addition, as Deputy Assistant Attorney General in the Civil Rights Division of the United States Department of Justice from 2007 to 2009, I commented on and edited a number of briefs, both at the certiorari and merits stages, filed in the Supreme Court. To the best of my recollection, I did not sign any of those briefs.

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) *HealtheState LLC v. ASM Research, LLC and Accenture Federal Services, LLC*
Case No. 2016-13752
Circuit Court for Fairfax County, Virginia
Judge Randy I. Bellows
2016-2017

HealtheState LLC (“HealtheState”), a health care consulting company, sued my clients, ASM Research, LLC and Accenture Federal Services, LLC (collectively “Accenture”), alleging that Accenture had misappropriated its medical management records system. Accenture filed a motion to compel arbitration, asserting that HealtheState was a subcontractor on the project in question and that the subcontract required the parties to submit any claims arising under or related to it to arbitration. The court granted the motion to compel arbitration. HealtheState filed a petition for appeal with the Virginia Supreme Court, but withdrew it after Accenture filed a motion to dismiss for lack of jurisdiction, conceding that Accenture was correct that the Virginia Supreme Court

lacked jurisdiction to hear an appeal from a circuit court's order compelling arbitration. I argued the motion to compel arbitration and reviewed and edited all filings in the case.

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(2) *City of Los Angeles v. Patel*

Case No. 13-1175

576 U.S. ____ (2015)

United States Supreme Court

Chief Justice John Roberts and Justices Antonin Scalia, Ruth Bader Ginsburg, Anthony Kennedy, Stephen Breyer, Clarence Thomas, Samuel Alito, Sonia Sotomayor, and Elena Kagan

2015

I represented the United States Chamber of Commerce as amicus curiae in support of Naranjibhai Patel and his fellow respondents, hotel owners and operators, in this challenge to Los Angeles Municipal Code § 41.49, which requires hotel operators to maintain guest records for ninety days and to make those records available to any officer of the Los Angeles Police Department without a search warrant. The Chamber argued that the compelled inspection of business records is always a search subject to the protections of the Fourth Amendment; that businesses have a reasonable expectation of privacy in their records; and that the City's assertion that hotels are "pervasively regulated" businesses subject to an exception to the warrant requirement was so expansive as to be an exception that swallows the rule. The Supreme Court ruled in favor of the hotel owners and operators and cited the Chamber's amicus brief. I participated in developing litigation strategy and reviewed and edited the brief.

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- (3) *Miller Global Properties, LLC, Miller Global Fund V, LLC, SA Real Estate LLLP, and SA Resort LLLP v. Marriott International, Inc. and Marriott Hotel Services, Inc.*
Case No. 219-03327-2009
219th District Court, Collin County, Texas
Judge Scott J. Becker
2009-2014

In June 2009, Miller Global Properties, LLC, and certain affiliated entities (collectively “Miller Global”) sued my client Marriott International, Inc. and Marriott Hotel Services, Inc. (collectively “Marriott”), alleging fraud, breach of contract, negligent misrepresentation, and professional negligence in connection with the design, connection, and sale of the JW Marriott San Antonio Hill Country Resort and Spa and the TPC San Antonio Golf Club in San Antonio, Texas. After several years of litigation, Marriott won summary judgment dismissing Miller Global’s claims of fraudulent inducement, negligent misrepresentation, professional negligence, and contractual indemnification; the other claims were set for trial. On the Friday evening before the Monday start of trial, however, Miller Global voluntarily non-suited all of its claims. I was a member of the trial team and conducted witness interviews, took and defended depositions, and drafted and edited court filings. After Miller Global’s non-suit, some of my colleagues represented Marriott in connection with Miller Global’s appeal of the trial court’s grant

of summary judgment, which ultimately resulted in a complete victory for Marriott before the Texas Court of Appeals and then the Texas Supreme Court.

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- (4) *United States v. Egbert, Walker, and Massey*
Case Nos. 07-4180, 07-4182, and 07-4283
562 F.3d 1092 (10th Cir. 2009)
United States Court of Appeals for the Tenth Circuit
Judges Paul J. Kelly, Stephanie K. Seymour, and Michael R. Murphy
2008-2009

On December 31, 2002, Eric G. Egbert, Shaun A. Walker, and Travis D. Massey, members of the Salt Lake City, Utah unit of the National Alliance, a white separatist organization, met a fellow National Alliance member, Keith Cotter, at the O'Shucks Bar in Salt Lake City. Messrs. Egbert and Cotter distributed stickers advertising the National Alliance, and Mr. Cotter approached the bartender, Jimmy Ballesteros, and asked him about his heritage. Mr. Ballesteros replied that he was of Mexican descent. Mr. Ballesteros also asked Messrs. Egbert and Cotter to stop handing out the stickers and, eventually, to leave. On their way out of the bar, Messrs. Cotter, Egbert, Walker, and Massey kicked and punched Mr. Ballesteros while directing racial slurs at him. On March 14, 2003, Messrs. Cotter, Egbert, Walker, and Massey again went out together. Eventually, Messrs. Egbert and Walker returned home, but Messrs. Cotter and Massey went to another bar, where they decided to assault a man they believed to be Native American. They invited the man and his companions to an after-party and, when the group was outside the Port O'Call Bar, beat the man until he stopped moving. Based in part on Mr. Cotter's testimony, a jury convicted Messrs. Egbert, Walker, and Massey of conspiracy to interfere with civil rights from December 2002 to March 2003 and aiding and abetting interference with a federally protected activity. On appeal, Messrs. Egbert and Walker challenged the application of the Port O'Call assault as relevant conduct. Messrs. Walker and Massey challenged the district court's enhancement of their sentences based on its treatment of conspiracy to commit the Port O'Call assault as a separate conspiracy count for sentencing purposes and its finding that the victim of the Port O'Call assault suffered serious bodily injury. Mr. Walker challenged the four-level enhancement he received under the Sentencing Guidelines for his role as an "organizer or leader." The Tenth Circuit held that there was insufficient evidence that the Port O'Call victim suffered serious bodily injury and that Mr. Walker was a leader or organizer of criminal activity, but otherwise upheld the convictions and sentences. I argued the case for the government on appeal.

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(5) *United States v. Rothschild*

Case No. 06-CR-220
United States District Court for the District of Columbia
Judge Colleen Kollar-Kotelly

Between about September 13, 2005 and about December 31, 2005, Jeffrey Alan Rothschild, also known as Jeffrey Zahler, fraudulently obtained more than \$100,000 in emergency Federal Emergency Management Agency (“FEMA”) funds available to victims of Hurricanes Katrina and Rita. Mr. Rothschild contacted FEMA and gave the names, birthdates, and Social Security numbers of other individuals that he gleaned from public sources such as the Martindale-Hubble legal directory and through a previous job, as well as false addresses supposedly located in areas affected by the hurricanes. In response, FEMA mailed 38 United States Treasury checks, made out to the individuals Mr. Rothschild named, to various post office boxes and locations where Mr. Rothschild was staying. Mr. Rothschild then deposited the checks into bank accounts that he controlled. In addition, Mr. Rothschild engaged in a number of other fraudulent schemes, such as check kiting and credit card fraud. He ultimately pleaded guilty to a three-count

information charging bank fraud, mail fraud, and money laundering, and was sentenced to 102 months in prison. I was lead counsel for the government in the investigation and prosecution of Mr. Rothschild.

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(6) *United States v. Christian*

Case No. F-7373-03
District of Columbia Superior Court
Judge Maurice A. Ross
2004-2005

On November 26, 2003, officers from the Metropolitan Police Department found the following items in a car driven by Jamiah B. Christian: a 9 mm Beretta semi-automatic handgun loaded with fifteen rounds in the magazine and one round in the chamber, as well as a magazine containing fifteen 9 mm rounds; a digital scale; a white rock-like substance that tested positive for cocaine base; a greenish weed-like substance that tested positive for THC, the positive ingredient in marijuana; a number of ziplock bags of varying colors and sizes; and two razor blades. Mr. Christian attempted to flee, but was apprehended by the officers. A grand jury indicted him for unlawful possession with intent to distribute a controlled substance while armed; carrying a pistol without a license; possession of an unregistered firearm; unlawful possession of ammunition; possession of a firearm during a crime of violence or dangerous offense; unlawful possession of a controlled substance; and unlawful possession of drug paraphernalia. The jury convicted Mr. Christian of all charges, and he was sentenced to 24 months' imprisonment followed by three years of supervised release. I was sole counsel for the government at trial.

Co-Counsel:

None

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(7) *United States v. Sassower*
Case No. 2003-CMD-4113
District of Columbia Superior Court
Judge Brian F. Holeman
2003-2004

On May 22, 2003, Elena Sassower, a New York resident, attended a United States Senate Judiciary Committee hearing to consider the nomination of Richard C. Wesley, at the time a judge of the New York State Court of Appeals, to be a judge of the United States Court of Appeals for the Second Circuit. Towards the end of the hearing, Ms. Sassower stood and shouted from the audience that there was “citizen opposition” to Judge Wesley’s nomination and asked to testify against him. Ms. Sassower, who previously repeatedly had contacted the offices of Senators Charles E. Schumer and Hillary Rodham Clinton to urge them to oppose Judge Wesley’s nomination, had been warned before the hearing that she would face arrest if she disrupted it. After Ms. Sassower stood and shouted her opposition to Judge Wesley’s nomination, Senator Saxby Chambliss, who was presiding at the hearing, directed the United States Capitol Police to restore order. Ms. Sassower was arrested and charged with disruption of Congress, a misdemeanor offense in the District of Columbia. After a trial that lasted more than a week, at which she represented herself with the assistance of stand-by counsel, Ms. Sassower was convicted by a jury and sentenced to six months in jail. I served as co-counsel for the government, conducting multiple witness examinations at trial, including of United States Capitol Police officers, and delivering the closing argument.

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(8) *United States v. Heard*

Case No. 03-3043, 359 F.3d 544 (D.C. Cir. 2004)
United States Court of Appeals for the District of Columbia Circuit
Judges David B. Sentelle and Merrick B. Garland and Senior Judge Laurence H.
Silberman
2003-2004

After authorities found a revolver, 132 grams of crack cocaine, and approximately \$2000 in cash at his residence while executing a search warrant, Derrick Heard pleaded guilty to possession with intent to distribute 50 grams or more of cocaine base and possession of a firearm by a convicted felon. Mr. Heard was released pending sentencing as part of an agreement to cooperate with the government. While on release, Mr. Heard was arrested with 1.4 grams of cocaine base in his possession. For the offenses of possession with intent to distribute 50 grams or more of cocaine base and possession of a firearm by a convicted felon, Mr. Heard was sentenced to concurrent terms of imprisonment of 133 months and 30 months, respectively. Shortly afterwards, he pleaded guilty to possession with intent to distribute 1.4 grams of cocaine base. Under the plea agreement, both parties agreed to a sentence of 48 months' imprisonment, but reserved for argument at the sentencing hearing the question of whether that term would run concurrently with or consecutively to Mr. Heard's undischarged term of imprisonment for the earlier offenses. The district court ordered the terms of imprisonment to run consecutively. On appeal, Mr. Heard argued that under the Sentencing Guidelines, which were mandatory at the time, the prison terms were required to run concurrently because the undischarged term resulted from offenses that had been "fully taken into account" in the determination of the offense level for the later offenses or, alternatively, that the district court should have exercised its discretion to run the terms concurrently. The appellate court affirmed. I drafted the government's brief and presented oral argument.

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- (9) *Bruce v. United States*
Case No. 02-CF-97, 820 A.2d 540 (D.C. 2003)
District of Columbia Court of Appeals
Chief Judge Annice M. Wagner and Judges Michael W. Farrell and Eric T. Washington
2002-2003

Dana Bruce was convicted in the District of Columbia Superior Court of armed robbery of a Popeye's restaurant and possession of a firearm during that crime of violence. Mr. Bruce was arrested after an investigator from the Metropolitan Police Department went to his mother's home to execute a search warrant based on an unrelated incident, a pocketbook snatching allegedly committed by Mr. Bruce's brother, Dale Bruce. While at the residence, the investigator encountered Mr. Bruce and recognized him from surveillance video as the person who had robbed the Popeye's restaurant. At trial, Mr. Bruce sought to introduce evidence that (1) his brother strongly resembled him; (2) his brother was the subject of an unrelated search warrant executed at the home that Mr. Bruce shared with their mother; (3) his brother had a robbery conviction; (4) his brother was not incarcerated at the time of the Popeye's robbery; and (5) his brother spent time at their mother's home near the Popeye's restaurant. The trial court excluded the evidence, concluding that Mr. Bruce's proffer was not sufficient to create a reasonable probability that his brother committed the Popeye's robbery and that the probative value of the

evidence was outweighed by prejudice to the government. The District of Columbia Court of Appeals affirmed. I drafted the government's appellate brief and argued the case on appeal.

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(10) *Southwestern Illinois Development Authority v. National City Environmental, L.L.C.*

Case No. 87809

768 N.E.2d 1 (Ill. 2002)

Supreme Court of Illinois

Chief Justice Moses W. Harrison II and Justices Mary Ann G. McMorrow, Thomas R.

Fitzgerald, Charles E. Freeman, Rita B. Garman, Robert R. Thomas, and Thomas L.

Kilbride

1999-2002

In the late 1990s, the Southwestern Illinois Development Authority (“SWIDA”) exercised the power of eminent domain to take land owned by my clients, National City Environmental, L.L.C., and St. Louis Auto Shredding Company (collectively “National City Environmental”), and convey it to Gateway International Motorsports Corporation (“Gateway”), which ran a racetrack in the area, to convert into a parking lot. SWIDA’s theory was that the taking was for a public purpose, even though the property was given to a private party, because additional parking would allow the racetrack to expand, thus increasing the tax base in the area and growing tax revenues. In addition, SWIDA argued that a new parking lot would alleviate dangerous traffic problems that were expected to accompany an increase in racetrack attendance and that the taking would prevent or eliminate blight. The circuit court of St. Clair County, Illinois, approved the taking. The appellate court reversed, ruling that SWIDA had exceeded its authority under the Illinois Constitution. Initially, the Illinois Supreme Court reversed the decision of the appellate court, but National City Environmental petitioned for rehearing, which was granted. On rehearing, the Illinois Supreme Court affirmed the appellate court, holding that the taking was not for a public use and therefore was unconstitutional. I was a primary drafter of National City Environmental’s briefs in the Illinois Supreme Court.

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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 1998 to 1999, as a law clerk to the Honorable Carolyn Dineen King, United States Court of Appeals for the Fifth Circuit, I reviewed briefs and motions, conducted legal research, wrote memoranda, attended oral argument, and assisted the judge in the preparation of judicial opinions.

From 1999 to 2002, as an associate at Jenner & Block LLP, I focused my practice on general commercial litigation. I argued three appeals in the United States Courts of Appeals for the Second and Seventh Circuits.

From 2002 to 2006, as an Assistant United States Attorney for the District of Columbia, I completed assignments in the Appellate Division and the Misdemeanor, General Felony, Grand Jury, and Federal Major Crimes Sections. I tried twelve jury trials and approximately 24 non-jury trials in the District of Columbia Superior Court and United States District Court for the District of Columbia as sole, lead, or co-lead counsel. I argued twelve appeals, nine in the District of Columbia Court of Appeals and three in the United States Court of Appeals for the District of Columbia Circuit. I also conducted numerous grand jury investigations and prosecuted a number of cases that were resolved short of trial.

From 2006 to 2007, as Deputy Chief of Staff for the National Security Division of the United States Department of Justice, I provided legal and policy advice on national security matters to the Assistant Attorney General for National Security and other senior Department officials. I also assisted the Division's leadership with administrative and management matters.

In 2007, as Counsel to the Deputy Attorney General, I provided legal and policy advice on national security matters to the Deputy Attorney General and other senior Department officials.

From 2007 to 2009, as Deputy Assistant Attorney General for the Civil Rights Division of the United States Department of Justice, I supervised the Appellate, Employment Litigation, and Housing and Civil Enforcement Sections. In that capacity, I oversaw the work of approximately 100 attorneys.

From 2009 to 2017, as a partner at Jenner & Block LLP and Morrison & Foerster LLP, I focused my practice on internal and government investigations, compliance and regulatory counseling, and complex civil litigation. I conducted numerous internal investigations and defended clients in government investigations into potential violations

of the Foreign Corrupt Practices Act, the False Claims Act, and other statutes, and advised clients on compliance issues. I also litigated a variety of civil cases.

Currently, as Deputy General Counsel at the United States Department of the Treasury, I provide legal and policy advice to the Secretary of the Treasury and other senior Department officials.

I have not performed lobbying activities.

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.

Instructor, Intensive Trial Advocacy Course, Notre Dame Law School, South Bend, Indiana, August 18-19, 2009. [Summary: I was an instructor at a summer trial advocacy course at Notre Dame Law School. I do not have a syllabus, and I cannot recall more specifically the topics I discussed.]

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.

My former law firms, Jenner & Block LLP and Morrison & Foerster LLP, will refund to me any excess tax true-up deposits once all taxes are paid and accounted for.

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.

None.

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

See attached financial disclosure report.

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

See attached net worth statement.

22. **Potential Conflicts of Interest:**

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

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 conflict of interest will be resolved in accordance with the terms of an ethics agreement with the Department's designated agency ethics official.

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

In the event of a potential conflict of interest, I will consult with the ethics officials in the Executive Office for United States Attorneys, Department of Justice.

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

I support the pro bono obligations under the American Bar Association's Code of Professional Responsibility and similar principles of the Bars of which I am a member. Each year while in private practice, I represented numerous pro bono clients, including the disadvantaged and others who could not afford legal services. My pro bono clients included Hagar International, a non-profit organization operating in Afghanistan, Cambodia, and Vietnam to support trafficking victims; numerous indigent criminal defendants in various courts around the country; and an indigent mother in a child custody case in the District of Columbia Superior Court.