

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Andrew Mark Luger

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

United States Attorney for the District of Minnesota

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.

Greene Espel PLLP  
Minneapolis, MN 55402

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

1959; Englewood, New Jersey

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.

Georgetown University Law Center  
August 1982 – May 1985  
Degree: J.D.  
Graduation: May 1985

London School of Economics  
England  
September 1979-August 1980  
No degree, Junior Year Abroad

Amherst College  
September 1977- May 1981  
Degree: B.A.  
Graduation: May 1981

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.

Greene Espel PLLP  
222 South Ninth Street  
Suite 2200  
Minneapolis, MN 55402  
Position: Partner  
December 1995 – Present

Minnesota Campaign Finance and Public Disclosure Board  
190 Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155  
Board Member and Current Chair  
March 2011 – August 2013

J Street Minnesota  
Co-Chair, 2010  
(no office)

Amicus, Inc.  
3041 4<sup>th</sup> Avenue South  
Minneapolis, MN 55408  
Board Member, 2007-2012

Sholom Community Alliance  
3620 Phillips Parkway  
St. Louis Park, MN 55426  
Vice President and Board Member, 1995-1999

Hamline University School of Law  
1536 Hewitt Avenue  
St. Paul, MN 55104  
Adjunct Professor, 1993-1996

United States Attorney's Office  
District of Minnesota  
United States Courthouse  
300 South 4<sup>th</sup> Street  
Suite 600  
Minneapolis, MN 55415  
Position: Assistant U.S. Attorney  
May 1992 – December 1995

United States Attorney's Office  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201  
Position: Assistant U.S. Attorney  
February 1989 – May 1992

Stillman, Friedman and Shaw  
425 Park Avenue  
New York, NY 10022  
Position: Associate  
April 1987 – February 1989

New York Cares, Inc.  
65 Broadway  
19<sup>th</sup> Floor  
New York, NY 10006  
Co-Founder, Board Member and President (1986-1989)

Townley and Updike  
405 Lexington Avenue  
New York, NY 10174  
Position: Associate  
September 1985 – April 1987

United States Attorney's Office  
District of Columbia  
555 4<sup>th</sup> Street, NW  
Washington, DC 20001  
Position: Intern  
January 1985 - May 1985

Paul, Weiss, Rifkind, Wharton & Garrison  
1285 Avenue of the Americas  
New York, NY 10019  
Position: Summer Associate  
June 1984 – August 1984

Bredhoff and Kaiser  
1000 Connecticut Avenue, NW  
Washington, DC 20036  
Position: Intern  
September 1984 – February 1985

Professor Louis Michael Seidman  
Georgetown University Law Center  
600 New Jersey Avenue NW  
Washington, DC 20001  
Position: Research Assistant  
June 1983 – August 1983

Parker-Coltrane Political Action Committee  
P.O. Box 50523  
Washington, D.C. 20013  
Position: Executive Director  
August 1981 – August 1982

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

I have not served in the military. I do not believe I have registered for selective service. It is my understanding that I was not required to register because I was born before December 31, 1959.

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.

Notes and Comments Editor, Georgetown Law Journal (1984-1985)

Chambers USA, Leading Lawyer for Business, 2003-2013

Benchmark Litigation, Local Litigation Star (2011-2013)

Best Lawyers in America (2010-2013)

Top 100 Minnesota Super Lawyers (2002-2013)

Top 40 Minnesota Business Litigators (2001-2009)

40 Under 40 "Next Generation Leaders" (1997)(CityBusiness Magazine)

Special Commendation, United States Department of Justice and Food and Drug Administration for successful prosecution of Dr. Barry Garfinkel (1993).

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.

Member, American Bar Association, (April 1991 - present).

Member, District of Minnesota Federal Practice Committee (January 2012 – August 2013) (Resigned from the Federal Practice Committee after being recommended for this appointment)

Chair, Minnesota State Bar Association Civil Litigation Governing Council (2007-08)

Chair, Hennepin County Bar Association Civil Litigation Section (2002-2004)

Member, Federal Court Merit Selection Panel (2005)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

State Bar of New York, May 1986

State Bar of Minnesota, May 1988

There have been no lapses in my memberships.

- 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.

New York Court of Appeals, May 1986

Minnesota Supreme Court, May 1988

United States District Court for the Eastern District of New York, March 19, 1987

United States District Court for the Southern District of New York, February 25, 1987

Second Circuit Court of Appeals, April 4, 1990

United States District Court for the District of Minnesota, June 5, 1992

Eighth Circuit Court of Appeals, December 10, 1992

There have been no lapses in my memberships.

**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.

Brandeis University Parent's Advisory Council (2013)

Minneapolis Club (2012-Present)

Temple Israel, Minneapolis, Board of Trustees (2004-2006)

J Street Minnesota, Co-Chair (2010-2011)

Amicus, Inc., Minneapolis, Board Member and Secretary (2007-2012)

DFL Lawyers Committee, Co-Founder and Co-Chair (2007-2009)

Amherst Association of Minnesota, President (2002-2004)

Sholom Community Alliance, Board Member and Vice President (1995-1999)

New York Cares, Co-Founder and President (1986-1989)

Project Dorot, Volunteer (May 1986 – May 1992)

Chair, Minneapolis Youth Violence Review Commission (July 2012 – January 2013)

Co-Chair Metro Gang Strike Force Review Panel, (May 2009 – August 2009)

Co-Chair Republican National Convention Public Safety and Implementation Review Commission (October 2008 – January 2009)

I have made financial contributions to other charitable and civic organizations over the years. I have not included in the list above any organization to which I gave funds and did not otherwise participate in programs or activities, although the organization may have labeled me as a member.

- 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 to my knowledge.

**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 published materials, including through a review of my personal files and those of my current law firm and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find or remember. I have located the following:

Op-Ed, "*Before Football's Bounty System*," Minneapolis Star Tribune, March 2012 (copy supplied).

Guest Post, "*Why We Need J Street*" TCJewfolk.com, December 10, 2010 (copy supplied).

Guest Post, "*First J Street Minnesota Event Draws Over 400*," TCJewfolk.com, October 26, 2010 (copy supplied).

Guest Post, "*You're Invited: J Street Minnesota Presents*," TCJewfolk.com, September 15, 2010 (copy supplied).

Op-Ed, "*After the Prison Doors Swing Open*," Minneapolis Star Tribune, January 2007 (copy supplied).

Op-Ed, "*Candidates Have So Much In Common*," Minneapolis Star Tribune, November 2006 (copy supplied).

"*Surviving Federal Turf Battles*," *Litigation*, Vol. 23, No 1, Fall 1996 (copy supplied).

*"New Chief Judge Hits the Ground Running,"* Hennepin Lawyer, Vol. 74, No. 1 (January/February 2005) (copy supplied).

*"Are You Being Served,"* Bench and Bar of Minnesota, May/June 1994 (copy supplied).

Op-Ed, *"Forget Messages; lock up bad guys,"* Minneapolis Star Tribune, November 21, 2004 (copy supplied).

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

I have done my best to identify reports, memoranda and policy statements, including through a review of my personal files and those of my current law firm and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find or remember. I have located the following:

Report of the Minneapolis Youth Violence Review Commission, 1/7/13 (copy supplied).

Report of the Metro Gang Strike Force Review Panel, 8/20/09 (copy supplied).

Report of the Republican National Convention Public Safety and Implementation Review Commission, 1/14/09 (copy supplied).

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

I have identified the following testimony, official statements and communications based on a review of my personal files, the files of my current law firm and searches of on line sources. There may be other items that I am unable to identify or remember:

January 2009 Presentation to the St. Paul City Council on RNC Investigation (presentation supplied)

August 2009 Presentation to the Minnesota Legislature on Metro Gang Strike Force (presentation supplied).



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

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and those of my current law firm, as well as publicly available electronic databases. Despite my search, there may be other materials I have been unable to identify, find or remember. I have located the following:

*Speeches*

*"Business Ethics: The Torah, the Talmud and Today,"* Sermon at Temple Israel, June 21, 2013 (copy supplied).

"Is a Two State Solution Still Possible?" February 2, 2012, Panel discussion at Mt. Zion synagogue on prospects for peace in the Middle East (no notes or transcript available).

Speech at the Induction of Nancy E. Brasel as a Hennepin County District Court Judge, December 14, 2011 (copy supplied).

Introduction of Vice President Walter Mondale and Professor Yoram Peri at Temple Israel, May 10, 2011 (copy supplied).

Introduction of Jeffrey Toobin, Twin Cities Cardozo Society Dinner, October 22, 2009 (no notes or transcript available).

*Parental Liability for Underage Drinking in the Home*, Breck School. At various times over the past 8 years, I have given a presentation to the Breck School Parents' Association on the liability of parents for underage drinking in their home. The last presentation was in April 2011. A copy of the slides I have used in these talks is supplied.

Speech to the Hennepin County DFL Endorsing Convention, June 3, 2010 (copy supplied)

Declaration of Candidacy for Hennepin County Attorney, June 15, 2005 (copy supplied)

**CLE Presentations:**

*"The First 24 Hours: Advice to Civil Lawyers Upon Their Clients' Surprise Encounters with Law Enforcement,* Federal Bar Association Panel Discussion in Minneapolis, June 28, 2012 (no notes or transcript available)

*"Megaupload.com: When Copyright is Criminal Infringement,"* June 25, 2012, (copy supplied)

*"How to Practice in Federal Court,"* May 17, 2011 webcast on civil litigation in Minnesota federal courts, Minnesota CLE (no notes or transcript available)

Federal Court Practice, October 12, 2010, Federal Bar Association Panel on Federal Court Practice in Minnesota (no notes or transcript available)

Federal Practice Seminar of the Minnesota Federal Bar Association, panel discussion, June 26, 2008 (no notes or transcript available)

*"Criminal Investigations: A View from the Defense: New Approaches by Prosecutors in White Collar Crime cases,"* December 8, 2004, Clarion Legal. (no notes or transcript available)

*"Fighting Fair: The Unwritten Rules for a Meaningful Litigation Practice,"* February 5, 2004, Panel Discussion on how to be a forceful and honest advocate for your clients at the University of Minnesota Law School (no notes or transcript available)

*"The Do's and Don'ts of Mediation,"* Panel discussion of local mediators for the Minnesota State Bar Association's Civil Litigation Council, February 18, 2003, (no notes or transcript available)

*"Allowing Readbacks of Testimony During Jury Deliberations,"* June 5, 2002, Minnesota Bar Association Civil Litigation Section Lunch (no notes or transcript available)

*"Complex Business Litigation,"* March 20, 2001, Minnesota Institute of Legal Education (no notes or transcript available)

*"Using Technology in Litigation,"* March 6, 2001, Minnesota State Bar Association, Continuing Legal Education (no notes or transcript available)

*"E-Commerce: The New Art of Business Fraud and Criminal Issues,"* January 25, 2001, Minnesota State Bar Association, Continuing Legal Education (no notes or transcript available)

*"Complex Business Litigation,"* March 15, 2000, Minnesota Institute of Legal Education (no notes or transcript available)

*"Using Technology in Litigation,"* February 24, 2000, Minnesota State Bar Association (no notes or transcript available)

*"Financial Investigations and Forensic Accounting,"* November 12, 1999, Minnesota Institute of Legal Education (no notes or transcript available)

*"Cyber Discovery,"* September 28, 1998, Minnesota State Bar Association (no notes or transcript available)

*"Using Technology in Litigation,"* February 20, 1998, Minnesota State Bar Association (no notes or transcript available)

*"Conscientious Compliance,"* July 31, 1997, Minnesota Law & Politics (no notes or transcript available)

*"Securities Litigation – Planning and Strategies for the 90's and Beyond,"* May 9, 1996, ALI-American Bar Association (no notes or transcript available)

- 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.

***General Television and Radio Interviews***

Channel 5 Eyewitness News, Interview on Little Falls Shooting case, 11/30/12 (video supplied).

Minnesota Public Radio, Interview on background of NFL lockout, 3/3/11 (transcript supplied).

Twin Cities Public Television, Interview on Metro Gang Strike Force Investigation, 8/21/09 (video supplied).

Minnesota Public Radio, Interview on U.S. Attorney terminations, 3/15/07 (audio supplied).

Minnesota Public Radio, "What Have We Learned from the Moussaoui trial?" (audio supplied).

***2005-2006 Hennepin County Attorney Campaign***

Air America, Minnesota, AM 950, Interview with Robert Hill and Dawn

Morningstar. (audio supplied).

Twin Cities Public Television, March 2006, "Debate between Hennepin County Attorney candidates" (video supplied ).

Hill and Lake Press, June 17, 2006, "Meet Andy Luger – Candidate for Hennepin County Attorney" (copy supplied).

AM 1500, Interview with Ron Rosenbaum, July 18, 2006 (audio supplied).

Twin Cities Daily Planet, August 24, 2006, "It's prosecutions, not politics for Luger" (copy supplied).

Interview, Minnesota Campaign Report, September 25, 2006, "Interview with Andy Luger, Candidate for Hennepin County Attorney" (copy supplied).

Minnesota Sun, October 26, 2006, "Hennepin County Attorney race" (copy supplied).

#### ***New York Cares***

Daily News Record, "Caretakers," December 18, 1986 (copy supplied).

New York Daily News, May 29, 1988 "For vols, it's more blessed to give" (copy supplied).

The West Side Spirit, November 28, 1988 "Good Works for Busy People" (copy supplied).

#### ***United States v. Garfinkel***

Minneapolis Star-Tribune, Doug Grow, August 8, 1993, "Jury gives to Garfinkel's former aide what "U" didn't – vindication" (copy supplied).

#### ***United States v. Gary Lefkowitz***

New York Times, May 24, 1994, "Checking Up On Investment Sponsors" (copy supplied).

#### ***Miscellaneous***

Minnesota Journal of Law & Politics, July 1996, "The Vengeance of Andrew Luger" (copy supplied).

Minnesota Journal of Law & Politics, February 1997, "How to Work at a Law Firm and Still Have a Life" (copy supplied).

Minneapolis Star-Tribune, January 31, 1998, "Tripp breaks silence, tells of alleged calls" (copy supplied).

Minneapolis Star-Tribune, August 9, 1999, "White-collar defenders" (copy supplied).

Hakol (Temple Israel Newsletter), December 2005 "Meet the Board – Andy Luger" (copy supplied).

The New York Times, February 11, 2007, "At Libby's Defense Table, a Tough but Deft Lawyer" (copy supplied).

St. Paul Pioneer Press, December 17, 2009, "Theft-of-services law's days may be numbered" (copy supplied).

Minneapolis Star Tribune, October 12, 2012, "Jeffrey Toobin: Drama in the court." (copy supplied).

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

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Chair and Member, Minnesota Campaign Finance and Public Disclosure Board, March 2011- August 2013. Appointed by Governor Mark Dayton.

Unsuccessful candidate for Hennepin County Attorney, 2006

- 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.

Mark Green for U.S. Senate campaign, New York, 1986. Served as counsel for the campaign with respect to New York City sign posting regulations.

R.T. Rybak for Governor, Minnesota, 2010. Served as advisor to the campaign in selection of a potential lieutenant governor candidate.

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 did not clerk for a judge.

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.

Greene Espel PLLP  
222 South Ninth Street  
Suite 2200  
Minneapolis, MN 55402  
Position: Partner  
December 1995 – Present

United States Attorney's Office  
District of Minnesota  
United States Courthouse  
300 South 4<sup>th</sup> Street  
Suite 600  
Minneapolis, MN 55415  
Position: Assistant U.S. Attorney  
May 1992 – December 1995

United States Attorney's Office  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201  
Position: Assistant U.S. Attorney  
February 1989 – May 1992

Stillman, Friedman and Shaw  
425 Park Avenue  
New York, NY 10022  
Position: Associate  
April 1987 – February 1989

- 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.

After graduating from law school in 1985, I joined the civil litigation firm of Townley and Updike. At Townley, my work consisted of civil litigation including intellectual property and contract disputes.

In 1987, I left Townley and joined the white collar criminal boutique firm then known as Stillman, Friedman & Shaw. At Stillman, my work consisted almost exclusively of representing individuals under investigation by various government agencies or departments. Approximately 75% of my work was in white collar criminal defense, with about 25% in the representation of individuals faced with administrative proceedings.

In 1989, I became an Assistant U.S. Attorney for the Eastern District of New York. Throughout 1989, I handled a mixture of narcotics, gun and white collar matters. In 1990, I was assigned to a white collar crime unit where I focused on bank fraud, investment fraud, tax fraud and white collar money laundering cases, along with a variety of other white collar crime matters.

In 1992, I became an Assistant U.S. Attorney for the District of Minnesota. From May 1992 through December 1995, I focused primarily on the investigation and prosecution of white collar cases. In addition, I handled a few other matters including an immigration case, some narcotics cases and a child abuse case on the Red Lake reservation.

In December 1995, I joined Greene Espel where my practice has been comprised of 40% civil litigation, 40% criminal matters and 20% internal investigations for public and private companies.

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

At Townley, I represented NFL Properties, Inc. and other companies on trademark matters, along with a number of companies engaged in contract related litigation.

At Stillman, I represented individuals under investigation by local, state or federal authorities.

At the United States Attorney's Offices in Minnesota and New York, I represented the United States in criminal cases.

At Greene Espel, my clients have been a mixture of public and private companies and Boards of Directors in civil litigation and individuals under investigation by local, state and federal authorities.

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

- i. Indicate the percentage of your practice in:

1. federal courts;
2. state courts of record;
3. other courts;
4. administrative agencies

While I was an AUSA, 100% of my practice was litigation, and 100% of my practice was in federal court. During my time as an AUSA, I would appear in federal court on a frequent basis, often once per day and typically many times per week.

While I have been in private practice, 80% of my practice has been litigation; 70% of my litigation practice has been in federal courts, 20% of my litigation practice has been in state courts and 10% has been litigation before administrative agencies. As a private practitioner, I appear in court less frequently, but on average once every week or two.

- ii. Indicate the percentage of your practice in:

1. civil proceedings;
2. criminal proceedings.

When I was an Assistant U.S. Attorney, 100% of my work was on criminal matters.



During my time at Greene Espel, approximately 50% of my practice has been in civil proceedings and 50% in criminal. At Townley, my practice was exclusively civil. At Stillman, my practice was primarily criminal and related administrative proceedings.

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

I have reviewed old case files, calendars and other documents to answer this question. These numbers are my best estimate of the trials in which I have participated either as chief counsel, second chair or sole counsel:

I have tried approximately 30 cases to verdict, judgment or final decision.

I was sole counsel on approximately 17 of these cases.

I was associate counsel on 4 of these cases.

I was chief counsel on 9 of these cases.

- i. What percentage of these trials were:
1. jury;
  2. non-jury.

90% of these trials were jury.

10% of these trials were non-jury.

Approximately 20 of these trials occurred while I was an AUSA  
Approximately 10 of these trials occurred while I was in private  
practice

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

I have not practiced before the United States Supreme Court.

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

case. Also state as to each case:

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

1. *United States v. Markert, et. al.,*

Citation:

Case No. 11-CR-200 (ADM/FLN).

Party Represented:

George Wintz

Summary of Case:

Mr. Wintz was indicted for engaging in check kiting, arranging for nominee loans and ERISA violations. I was his trial counsel. He was found guilty after a three week trial. The case was tried to a jury before United States District Judge Ann Montgomery in the District of Minnesota in March 2012.

Opposing Counsel:

William J. Otteson and David Genrich, United States Attorney's Office  
300 South 4<sup>th</sup> Street  
Suite 600  
Minneapolis, MN 55415  
612-664-5600

Co-Defense Counsel:

Chris Madel  
Robins, Kaplan, Miller & Ciresi  
800 Lasalle Avenue #2800  
Minneapolis, MN 55402  
612-349-8703

Joe Friedberg  
250 Second Avenue South

Minneapolis, MN 55401  
612-339-8626

**2. *United States v. Russell and Abby Cole***

Citation:

Case No. 09-CR-193 (MJD/AJB)

Party Represented:

Russell Cole.

Summary of Case:

Mr. Cole was charged with defrauding Best Buy through a phony invoice scheme, and evading federal income taxes. I was Mr. Cole's lead trial counsel. After a six week criminal jury trial before Chief United States District Judge Michael J. Davis in the District of Minnesota, Mr. Cole was found guilty. The trial was held in April and May, 2010.

Opposing Counsel:

William J. Otteson and Nicole Engisch, United States Attorney's Office  
300 South 4<sup>th</sup> Street  
Suite 600  
Minneapolis, MN 55415  
612-664-5600

Co-Counsel:

Shelly Kulwin  
Kulwin, Masciopinto & Kulwin  
161 North Clark Street  
Chicago, IL 60601  
312-641-0300

**3. *United States v. Augustine Medical, Inc.***

Citation:

Case No. 03-CR-321, (ADM/AJB)

Party Represented:

Paul Johnson, the vice president of Medicare reimbursement for Augustine Medical.

Summary of Case:

Mr. Johnson, the company and a number of executives were charged with Medicare fraud in an indictment alleging that they were seeking reimbursement for a wound healing device that they knew was denied coverage. I was Mr. Johnson's lead trial counsel. After a two month jury trial in May and June, 2004, before United States District Judge Ann D. Montgomery in the District of Minnesota, the United States Attorney's Office dropped the felony charges and Mr. Johnson pled guilty to a misdemeanor.

Opposing Counsel:

Michael J. Quinley, United States Attorney's Office for the Southern District of Illinois  
750 Missouri Avenue  
East St. Louis, IL 62201  
618-482-9361

Co-Counsel:

John Lundquist  
Fredrikson & Byron  
200 South 6<sup>th</sup> Street  
#4000  
Minneapolis, MN 55402

William Michael, Jr.  
Mayer Brown  
71 S. Wacker Drive  
Chicago, IL 60606  
312-782-0600

William Mauzy  
510 N. 1<sup>st</sup> Street  
#610  
Minneapolis, MN 55403  
612-340-9108

4. *Hoyt Properties, Inc. v. Production Resources Group, et. al.*

Citation:

Case No. 03-12303

Party Represented:

Production Resources Group.

Summary of Case:

Hoyt Properties brought this breach of contract case seeking payment on a long term lease from the parent company of a bankrupt subsidiary. The case was bifurcated and the first issues were tried before Judge John Q. McShane of Hennepin County District court in 2008. I was the defendant's lead trial counsel. Judge McShane ruled for my client on the issues before him for trial. The remaining issues were settled before a second trial.

Opposing Counsel:

George Eck  
Dorsey & Whitney  
50 S. 6<sup>th</sup> Street  
#1500  
Minneapolis, MN 55402  
612-340-2600

5. *Irving P. Knelman v. Investment Advisers, Inc.*

Citation:

Court File 99-011316

Party Represented:

I represented the defendant along with lawyers from Greene Espel.

Summary of Case:

This was an action brought for severance, bonus and related back pay by a senior executive of this investment firm who was terminated by the parent company of IAI. I tried this case with other members of the Greene Espel law firm. After a three week jury trial before Hennepin County District Court Judge Marilyn Kaman in Hennepin County

District Court in September 2008, the jury found for the plaintiff.

Opposing Counsel:

Joe Anthony  
Anthony, Ostlund, Baer & Louwagie  
90 S. 7<sup>th</sup> Street, # 3600  
Minneapolis, MN 55402  
612-349-6969

6. *United States v. Gary Lefkowitz*

Citation:

125 F.3d 608 (8<sup>th</sup> Cir. 1997)

Party Represented:

I represented the government as lead counsel.

Summary of Case:

Mr. Lefkowitz was charged with mail fraud, wire fraud, managing a continuing financial crimes enterprise and defrauding the IRS as part of a national scheme to defraud investors in his real estate syndications as well as developers who built low income apartments for his syndications. He also defrauded the IRS by issuing false low income housing tax credits. After a two month jury trial before United States District Judge David Doty in May and June 1995 in the District of Minnesota, Mr. Lefkowitz was found guilty on all counts. He was sentenced to 24 years in prison. I represented the government on appeal before Judges Richard Arnold, Loken and Hansen. The decision upholding his conviction is published.

Opposing Counsel:

James Ostgard  
527 Marquette Avenue  
Suite 1925  
Minneapolis, MN 55402  
612-338-1015

**7. *United States v. Barry Garfinkel***

Citation:

29 F.3d 1253 (8<sup>th</sup> Cir. 1994)

Party Represented:

I represented the government as lead counsel.

Summary of Case:

Dr. Barry Garfinkel was charged with mail fraud and making false statements in relation to an FDA approved new drug study. After a three week jury trial before United States District Judge David Doty in the District of Minnesota in July 1993, Dr. Garfinkel was convicted on both mail fraud and false statement counts. I represented the government on appeal before Judges Magill, Heaney and Hansen. The conviction and sentence were upheld on appeal in a published opinion.

Opposing Counsel:

Douglas A. Kelley  
Kelley, Wolter and Scott  
431 S. Seventh Street  
Suite 2530  
Minneapolis, MN 55415  
612-371-9090

**8. *United States v. Michael Blodgett***

Citation:

32 F.3d 571 (8<sup>th</sup> Cir. 1994)

Party Represented:

I represented the government as co-counsel.

Summary of case:

Mr. Blodgett was charged with defrauding investors in his rare coin business. After a two month jury trial before United States District Judge Richard Kyle in the District of Minnesota, Mr. Blodgett was found guilty. In April and May 1993, I co-tried the case for the government with Joan Ericksen, who was an Assistant U.S. Attorney

and is now a United States District Court Judge for the District of Minnesota. I represented the government on appeal before Judges Fagg, Beam and Loken.

Opposing Counsel:

Ronald I. Meshbesh  
Meshbesh & Spence  
1616 Park Avenue South  
Minneapolis, MN 55404  
612-339-9121

9. *United States v. Strauss*

Citation:

CR 91-691.

Party Represented:

I represented the government.

Summary of Case:

Alan and Samuel Strauss were charged with defrauding thousands of customers of the Long Island Pet Cemetery. The defendants were promised to cremate their customers' pets and return to them the pets' remains. Instead, they primarily dumped the pets in the woods behind their facility and sent the customers phony remains. I tried this case as counsel for the government. After a three week jury trial in January 1992 before United States District Judge Thomas C. Platt in the Eastern District of New York, the defendants were convicted.

Opposing Counsel:

John Jacobs  
1725 York Avenue  
New York, NY 10128  
(Deceased)

Jeffrey Hoffman  
Hoffman & Pollok  
260 Madison Avenue  
New York, NY 10016  
212-679-2900



**10. *United States v. Hammad***

Citation:

902 F.2d 1062 (2<sup>nd</sup> Cir. 1990).

Party Represented:

I represented the government along with Charles Gerber of the United States Attorney's office. Mr. Gerber was lead counsel.

Summary of case:

I was second chair in this case in which Eid and Taiseer Hammad were charged with defrauding Medicaid, committing arson and obstructing justice. After a three week jury trial before United States District Judge I. Leo Glasser in the Eastern District of New York in April 1989, the defendants were convicted. I represented the government on appeal before Judges Kaufman, Mahoney and Friedman. The conviction was upheld on appeal.

Opposing Counsel:

Richard Greenberg  
Newman & Greenberg  
950 Third Avenue  
32<sup>nd</sup> Floor  
New York, NY 10022  
212-308-7900

Michael Washor  
233 Broadway  
Suite 1800  
New York, NY 10279  
212-697-5900

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.)

Below, I describe the most significant legal activities I have pursued including litigated

matters that did not progress to trial:

1. ***Metro Gang Strike Force Investigation.*** In 2009, I was appointed by the Commissioner of the Department of Public Safety to investigate allegations of wrongdoing by police officers assigned to this stand alone gang strike force. The strike force was comprised of officers from a number of Twin Cities metro area police and sheriff's departments. Working with a retired F.B.I. agent, I reviewed case files and the state of the property room; interviewed people alleging that they were victims of misconduct; and interviewed former employees of the strike force and a number of officers. Attached to this form is a copy of the report we wrote at the conclusion of the investigation as well as recommendations for the future of Minnesota strike forces. Many of the recommendations have been put into place, and the Metro Gang Strike Force was shut down. At our recommendation, a Special Master was appointed to address legal claims by alleged victims of the strike force.
2. ***Republican National Convention Security Investigation.*** In 2008, following riots, large scale arrests and damage to property in downtown St. Paul during the Republican National Convention, I was appointed by the Mayor of St. Paul to co-chair a commission to investigate the planning and implementation of security for the convention. Our commission reviewed hours of video recordings of violent protests and the police response, interviewed dozens of police officers and law enforcement management and interviewed journalists and others who were arrested during the convention. Our report, which is attached to this form, reviewed what occurred at the convention, explained the failings in the security planning and implementation and made specific recommendations for future conventions.
3. ***Southdale Medical Diagnostics v. Soteria Imaging Service LLC, et. al.,*** Case No. 27-cv-2174. In 2012, I represented the defendants as lead counsel in this highly contentious litigation concerning allegations of fraud, breach of contract and breach of fiduciary duties relating to the parties' joint venture in a medical diagnostic business. After a year of litigation including multiple motions and extensive discovery, the case was resolved.
4. ***United States of America v. Christopher Smith, et. al.,*** Civil No. 05-895 (MJD/JGL). In 2005, I was appointed a Receiver in this federal criminal action by Chief Judge Michael J. Davis, with the consent of all parties. Mr. Smith ran an illegal on-line pharmacy that was shut down by the government. He and a number of other individuals involved in the pharmacy were prosecuted. My job as Receiver was to conduct an orderly and appropriate liquidation of the business, including the payment of wages to current and former employees, as well as

processing refunds to customers.

5. *United States v. Wirth, et. al.*, Case No. 11-CR-256 (ADM/JJK). I represented Holly Damiani, the ex-wife of lead defendant Jeffrey Wirth, in this large tax fraud investigation. Ms. Damiani was charged with defrauding the IRS and filing false tax returns as part of her ex-husband's scheme to use business accounts to pay for millions of dollars in personal expenses. I represented Ms. Damiani as lead counsel. Prior to trial in 2012, Ms. Damiani agreed to plead guilty to one count of the indictment and cooperate against her co-defendants. She received a sentence of three months incarceration.
6. *United States v. Koch Industries, Inc.* (1999). I represented Koch Industries in this criminal investigation and prosecution relating to oil spills at the Minnesota refinery. After two whistleblowers alleged, publicly, that senior management at the refinery intentionally violated permits by spilling oil into the Mississippi river and on to property near the refinery, state and federal law enforcement and regulatory agencies conducted investigations into the allegations. After extensive investigations, including an internal investigation I conducted for the company, many of the initial allegations were disproven. The company pled guilty to misdemeanor environmental charges and paid a fine. No individuals were prosecuted.
7. *United States v. National Mortgage Bank of Greece, et. al.*, Cr. No. 90 CR 201 (RJD). (1991) While I was an AUSA in the Eastern District of New York, I was lead counsel on the prosecution of the National Mortgage Bank of Greece, and a number of bank employees. The National Mortgage Bank of Greece was a Greek government owned bank that operated illegally in the United States. The Bank assisted primarily Greek Americans to avoid income tax by creating a way for them to deposit cash in accounts in the United States with the funds illegally transferred to Greece. After an extensive undercover investigation, the Bank and employees from offices around the United States were charged with money laundering and banking offenses. On the eve of trial, all defendants pled guilty.

I have not engaged in lobbying activity during my career.

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.

"The Investigation and Prosecution of White Collar Crime," Hamline University Law

School, 1993-1997. I taught a seminar that instructed students in the techniques available to prosecutors in the investigation of white collar cases, with an emphasis on the law governing mail, wire, bank and securities fraud and the relationships between prosecutors and criminal defense attorneys. (syllabus supplied).

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.

None. I will resign as a partner at Greene Espel upon taking this position and will have no further financial ties to this law firm. My wife has stock options through her employment at General Mills, which are disclosed in our net worth statement.

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

No.

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

See attached SF 278.

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

Please see attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

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

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

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional 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.

Over the course of my career, I have represented, pro bono, indigent individuals under investigation by local, state and federal authorities. In addition, I served for many years in New York as a volunteer for Project Dorot, visiting home bound elderly men. I have served on the board of Temple Israel, and have provided pro bono counsel to Temple Israel and its clergy. I have provided pro bono representation to the City of Minneapolis in reviewing and analyzing its existing youth violence prevention programs. In addition, I have served on the board of directors of Amicus, Inc., a non-profit organization that works with prisoners in anticipation of their re-entry to the community. From 1986 through early 1989, I co-founded and volunteered for New York Cares, a non-profit organization that assists New Yorkers engage in volunteer activities.

AFFIDAVIT

I, Andrew Mark Luper, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

11/5/13

(DATE)

*Andrew Mark Luper*

(NAME)

*Ann M Mertz*

(NOTARY)

