

January 6, 2014

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire that I filed in connection with my nomination on September 19, 2013, to be a United States District Court Judge for the Northern District of Illinois. Incorporating the additional information below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

Question 12d:

November 20, 2013: Speaker, Remarks to Lawyers and Judges from Indonesia Visiting the United States Attorney's Office, United States Attorney's Office for the Northern District of Illinois, Chicago, Illinois. During this informal talk to a visiting delegation of lawyers and judges from Indonesia, I described the history of the United States Sentencing Guidelines, and provided an overview of how the Sentencing Guidelines work in practice. I have no notes, transcript, or recording. The United States Attorney's Office for the Northern District of Illinois is located at 219 South Dearborn Street, Fifth Floor, Chicago, IL 60604.

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,



Manish S. Shah

cc: The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Manish Suresh Shah

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

United States District Judge for the Northern District of Illinois

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

United States Attorney's Office for the Northern District of Illinois
219 South Dearborn Street, Fifth Floor
Chicago, Illinois 60604

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

1972; New York, New York

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.

1995 – 1998, University of Chicago Law School; J.D., 1998

1990 – 1994, Stanford University; B.A., 1994

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.

2001 – present

United States Attorney's Office for the Northern District of Illinois
219 South Dearborn Street, Fifth Floor
Chicago, Illinois 60604
Chief, Criminal Division (2012 – present)

Chief, Criminal Appeals (2011 – 2012)
Deputy Chief, Financial Crimes & Special Prosecutions (2008 – 2011)
Deputy Chief, General Crimes (2007 – 2008)
Assistant United States Attorney, Public Corruption (2004 – 2007)
Assistant United States Attorney, Narcotics & Gangs (2003 – 2004)
Assistant United States Attorney, General Crimes (2001 – 2003)

1999 – 2001
United States District Court for the Northern District of Illinois
Everett McKinley Dirksen U.S. Courthouse
219 South Dearborn Street
Chicago, Illinois 60604
Law Clerk to the Honorable Judge James B. Zagel

1998 – 1999, Summer 1997
Heller Ehrman White & McAuliffe
333 Bush Street
San Francisco, California 94104
Associate (1998 – 1999)
Summer Associate (Summer 1997)

Summer 1997
Debevoise & Plimpton
875 Third Avenue
New York, New York 10022
Summer Associate

Summer 1996
Edwin F. Mandel Legal Aid Clinic
University of Chicago Law School
6020 South University Avenue
Chicago, Illinois 60637
Summer Law Clerk

1994 – 1995
New York County District Attorney's Office
One Hogan Place
New York, New York 10013
Trial Preparation Assistant, Frauds Bureau

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 timely registered 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.

Federal Bureau of Investigation Director's Award for Outstanding Criminal Investigation (2008)

Executive Office of United States Attorneys Director's Award for Superior Performance by a Litigative Team (2007)

United States Customs Service, Letter of Recognition (2002)

University of Chicago Law School, J.D. with Honors (1998)

Stanford University, B.A. in History with Honors and with Distinction (1994)

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.

Federal Bar Association

Seventh Circuit Bar Association

Seventh Circuit Electronic Discovery Pilot Program Committee

Co-Chair, Criminal Subcommittee, (2012 – 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.

California, 1998

Illinois, 2013

From 1999 to 2001, my status in the California bar was inactive while I was clerking and not practicing law. Other than the inactive period noted above, there have been no lapses in membership.

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

United States Supreme Court, 2012

United States Court of Appeals for the Second Circuit, 2006

United States Court of Appeals for the Seventh Circuit, 2002

United States District Court for the Northern District of Illinois, 2001
Supreme Court of California, 1998
Supreme Court of Illinois, 2013

From 2011 to 2012, my status was inactive in the Second Circuit while I had no pending matters before the court. I have since resumed active status. Other than the inactive period noted above, there have been no lapses in membership.

11. **Memberships:**

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

Stanford University Alumni Association (1994 – present)

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

To the best of my knowledge, the organization listed in response to 11a above does not, and did not formerly, discriminate on the basis of race, sex, religion, national origin, ethnicity, or sexual orientation, either through formal membership requirements or the practical implementation of membership policies.

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

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

Stanford Chaparral, 1994. I was a staff writer and editor of this Stanford University student humor magazine, published quarterly. I have been unable to obtain any copies of these materials.

- 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.

As Chief of the Criminal Division, and as Chief of Criminal Appeals, I have prepared and contributed to internal memoranda and policy statements for the United States Attorney's Office for the Northern District of Illinois. I have not supplied copies of these materials because they are privileged (or law enforcement sensitive), or constitute attorney work product.

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

Letter from Manish Shah, United States Attorney's Office for the Northern District of Illinois, to Thomas Bruton, Clerk of Court (July 2, 2013). Copy supplied.

E-mail from Manish Shah, United States Attorney's Office for the Northern District of Illinois, to Honorable Rebecca Pallmeyer, United States District Court Judge (May 8, 2013). Copy supplied.

Letter from Manish Shah, United States Attorney's Office for the Northern District of Illinois, to Thomas Bruton, Clerk of Court (March 7, 2013). Copy supplied.

Letter from Manish Shah, United States Attorney's Office for the Northern District of Illinois, to Honorable Geraldine Soat Brown, Presiding Magistrate Judge (Jan. 15, 2013). Copy supplied.

Letter from Manish Shah and Debra Bonamici, United States Attorney's Office for the Northern District of Illinois, to Joel Bertocchi, Hinshaw & Culbertson, LLP (July 25, 2011). Copy supplied.

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

July 30, 2013: Panelist, Remarks to Seventh Circuit Law Clerks and Externs Visiting the United States Attorney's Office, United States Attorney's Office for the Northern District of Illinois, Chicago, Illinois. I have no notes, transcript, or recording. The United States Attorney's Office for the Northern District of Illinois is located at 219 South Dearborn Street, Fifth Floor, Chicago, IL 60604.

June 19, 2013: Panelist, Ethics in Internal Investigations: Navigating the Uncertainties of Evolving Information, Perkins Coie LLP, Chicago, Illinois. I have no notes, transcript, or recording. Outline supplied.

May 21, 2013; June 19, 2012: Guest Speaker, Remarks to the Federal Bureau of Investigation Citizen's Academy, FBI, Chicago, Illinois. During these speaking events, I described the United States Attorney's Office and its relationship to the FBI. I have no notes, transcript, or recording. The Federal Bureau of Investigation, Chicago Field Division, is located at 2111 West Roosevelt Road, Chicago, IL 60608.

March 6, 2013; May 17, 2012; May 18, 2011; February 18, 2010; May 5, 2009; November 15, 2007: Guest Speaker, Federal Sentencing from the Prosecutor's Perspective, University of Chicago Law School Seminar "Federal Sentencing: Balancing Judicial and Prosecutorial Discretion," Chicago, Illinois. Notes supplied.

February 15, 2013: Speaker, Remarks to University of Chicago Undergraduate Students visiting the United States Attorney's Office for the Northern District of Illinois, University of Chicago Careers In Law Program, Chicago, Illinois. I described the United States Attorney's Office, the types of cases prosecuted by the office, and my educational and professional experiences. I have no notes, transcript, or recording. University of Chicago Careers In Law is located at The Office of Career Advancement, University of Chicago, 1212 East 59th Street, Chicago, IL 60637.

September 13, 2012; September 15, 2011; September 16, 2010: Lecturer, Exhibits and Foundations, University of Chicago Law School, Intensive Trial Practice Workshop, Chicago, Illinois. Presentation materials supplied.

August 3, 2012: Panelist, Review of the Recent Supreme Court Term, American Bar Association Criminal Justice Section, Chicago, Illinois. I have no notes, transcript, or recording. The ABA Criminal Justice Section is located at 740 15th Street NW, Washington, DC 20005.

May 23, 2012: Panelist, Instructing on Instructions – Expert Advice on the New Seventh Circuit Pattern Criminal Jury Instructions, Federal Bar Association (Chicago Chapter), Chicago, Illinois. I have no notes, transcript, or recording. The mailing address for the Chicago Chapter of the Federal Bar Association is P.O. Box 1200, Chicago, IL 60690.

April 23, 2012: Guest Speaker, Remarks to Undergraduate Students, Illinois Institute for Technology HIST 380: "Corruption in America," Chicago, Illinois. I described the role of the federal court system in investigating and prosecuting corruption in the City of Chicago with a focus on recent prosecutions involving the City of Chicago's Hired Truck Program and Office of Intergovernmental Affairs. I have no notes, transcript, or recording. The Humanities Department of the Illinois Institute of Technology is located at 218 Siegel Hall, 3301 South Dearborn Street, Chicago, IL 60616.

November 16, 2011: Panelist, Careers in Criminal Law, Criminal Law Society, University of Chicago Law School, Chicago, Illinois. I have no notes, transcript, or recording. The University of Chicago Law School is located at 1111 East 60th Street, Chicago, IL 60637.

May 12, 2011: Panelist, Federal Sentencing Since *Booker*, The Chicago Justice Initiative, University of Chicago, Chicago, Illinois. I have no notes, transcript, or recording. The University of Chicago Office of the Reynolds Club and Student Activities is located at 5706 South University Avenue, Chicago, IL 60637.

June 23, 2010: Speaker and Moderator, Appellate Brief Writing and Appellate Advocacy, Asian American Bar Association (Chicago Chapter), Chicago, Illinois. Presentation materials supplied.

April 20, 2010: Lecturer, Perjury and Obstruction of Justice, U.S. Department of Justice, Executive Office of United States Attorneys, Office of Legal Education, National Advocacy Center, Columbia, South Carolina. Because law enforcement sensitive information was shared, the event was not recorded and materials from my presentation are not available to the public. The National Advocacy Center is located at 1620 Pendleton Street, Columbia, SC 29201.

April 21, 2009: Panelist, United States Sentencing Guidelines, Yale Alumni Association (Chicago Chapter), Chicago, Illinois. I have no notes, transcript, or recording. The mailing address for the Association of Yale Alumni is P.O. Box 209010, New Haven, CT 06520-9010.

February 20, 2008: Panelist, Careers in Public Service, Asian Pacific American Law Students Association, University of Chicago Law School, Chicago, Illinois. I have no notes, transcript, or recording, but press coverage is supplied. The University of Chicago Law School is located at 1111 East 60th Street, Chicago, IL 60637.

January 10, 2008: Lecturer, Cross-Examination of the Defendant, U.S. Department of Justice, Executive Office of United States Attorneys, Office of Legal Education, National Advocacy Center, Columbia, South Carolina. Because law enforcement sensitive information was shared, the event was not recorded and

materials from my presentation are not available to the public. The National Advocacy Center is located at 1620 Pendleton Street, Columbia, SC 29201.

August 15, 2007: Panelist, Remarks at the United States Attorney's Office for the Northern District of Illinois for Visiting Lawyers from China, United States Attorney's Office, Chicago, Illinois. I discussed the federal government's role in prosecuting public corruption. I have no notes, transcript, or recording. The United States Attorney's Office for the Northern District of Illinois is located at 219 South Dearborn Street, Fifth Floor, Chicago, IL 60604.

- 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.

This list represents all interviews I have given to newspapers, magazines or other publications, or radio or television stations based on my best recollection after searching my files, and Internet databases. I have tried my best to list all of them here, although there may be some that I have not been able to recall or identify:

Andy Grimm, *Sanchez Again Found Guilty*, Chicago Tribune, July 22, 2010. Copy supplied.

Kim Janssen, *Sanchez Convicted Again: Ex-Streets and San Chief Guilty in Hiring Corruption*, Chicago Sun-Times, July 22, 2010. Copy supplied.

Sam Hudzik, *Ex-Daley Admin Official Sanchez Guilty Again*, WBEZ 91.5, July 22, 2010. Copy supplied.

Dan Mihalopoulos, *With Sanchez Verdict, City Hiring Probe Ends*, Chicago News Cooperative, July 21, 2010. Copy supplied.

Todd Lighty and Jeff Coen, *Developer Found Guilty of Bribing Carothers*, Chicago Tribune, March 19, 2010. Copy supplied.

Alexandra Starr, *Case Study*, New York Times Magazine, September 21, 2008. Copy supplied.

Chicago City Worker Pleads Guilty to Lying to Federal Grand Jury, Associated Press State & Local Wire, August 23, 2007. Copy supplied.

Hired Truck Figure Gets Years' Probation for Lying, Chicago Tribune, June 21, 2007. Copy supplied.

Natasha Korecki, *Two Involved With Bribe Schemes In Hired Truck Program Sentenced*, Chicago Sun-Times, June 22, 2006. Copy supplied.

Natasha Korecki, *Laski Gets 2 Years In Prison*, Chicago Sun-Times, June 14, 2006. Copy supplied.

Eric Herman, *Ex-Laski Aide Pleads Guilty To Obstruction*, Chicago Sun-Times, May 10, 2006. Copy supplied.

Accountant Admits Hired Truck Bribery, Chicago Tribune, April 29, 2006. Copy supplied.

Medill News Service, *Guilty Plea For Water Department Employee In Hired Truck Scandal*, Chi-Town Daily News, March 3, 2006. Copy supplied.

Steve Warmbir, Fran Spielman, and Tim Novak, *John Daley In-Law Guilty Of Bribery: Briatta Admits Taking \$5,400 To Steer Work To Trucking Company*, Chicago Sun-Times, February 17, 2006. Copy supplied.

Rob Olmstead, *Plea Deal Possible For Ex-Daniels Aide*, Chicago Daily Herald, October 13, 2005. Copy supplied.

Matt O'Connor, *Boyle Won't Cooperate, Receives A 7-Year Term*, Chicago Tribune, August 13, 2005. Copy supplied.

Steve Warmbir and Tim Novak, *'A Cancer' On The City Gets 7 Years*, Chicago Sun-Times, August 13, 2005. Copy supplied.

Former Chicago Foreman Pleads Guilty In Hired Truck Scandal, Associated Press State & Local Wire, August 10, 2005. Copy supplied.

Matt O'Connor, *Another Guilty Plea In Hired Truck; Ex-Foreman Is 23rd Person Convicted*, Chicago Tribune, August 10, 2005. Copy supplied.

Natasha Korecki, *Ex-Foreman Pleads Guilty To Stealing City Asphalt*, Chicago Sun-Times, August 10, 2005. Copy supplied.

Matt O'Connor, *Paver Guilty Of Payoffs For Asphalt; Contractor's Scheme Cost Chicago \$36,000*, Chicago Tribune, June 29, 2005. Copy supplied.

Natasha Korecki, *Contractor Admits He Paid For Stolen City Asphalt*, Chicago Sun-Times, June 29, 2005. Copy supplied.

Matt O'Connor, *2 Plead Guilty For Roles In Hired Truck Program*, Chicago Tribune, June 2, 2005. Copy supplied.

Steve Warmbir and Tim Novak, *Ex-Trucker Admits Stealing Some Of City's Asphalt, Taking Bribes*, Chicago Sun-Times, June 2, 2005. Copy supplied.

Truck Driver In Scandal-Plagued Hired Truck Program Pleads Guilty, Associate Press State & Local Wire, March 24, 2005. Copy supplied.

Natasha Korecki, *Truck Driver Pleads Guilty To Bribing City Foreman; Billed City For Work He Didn't Do Because He Was On Vacation*, Chicago Sun-Times, March 24, 2005. Copy supplied.

Matt O'Connor, *Ex-Cop Guilty In Extortion Attempt; He Got \$1,800 In Deal To Release Impounded Truck*, Chicago Tribune, December 21, 2004. Copy supplied.

Interview with Michael Robinson, Associated Press, in Chicago, Illinois, re: *United States v. Renaud*, 02 CR 328 (N.D. Ill.) (Apr. 3, 2003). I have no notes, transcript, or recording.

Jori Finkel, *Take the Money + Run*, Details Magazine, November 2002. Copy supplied.

Kim Sweet, *Theory in Practice*, University of Chicago Magazine, June 1997. Copy supplied.

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

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
- i. Of these, approximately what percent were:
- | | |
|-----------------------|---------------------|
| jury trials: | _____% |
| bench trials: | _____% [total 100%] |
| civil proceedings: | _____% |
| criminal proceedings: | _____% [total 100%] |
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have never been a judge.

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

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

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

I have not held elected or appointed public office. I have not been an unsuccessful candidate for elective office, nor have I had an unsuccessful nomination 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.

I have never held membership or office in any political party or election committee. I have never held a position or played a role in a political campaign.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 1999 to 2001, I served as a law clerk to the Honorable James B. Zagel, District Judge of the United States District Court for the Northern District of Illinois.

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

I have never practiced alone.

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

1998 – 1999
Heller Ehrman White & McAuliffe
333 Bush Street
San Francisco, California 94104
Associate

2001– present
United States Attorney’s Office for the Northern District of Illinois
219 South Dearborn Street, Fifth Floor
Chicago, Illinois 60604
Chief, Criminal Division (2012 – present)
Chief, Criminal Appeals (2011 – 2012)
Deputy Chief, Financial Crimes & Special Prosecutions (2008 – 2011)
Deputy Chief, General Crimes (2007 – 2008)
Assistant United States Attorney, Public Corruption Section (2004 – 2007)
Assistant United States Attorney, Narcotics & Gangs Section
(2003 – 2004)
Assistant United States Attorney, General Crimes Section (2001 – 2003)

- 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 in alternative dispute resolution proceedings.

b. Describe:

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

In 1998, I began my legal career as an associate with the law firm of Heller Ehrman White & McAuliffe in San Francisco, California. I primarily worked on antitrust litigation, reviewing documents for pretrial discovery and writing legal memoranda. I also assisted a partner serving as a court-appointed settlement negotiator in an intellectual property lawsuit. I worked on two pro bono cases, in which the firm represented criminal defendants in federal court. In one case, the client was accused of Hobbs Act robberies, and in the second case, the client was accused of federal drug trafficking offenses.

In 2001, after my clerkship, I became an Assistant United States Attorney in Chicago in the General Crimes Section. I prosecuted the typical, wide range of crimes handled by new prosecutors in the office. This included bank robberies, firearm offenses, drug crimes, child exploitation offenses, and fraud. In 2003, I was assigned to the Narcotics & Gangs Section,

where I focused on cases with ties to international drug cartels and organizations. In 2004, I was assigned to the Public Corruption Section. I investigated and prosecuted cases involving federal, state, and local corruption.

In 2007, I became a Deputy Chief in the General Crimes Section. My primary responsibility was to train and mentor new prosecutors, while continuing to investigate and prosecute my own cases. In 2008, I became a Deputy Chief in the Financial Crimes and Special Prosecutions Section. I supervised experienced AUSAs handling complex financial frauds and other sophisticated crimes. I provided strategic advice on investigations, gave initial approvals for the filing of criminal charges against defendants, and reviewed proposed plea agreements. I also continued to prosecute my own cases.

In 2011, I became the Chief of Appeals for the Criminal Division. I supervised the office's entire practice before the Seventh Circuit Court of Appeals. I directly edited and supervised over 70 briefs and oral arguments before the court. I was also responsible for monitoring the several hundred cases pending before the court. In addition, as Chief of Appeals, I served as a legal adviser to prosecutors in the office, including the United States Attorney. In that capacity, I was consulted on a daily basis on questions concerning the direction of investigations, litigation risk in certain positions, trial strategy, and legal policy issues raised by the United States Attorney and the Department of Justice.

In July 2012, I became the Chief of the Criminal Division. As Criminal Chief, I oversee all criminal prosecutions in the Northern District of Illinois, and I report directly to the United States Attorney. The General Crimes, Narcotics & Gangs, Public Corruption & Organized Crime, Financial Crimes & Special Prosecutions, Money Laundering & Asset Forfeiture, and Criminal Appellate Sections report to me. In consultation with the United States Attorney, I set policies with respect to charging offenses, plea negotiations, criminal law and procedure, and the dedication of office resources in particular investigations and subject matters. I offer direction and advice on non-routine prosecutions, and consider requests for alternative dispositions from defense counsel. I serve as a liaison between the office and the courts, federal law enforcement agencies, other United States Attorneys' Offices, and the Department of Justice. Finally, I participate in hiring and promotion decisions for the Criminal Division.

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

At Heller Ehrman, I represented corporations accused of antitrust violations. I also represented individuals accused of federal criminal offenses, pro bono.

As an Assistant United States Attorney, I represent the United States in the prosecution of criminal offenses at all stages, as well as post-conviction litigation.

- 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.

100% of my practice has been in litigation. During my first year in practice from 1998 to 1999, I did not appear in court. As an Assistant United States Attorney, I appeared in court frequently, often daily. I appeared regularly in the U.S. District Court for the Northern District of Illinois and the Court of Appeals for the Seventh Circuit. In 2007, when I became a supervisor within the U.S. Attorney's Office, I continued to appear in court, albeit less frequently. I often supervised new AUSAs as they made their first court appearances. When I became the Chief of Appeals in 2011, I appeared as co-counsel for many AUSAs when they presented oral argument before the court of appeals. As Criminal Chief for the U.S. Attorney's Office, I appear in court less frequently, and my responsibilities are largely supervisory.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 100% |
| 2. state courts of record: | 0% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 10% |
| 2. criminal proceedings: | 90% |

- 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 was counsel in 23 trials that went to verdict. In each case, I was co-counsel with at least one other Assistant United States Attorney. I was first chair in 11 trials and second chair in 12 trials. I was also lead counsel in 19 cases before the United States Court of Appeals for the Seventh Circuit, and I presented oral argument in 14 cases before that court.

- i. What percentage of these trials were:
 - 1. jury: 90%
 - 2. non-jury: 10%

- 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 Supreme Court of the United States.

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

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

In reverse chronological order, the ten matters are as follows:

- 1. *United States v. Blackburn and Banas* (2009 – 2013). 09 CR 976 (N.D. Ill.), Judge Rubén Castillo; 712 F.3d 1006 (7th Cir. 2013), Chief Judge Frank Easterbrook, Circuit Judges William Bauer and Michael Kanne.

Blackburn and Banas were two of the founders and officers of Canopy Financial. The defendants defrauded investors and customers of the company of over \$93 million. The fraud involved over 1,600 victims, and I was the lead prosecutor during the investigation and prosecution of this case, representing the United States. The defendants falsified the books and records of the company to induce investment firms to invest \$75 million in the company, and defendants defalcated an additional \$18 million in customer funds. The defendants pled guilty, and were sentenced in 2012. Defendant Banas appealed his sentence, and I briefed and argued the appeal on behalf of the United States. The court of appeals affirmed the sentence.

Co-Counsel:
Stephanie Zimdahl
Assistant United States Attorney
United States Attorney's Office for the Western District of Kentucky
717 West Broadway
Louisville, KY 40202
(502) 582-6217

Opposing Counsel:
Theodore Poulos
Terence Campbell
Cotsirolas, Tighe, Streicker, Poulos & Campbell
33 North Dearborn Street, Suite 600
Chicago, IL 60602
(312) 263-0345
(Counsel for Blackburn)

Leigh Roadman
Martin, Brown, Sullivan, Roadman & Hartnett
135 South LaSalle Street, Suite 3200
Chicago, IL 60603
(312) 360-5000
(Counsel for Banas)

Edward J. Sedlacek
Huck Bouma PC
1755 South Naperville Road, Suite 200
Wheaton, IL 60189
(630) 221-1755
(Appellate Counsel for Banas)

2. *United States v. Sanchez and Del Valle* (2005 – 2012). 07 CR 149 (N.D. Ill.), Judge Robert Gettleman; 674 F.3d 696 (7th Cir. 2012), Chief Judge Frank Easterbrook, Circuit Judge William Bauer, District Judge James Shadid.

I was a member of a team of prosecutors and agents representing the United States and investigating corruption in the City of Chicago's Hired Truck Program, and later, the Mayor's Office of Intergovernmental Affairs. Sanchez was the former Commissioner of the Department of Streets and Sanitation for the City of Chicago. Following a jury trial, he was convicted of participating in a scheme to defraud. The scheme involved a rigged hiring process at the City that favored applicants who performed political campaign work for certain organizations. Co-Defendant Del Valle was convicted at the same trial for perjury. Del Valle had falsely testified before a federal grand jury about his role in and knowledge of the hiring fraud scheme. I was the lead prosecutor of the *Sanchez* case at trial and on appeal. The court of appeals affirmed the convictions of both defendants.

Co-Counsel:

Julie B. Porter

Assistant United States Attorney

United States Attorney's Office for the Northern District of Illinois

219 South Dearborn Street, Fifth Floor

Chicago, IL 60604

(312) 353-5300

Steven Grimes (former AUSA)

Winston & Strawn, LLP

35 West Wacker Drive

Chicago, IL 60601

(312) 558-5600

Opposing Counsel:

Thomas M. Breen

Todd S. Pugh

Breen, Pugh & Associates

53 West Jackson Boulevard, Suite 1460

Chicago, IL 60604

(312) 360-1001

(Counsel for Sanchez)

Patrick W. Blegen

Blegen & Garvey

53 West Jackson Boulevard, Suite 1437

Chicago, IL 60604

(312) 957-0100

(Counsel for Sanchez)

Martin A. Dolan

Karen Munoz

Dolan Law PC

10 South LaSalle Street, Suite 3702

Chicago, IL 60603

(312) 676-7600

(Counsel for Del Valle)

3. *United States v. Carothers and Boender* (2008 – 2010). 09 CR 186 (N.D. Ill.), Judge Robert Dow; 649 F.3d 650 (7th Cir. 2009), Circuit Judges Daniel Manion, Terence Evans, and David Hamilton.

City of Chicago Alderman Carothers accepted bribes in the form of home improvement services paid for by developer Boender, in exchange for supporting a zoning change sought by Boender. Carothers pled guilty and Boender went to trial. I

was a co-prosecutor on the investigation and trial. Boender was charged with bribery and obstruction of justice (for witness tampering and attempting to impede the grand jury's investigation). The jury convicted Boender, and his conviction was affirmed on appeal. I was not counsel for the government on appeal.

Co-Counsel:

Brandon D. Fox
Assistant United States Attorney
United States Attorney's Office for the Central District of California
312 North Spring Street
Los Angeles, CA 90012
(213) 894-4150

Opposing Counsel:

Jeffrey B. Steinback
53 West Jackson Boulevard, Suite 1400
Chicago, IL 60604
(847) 624-9600
(Counsel for Carothers)

Robert M. Sanger
Stephen K. Dunkle
Sanger & Swysen
125 East De La Guerra Street, Suite 102
Santa Barbara, CA 93101
(805) 962-4887
(Counsel for Boender)

4. *United States v. Tolen* (2008 – 2010). 08 CR 478 (N.D. Ill.), Judge Amy St. Eve; 372 Fed.Appx. 658 (7th Cir. 2010), Circuit Judges William Bauer, Terence Evans, John Daniel Tinder.

Tolen, an inmate at Chicago's federal Metropolitan Correctional Center, beat another inmate to death. I was a co-prosecutor on the investigation and trial of Tolen. The defendant was charged with murder, and the jury found him guilty of the lesser-included offense of manslaughter. Tolen's conviction was affirmed on appeal. I was not counsel for the government on appeal.

Co-Counsel:

Stephen P. Baker
Assistant United States Attorney
United States Attorney's Office for the Northern District of Illinois
219 South Dearborn Street, Fifth Floor
Chicago, IL 60604
(312) 353-5300

Opposing Counsel:
Gerald J. Collins
100 West Monroe Street, Suite 1310
Chicago, IL 60603
(312) 641-1950

Robert L. Gevirtz
Gevirtz & Born
181 Waukegan Road, Suite 306
Northfield, IL 60093
(847) 501-3388

5. *United States v. Booker* (2007 – 2010). 04 CR 182 (N.D. Ill.), Judge James Zagel; 612 F.3d 596 (7th Cir. 2010), Circuit Judges Richard Posner, Joel Flaum, Diane Wood.

Booker negotiated to sell 500 grams of crack cocaine to an individual who, unbeknownst to Booker, was cooperating with the DEA. Booker arrived at a location with the crack and a loaded gun in his car. Agents recovered more crack and drug paraphernalia at an apartment associated with Booker. I was lead counsel for the United States at trial and on appeal. A jury convicted Booker of two counts of possession with intent to distribute crack cocaine, but was unable to reach a verdict on a charge of possession of a firearm in furtherance of a drug crime. The court of appeals affirmed Booker's sentence.

Co-Counsel:
Edward N. Siskel (former AUSA)
Deputy Counsel to the President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20502
(202) 456-2565

Opposing Counsel:
Rosalie J. Lindsay-Guimaraes
Federal Defender Program
55 East Monroe, Suite 2800
Chicago, IL 60603
(312) 621-8300

Honorable Daniel G. Martin (former Federal Defender Program attorney)
United States Magistrate Judge for the Northern District of Illinois
219 South Dearborn Street
Chicago, IL 60604
(312) 435-5354

6. *United States v. Torres, et al.* (2004 – 2008). 04 CR 86 (N.D. Ill.), Judge James Holderman; 484 F.3d 943 (7th Cir. 2007), Chief Judge Frank Easterbrook, Circuit Judges William Bauer, Ann Williams.

The City's Hired Truck Program awarded approximately \$40 million per year in trucking business to outside vendors, in lieu of purchasing and maintaining a fleet of trucks. Torres was the director of the Hired Truck Program. Together with Boyle, Martin, and McDonagh, Torres was charged with fraud, extortion, and related offenses arising out of schemes to take bribes in exchange for awarding trucking business to vendors. In addition to bribery, fraud, and extortion, Boyle was also charged with obstruction of justice. In this indictment, the government alleged that Torres and Boyle accepted at least \$200,000 in payments in exchange for steering work to trucking companies. I was a co-prosecutor on the Torres-Boyle case, and all defendants pled guilty. The court of appeals affirmed Boyle's sentence. I was not counsel for the government on appeal.

Co-Counsel:

Barry A. Miller (former AUSA)
Harvard University
Office of the General Counsel
Holyoke Center, Suite 980
1350 Massachusetts Avenue
Cambridge, MA 02138
(617) 495-8210

Patrick M. Collins (former AUSA)
Perkins Coie LLP
131 South Dearborn Street, Suite 1700
Chicago, IL 60603
(312) 324-8400

Julie B. Porter
Assistant United States Attorney
United States Attorney's Office for the Northern District of Illinois
219 South Dearborn Street, Fifth Floor
Chicago, IL 60604
(312) 353-5300

Opposing Counsel:

Theodore Poulos
Cotsirolas, Tighe, Streicker, Poulos & Campbell
33 North Dearborn Street, Suite 600
Chicago, IL 60602
(312) 263-0345
(Counsel for Torres)

James D. Tunick
Law Offices of James D. Tunick
30 North LaSalle Street, Suite 2140
Chicago, IL 60602
(312) 759-7626
(Counsel for Boyle)

Joseph V. Roddy
Law Offices of Joseph V. Roddy
77 West Washington Street, Suite 1100
Chicago, IL 60602
(312) 368-8220
(Counsel for Martin)

Corey B. Rubinstein
David J. Stetler
Stetler, Duffy & Rotert, Ltd.
10 South LaSalle Street, Suite 2800
Chicago, IL 60603
(312) 338-0200
(Counsel for McDonagh)

7. *United States v. Laski, et al.* (2005 – 2007). 05 CR 964 (N.D. Ill.), Judge Charles Norgle; 498 F.3d 467 (7th Cir. 2007), Circuit Judges Richard Posner, John Coffey, Diane Sykes.

Laski was the elected Clerk for the City of Chicago. Laski accepted \$48,000 in bribes, in connection with the City's Hired Truck Program, and obstructed justice. Laski accepted the bribes from Jones, the operator of a trucking company. Briatta, an employee of the City's Water Department, also took bribes from Jones and Aderman. Gammicchia obstructed justice by—at Laski's urging—attempting to interfere with and influence Jones's cooperation with the federal government. I was the lead prosecutor in the Laski case. The defendants all pled guilty. Gammicchia appealed his sentence, and I represented the government on appeal. The sentence was affirmed by the appellate court.

Co-Counsel:
Patrick F. McGovern (former AUSA)
McDonald's Corporation
2915 Jorie Boulevard
Oak Brook, IL 60523
(630) 623-7491

Opposing Counsel:
Jeffrey B. Steinback
53 West Jackson Boulevard, Suite 1400
Chicago, IL 60604
(847) 624-9600
(Counsel for Laski)

Keri A. Ambrosio
Keri A. Ambrosio, P.C.
53 West Jackson Boulevard, Suite 1650
Chicago, IL 60604
(312) 788-1598
(Counsel for Gammicchia)

Alexander M. Salerno
Law Offices of Alexander M. Salerno
2505 DesPlaines Ave
North Riverside, IL 60546
(708) 443-5400
(Counsel for Gammicchia)

Theodore Poulos
Cotsirolas, Tighe, Streicker, Poulos & Campbell
33 North Dearborn Street, Suite 600
Chicago, IL 60602
(312) 263-0345
(Counsel for Briatta)

Michael D. Ettinger
Ettinger & Besbekos P.C.
12413 South Harlem Avenue # 203
Palos Heights, IL 60463
(708) 923-0368
(Counsel for Jones)

John T. Theis
Law Office of John T. Theis
190 South LaSalle Street, Suite 520
Chicago, IL 60603
(312) 782-1121
(Counsel for Aderman)

8. Other Hired Truck Program Prosecutions (2004 – 2007), including: *United States v. Tomczak, et al.*, 04 CR 921 (N.D. Ill.), Judge Samuel Der-Yeghiayan; *United States v. Natale*, 04 CR 983 (N.D. Ill.), Judge William Hibbler; *United States v. Laino & Stillo, et al.*, 05 CR 167 (N.D. Ill.), Judge Rubén Castillo;

United States v. Bertucci, 05 CR 802 (N.D. Ill.), Judge Joan Gottschall;
United States v. Resa, 06 CR 679 (N.D. Ill.), Judge George Lindberg; *United States v. Bausal*, 07 CR 26 (N.D. Ill.), Judge Joan Gottschall.

A total of 49 defendants were prosecuted in connection with the investigation of the City's Hired Truck Program. I was either a co-prosecutor or the lead prosecutor on these cases. In *U.S. v. Tomczak*, 16 defendants were charged with fraud, bribery, racketeering, obstruction of justice, and false statements, arising out a criminal enterprise run by Tomczak from the City's Water Department. In *U.S. v. Natale*, the lead defendant accepted bribes in exchange for approving trucking work that had not been done. In *U.S. v. Laino*, the defendants engaged in a scheme whereby City foremen Laino and Stillo diverted asphalt intended for City streets in exchange for bribes from private paving contractors. The defendant in *U.S. v. Bertucci* obstructed justice by attempting to influence the testimony of a witness, and the defendants in *U.S. v. Resa* and *U.S. v. Bausal* committed perjury before a federal grand jury. All the defendants pled guilty.

Co-Counsel:

Patrick M. Collins (former AUSA)
Perkins Coie LLP
131 South Dearborn Street, Suite 1700
Chicago, IL 60603
(312) 324-8400

Patrick F. McGovern (former AUSA)
McDonald's Corporation
2915 Jorie Boulevard
Oak Brook, IL 60523
(630) 623-7491

Barry A. Miller (former AUSA)
Harvard University
Office of the General Counsel
Holyoke Center, Suite 980
1350 Massachusetts Avenue
Cambridge, MA 02138
(617) 495-8210

Opposing Counsel:

Patrick J. Cotter
Barnes & Thornburg LLP
One North Wacker Drive, Suite 4400
Chicago, IL 60606
(312) 338-5939
(Counsel for Tomczak)

Robert A. Novelle, Sr.
Novelle & Roellig, LLC
47 West Polk Street, Suite M11
Chicago, IL 60605
(312) 786-1100
(Counsel for Natale)

George B. Collins
Collins Bargione & Vuckovich
One North LaSalle Street, Suite 300
Chicago, IL 60602
(312) 372-7813
(Counsel for Laino)

Kevin P. Bolger
Kevin P. Bolger and Associates
150 North Wacker Drive, Suite 2460
Chicago, IL 60606
(312) 899-8100
(Counsel for Stillo)

Barry S. Pechter
10135 South Roberts Road, Suite 204
Palos Hills, IL 60465
(708) 599-4300
(Counsel for Bertucci)

Christina Farley
Federal Defender Program
55 East Monroe Street, Suite 2800
Chicago, IL 60602
(312) 621-8300
(Counsel for Resa)

John F. Murphy
Federal Defender Program
55 East Monroe Street, Suite 2800
Chicago, IL 60602
(312) 621-8300
(Counsel for Bausal)

9. *United States v. Vaiseta* (2002 – 2003). 01 CR 922 (N.D. Ill.), Judge Paul Plunkett; 333 F.3d 815 (7th Cir. 2003), Chief Judge Joel Flaum, Circuit Judges Richard Posner, Daniel Manion.

The indictment alleged that Vaiseta participated in a scheme to steal cars in Canada, “clone” the stolen cars (*i.e.*, swap the visible VIN on the stolen car with a VIN from a non-stolen vehicle of similar make, model and year, and then obtain a duplicate set of title documents based on the history of the non-stolen car), submit the Canadian title documents to the Illinois Secretary of State in exchange for “valid” Illinois titles and registrations for the stolen cars, and then sell the stolen cars to innocent, unsuspecting customers through classified ads. I was co-counsel for the United States at trial, and the jury found defendant guilty of five counts of receiving, possessing or selling stolen motor vehicles, not guilty of one count of VIN alteration, and deadlocked on one count of conspiracy. I briefed and argued the appeal on behalf of the United States, and the court of appeals affirmed the convictions.

Co-Counsel:

Sean M. Berkowitz (former AUSA)
Latham & Watkins
233 South Wacker Drive, Suite 5800
Chicago, IL 60606
(312) 777-7016

Opposing Counsel:

Bradley J. Harris
1301 West 22nd Street, Suite 914
Oak Brook, IL 60523
(630) 368-9500

10. *United States v. Renaud* (2002). 02 CR 328 (N.D. Ill.), Judge Harry D. Leinenweber.

Renaud met a person he believed to be a 14 year-old girl in an internet chat room, and attempted to entice this person to engage in criminal sexual activity. The girl was, in fact, an undercover identity for law enforcement agents, and Renaud was charged with attempted enticement and interstate travel with the intent to have sex with a minor. I was lead counsel in the investigation and jury trial of Renaud, and he was convicted at trial.

Co-Counsel:

Matthew C. Crowl (former AUSA)
Schiff Hardin
233 South Wacker Drive
Suite 6600
Chicago, IL 60606
(312) 258-5609

Opposing Counsel:
Terrence P. LeFevour
190 South LaSalle Street
Suite 520
Chicago, IL 60603
(312) 283-1861

Keith Spielfogel
190 South LaSalle Street
Suite 520
Chicago, IL 60603
(312) 236-6021

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to the matters described above, I have lectured on trial advocacy to students at the University of Chicago Law School's Legal Aid Clinic and served as an instructor for Assistant United States Attorneys from across the country through the Department of Justice's National Advocacy Center. In addition, the United States District Court for the Northern District of Illinois solicited my views, as a representative of the U.S. Attorney's Office, on prospective changes to the local criminal rules.

I have also supervised AUSAs in hundreds of cases in which I was not directly litigating the case, but rather was offering advice on investigative and trial strategy. As Chief of Appeals, I supervised the briefing in significant matters such as: *United States v. Schiro, et al.*, 679 F.3d 521 (7th Cir. 2012); *United States v. Burge*, 711 F.3d 803 (7th Cir. 2013); *United States v. Turner*, 720 F.3d 411 (2d Cir. 2013); and *Chaidez v. United States*, 655 F.3d 684 (7th Cir. 2011), *aff'd* 133 S.Ct. 1103 (2013). As Chief of the Criminal Division, I provide direction and advice on non-routine prosecutions, setting office policy with respect to litigating positions to be taken by AUSAs (particularly in the disposition of cases through plea agreements), and managing resources dedicated to particular prosecutions.

I have never performed lobbying or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

Each year, from 2008 to 2012, I volunteered to serve as an instructor for one or two days of a two-week long trial practice workshop at the University of Chicago Law School, Edwin F. Mandel Legal Aid Clinic. The subject matter of the course was a series of trial exercises and a mock trial. I provided comments to students performing exercises, and lectured on the admissibility of exhibits and evidentiary foundations. I do not have a syllabus for the course.

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

I have no deferred income arrangements. As an Assistant United States Attorney, upon retirement, I will receive payments from the Federal Employee Retirement System.

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

I have no plans, commitments, or agreements to pursue outside employment if confirmed.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation where I have ever played a role. My wife is employed by Northwestern University, Weinberg College of Arts & Sciences. I would recuse myself from any case involving Northwestern University that presented an actual or an appearance of a conflict of interest. I would recuse myself from any matter involving my immediate family, specifically, my mother, sibling, and spouse.

In general, I would address any potential or actual conflict by consulting the Code of Conduct for United States Judges and all relevant statutes, canons, and rules.

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

If confirmed, I would handle any matters involving actual or potential conflicts of interest in conformity with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other relevant statutes, ethical canons, and rules. Upon learning of any situation that a party or observer might perceive or identify as an actual or potential conflict of interest, I would alert the parties to the situation in question, and solicit their views. I would also consult with my judicial colleagues on these issues.

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

As an Assistant United States Attorney, I am restricted from practicing law outside the Department of Justice. Each year, however, I volunteer to teach a portion of a trial practice workshop at the University of Chicago, Edwin F. Mandel Legal Aid Clinic. The students and the faculty supervisors of the clinic provide legal assistance to indigent clients.

As an associate at Heller Ehrman, I worked on two pro bono matters in which I represented clients charged with federal crimes. During the one-year period I was with the firm, I spent approximately ten percent of my time on these cases, investigating potential defenses and drafting pretrial motions.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or

communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In January 2013, I submitted an application to Senator Kirk's selection committee. I interviewed with the committee on March 11, 2013, in Chicago, Illinois. On April 26, 2013, I interviewed with Senator Kirk over the telephone. On June 11, 2013, Senator Kirk announced his intention to recommend me to the White House for nomination to the district court. Since June 13, 2013, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 17, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On September 19, 2013, the President submitted my nomination to the Senate.

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

No.

AFFIDAVIT

I, MANISH S. SHAH, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

SEPTEMBER 20, 2013

(DATE)

Manish S. Shah

(NAME)

Peggy M. Zabinski
(NOTARY)

