

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Mary Elizabeth “Beth” Phillips

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

United States District Judge for the Western District of Missouri

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.

400 East 9th Street
Suite 5510
Kansas City, Missouri 64106

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

1969; Kirksville, Missouri

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.

1994 – 1996, University of Missouri School of Law; J.D., 1996
1991 – 1992, University of Chicago; M.A., 1992
1987 – 1991, University of Chicago; B.A., 1991

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.

2009 – Present
U.S. Attorney’s Office – Western District of Missouri
400 East 9th Street, Suite 5510
Kansas City, Missouri 64106
U.S. Attorney

2008 – 2009

U.S. Attorney's Office – Western District of Missouri

400 East 9th Street, Suite 5510

Kansas City, Missouri 64106

Assistant United States Attorney

Summer 2008

U.S. Attorney's Office – Western District of Missouri

400 East 9th Street, Suite 5510

Kansas City, Missouri 64106

Litigation Consultant

2001 – 2008

Bartimus, Frickleton, Robertson & Gorny

11150 Overbrook Road, Suite 200

Leawood, Kansas 66211

Associate

2002 – 2008

Jackson County Circuit Court

415 East 12th Street

Kansas City, Missouri 64106

Special Prosecutor

1997 – 2001

Jackson County Prosecutor

415 East 12th Street, 11th Floor

Kansas City, Missouri 64106

Assistant Prosecutor

Spring 1997

Levy & Craig

1301 Oak

Kansas City, Missouri 64105

Secretary

Summer 1996

Jackson County Counselor

415 East 12th Street

Kansas City, Missouri 64105

Intern

Summer 1995

U.S. Attorney's Office – Western District of Missouri
400 East 9th Street, Suite 5510
Kansas City, Missouri 64106
Intern

1993 – 1994

U.S. Congresswoman Pat Danner
1323 Longworth
Washington, D.C. 20515
Legislative Assistant

1992

U.S. Senate Special Committee on Aging
Dirksen G31
Washington, D.C. 20515
Legislative Correspondent

1991 – 1992

Chicago Department of Health
121 LaSalle Street
Chicago, Illinois 60602
Masters Student Intern

Summer 1991

Phillips & Spencer
103 North Market Street
Milan, Missouri 63556
Paralegal

Other Affiliations (uncompensated):

2006 – 2009

Metropolitan Organization to Counter Sexual Assault
3100 Broadway, Suite 400
Kansas City, Missouri 64111
Board Member

2005 – 2009

Child Protection Center, Inc.
3101 Broadway, Suite 750
Kansas City, Missouri 64111
Board Member
Treasurer

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 have not 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.

Distinguished Barrister/American, Kansas City Business Executives for National Security (2010)

Criminal Justice Legal Leader, Kansas City Daily Record (2009)

Jackson County Prosecutor's Warrant Desk Officer of the Year, Jackson County (1999)

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

American Association for Justice (2001– 2008)

Catholic Lawyers Guild of Kansas City (2007 – Present)

Kansas City Association of Women Lawyers (2001 – Present)

Kansas City Metropolitan Bar Association (2001 – Present)

Continuing Legal Education Committee (2008 – 2009)

Missouri Bar Association (1997 – Present)

Missouri Association of Trial Attorneys (2001 – 2008)

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.

Missouri, 1997

Kansas, 2005 (inactive status since 2008)

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 District Court for the Western District of Missouri, 2001

United States District Court for the District of Kansas, 2005 (inactive since 2008)

Courts of the State of Missouri, 1997

Courts of the State of Kansas, 2005 (inactive since 2008)

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.

Child Protection Center (CPC) (2005 – 2009)

Member of Board of Directors (2005 – 2009)

Treasurer of Board of Directors (2005 – 2009)

Greater Kansas City Women's Political Caucus (2004 – 2009)

Metropolitan Organization to Counter Sexual Assault (MOCSA) (2006 – 2009)

Member of Board of Directors (2006 – 2009)

Chair of Program Services Committee (2009)

Chair of Fund Development Committee (2008)

Chair of Friends of MOCSA (2006 – 2008)

University of Missouri Alumni Association (2000 – Present)

Visitation Catholic Church (1997 – Present)

Member of Parish Council (2009 – 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, none of the organizations of which I am a member or have been a member currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin.

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.

None.

- 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.

None.

- 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.

On November 29, 2010, I spoke to the Jackson County, Missouri Legislature. I spoke very briefly in support of a proposal for the Legislature to partially fund a Comprehensive Gang Assessment of Jackson County. I have no notes, transcript or recording, but press coverage is supplied.

Testimony to the Senate Judiciary Committee, Subcommittee on Human Rights and the Law (February 24, 2010). Transcript 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 all items called for in this question, including a thorough review of my personal files and searches of publicly available electronic databases. I have located the following:

May 26, 2011: I spoke at the swearing-in for Jackson County Prosecutor Jean Peters-Baker. I spoke generally on the role of a prosecutor, my background and my working relationship with Ms. Peters-Baker. I have no notes, transcript or recording. The event took place at the Jackson County Courthouse, which is located at 415 East 12th Street, Kansas City, Missouri 64106.

April 20, 2011: Somali Community Town Hall Meeting. I spoke to a group of Somali-Americans regarding civil rights and cases prosecuted by the Department of Justice. Notes supplied.

April 14, 2011: I spoke at an event commemorating Crime Victim Rights Week that was hosted by my office and other law enforcement agencies. At the event I presented the Crystal Kipper & Ali Kemp Memorial Award to S.A. James Kantazar of the Department of Homeland Security. My notes and a press release are supplied.

February 4, 2011: North Kansas City Rotary Club. I spoke for approximately 15 minutes on the role of the office of the U.S. Attorney and recent cases the office has prosecuted. I have no notes, transcript or recording. The Club has no physical address.

January 31, 2011: I welcomed attendees to a training seminar sponsored by the U.S. Attorney's Office of the Western District of Missouri and the Human Trafficking Rescue Project. Video supplied.

January 18, 2011: I spoke to the Association of Government Accountants for approximately 25 minutes and discussed the role of the U.S. Attorney and various cases my office recently prosecuted. I have no notes, transcript or recording. The address of the AGA is 2208 Mount Vernon Avenue, Alexandria, Virginia 22301.

January 14, 2011: Kansas City Civil Rights Advisory Committee meeting, Turkish Raindrop Foundation, 9303 Pflumm Road, Lenexa, Kansas. I spoke for approximately 10 minutes and discussed civil rights investigations and prosecutions my office has pursued. I have no notes, transcript or recording. The event was sponsored by the FBI, which is located at 1300 Summit Street, Kansas City, Missouri 64105.

December 3, 2010: I participated in a training sponsored by Business Executives for National Security entitled "Interagency Coordination on Terrorism." I discussed a terrorism case prosecuted by our office and focused on the various law enforcement techniques utilized during the case. Because law enforcement sensitive information was shared, the event was not recorded and the notes of my presentation are not available to the public.

October 26, 2010: I gave welcoming remarks to individuals attending a JDM Private Counsel Seminar. In addition to welcoming the attendees to Kansas City, I briefly discussed the role of my office. Notes supplied.

October 13, 2010: I participated in a panel that answered questions from law students regarding potential legal careers. I discussed the various jobs I have held as a lawyer, tips for those interested in a litigation career and how I became U.S. Attorney. I have no notes, transcript or recording. This event was sponsored by

the Inns of UMKC Mentoring Program, which is located at 500 East 52nd Street, Kansas City, Missouri 64110.

September 22, 2010: I spoke at a dinner sponsored by the Business Executives for National Security at the River Club. Notes supplied.

September 8, 2010: I presented a CLE to the Missouri Association of Trial Attorneys Women's Caucus. Presentation slides supplied.

August 19, 2010: U.S. Attorney's Office. I spoke to attendees of a training coordinated by the Law Enforcement Coordinating Committee of the Western District of Missouri, and presented the Enoch B. Morelock Award to Detective Trenny Wilson. Notes and press release covering the event supplied.

August 5, 2010: I spoke at an informal lunch meeting of the ABA White Color Crime Committee of Kansas City. I spoke for approximately 15 minutes on the priorities of the Department of Justice and of my office. I have no notes, transcript or recording. The event was sponsored by the ABA Midwest/KC Region White Collar Crime Committee. The ABA is located at 321 North Clark Street, Chicago, Illinois 60654.

May 21, 2010: I spoke at a CLE sponsored by the Kansas City Metropolitan Bar Association. The CLE was entitled "Corporate Prosecutions." Presentation slides supplied.

April 21, 2010: I spoke at an event commemorating Crime Victim Rights Week that was hosted by my office and other law enforcement agencies. At the event I presented the Crystal Kipper & Ali Kemp Memorial Award to INOBTR, a non-profit agency focused on educating children, parents and teachers of the dangers children face while on the internet. Notes supplied.

March 31, 2010: I welcomed attendees to a law enforcement training sponsored by my office and the Anti-Terrorism Advisory Committee. Notes supplied.

March 5, 2010: I spoke at my formal swearing-in as United States Attorney. Notes and press coverage are supplied.

February 5, 2010: I spoke to an assembly of grade school students about the role of a prosecutor and, in very basic terms, how our criminal justice system works. I have no notes, transcript or recording. Our Lady of the Presentation School is located at Northwest Murray Road, Lee's Summit, Missouri 64081.

June 14, 2005: I presented a CLE entitled "Using Hospital Records to Prove Liability." The CLE was organized by the American Association for Justice. The CLE was a teleseminar and I presented from my office. Audio supplied.

June 8, 2004: I presented a CLE entitled "Nursing Home Malpractice in Missouri: Successful Case Management from Investigation to Trial." The CLE was organized by the National Business Institute. I presented this day long CLE with a local defense attorney. Presentation slides and notes supplied.

May 7, 2004: Metropolitan Organization to Counter Sexual Assault's (MOCSA) Annual Luncheon. I described my experiences as a volunteer for MOCSA. I spoke for approximately 15 minutes. I have no notes, transcript or recording. MOCSA is located at 3100 Broadway, Suite 400, Kansas City, Missouri 64111.

April 5, 2002: Kansas City Metropolitan Bar Association. I presented a CLE entitled "Tried and True Tips for the Trial Attorney." I presented for approximately 25 minutes and discussed lessons I have learned from my trial experiences. Presentation slides supplied.

I periodically give presentations to Metropolitan Organization to Counter Sexual Assault (MOCSA) clients and volunteers. I usually speak on the various agencies and entities that a family may encounter when a child discloses sexual abuse. I do not know the specific dates I have given such presentations, and I have no notes, transcripts or recordings.

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

I have done my best to identify all items called for in this question, including a thorough review of my personal files and searches of publicly available electronic databases. In my official capacity as U.S. Attorney, I periodically give interviews to local radio, television and print media reporters. I do not recall all the interviews I have given or the dates I have given interviews. The interviews have centered on a particular case my office was prosecuting. I have located the following:

Scott Lauck, *New Jackson County Prosecutor 'Mean Jean' Says Her Door is always Open*, Missouri Lawyers Media, May 27, 2011. Copy supplied.

Press release, *21 Defendants Indicted for \$1.4M Drug-Trafficking, Firearms Conspiracies*, United States Attorney for the Western District of Missouri, May 25, 2011. Copy supplied.

Press release, *Uzbek Man Sentenced for Role in Multi-National Racketeering and Forced Labor Enterprise*, United States Department of Justice, May 9, 2011. Copy supplied.

Press release, *Three Men Indicted for \$52 Million Ponzi Scheme*, United States Department of Justice, May 4, 2011. Copy supplied.

Press release, *Ohio-Based Cardinal Health Inc. to Pay U.S. \$8 Million to Resolve False Claims Act Allegations*, United States Department of Justice, Apr. 21, 2011. Copy supplied.

Steve Kraske, *Time to Remove Feds' Cloud Over Rod Jetton*, Kansas City Star, Apr. 3, 2011. Copy supplied.

Kelly Weise, *Does a Cellphone Equal a Computer? 8th Circuit Ruling Says It Does*, Missouri Lawyers Weekly, Feb. 13, 2011. Copy Supplied.

Bill Draper, *Fed Initiative Targets Gangs in KC, Across Nation*, Associated Press, Feb. 12, 2011. Copy Supplied.

Press release, *Seven Gang Members Indicted for Crack Cocaine Conspiracy*, United States Attorney for the Western District of Missouri, Feb. 10, 2011. Copy supplied.

Press release, *North Carolina Man Sentenced for \$225,000 Scheme to Defraud the Federal Government*, United States Attorney for the Western District of Missouri, Jan. 10, 2011. Copy supplied.

Mark Morris, *Defendant in Sex Torture Case Allegedly Wanted Victim, Prosecutor Killed*, Kansas City Star, Jan. 7, 2011. Copy supplied.

Press release, *U.S. Attorney's Office Collects More Than \$15 Million in Victim Restitution, Fines, Civil Actions*, United States Attorney for the Western District of Missouri, Dec. 16, 2010. Copy supplied.

Press release, *Springfield Business Owner, Michigan Associate Sentenced for \$11.9 Million Fraud Scheme*, United States Attorney for the Western District of Missouri, Nov. 22, 2010. Copy supplied.

Press release, *Former Students Indicted for Computer Hacking at University of Central Missouri*, United States Attorney for the Western District of Missouri, Nov. 22, 2010. Copy supplied.

Press release, *Christian County Assessor Pleads Guilty to Mail Fraud; Failed to Assess to Her Own Property for Taxes*, United States Attorney for the Western District of Missouri, Nov. 9, 2010. Copy supplied.

Assistant US Attorney to Monitor Election in KC, Associated Press, Nov. 2, 2010. Copy supplied.

Press release, *KCK Man Charged in \$7.2 Million Fraud Scheme That Targeted Thousands of Investors Nationwide*, United States Attorney for the Western District of Missouri, Oct. 27, 2010. Copy supplied.

Press release, *Uzbek Man Pleads Guilty to Charges for Involvement in Racketeering Enterprise that Engaged in Forced Labor*, United States Department of Justice, Oct. 21, 2010. Copy supplied.

Press release, *North Carolina Man Pleads Guilty to \$225,000 Scheme to Defraud the Federal Government*, United States Attorney for the Western District of Missouri, Sept. 29, 2010. Copy supplied.

Press release, *Woman Tortured as Slave, Victim of Sex Trafficking and Forced Labor*, United States Attorney for the Western District of Missouri, Sept. 9, 2010. Copy supplied.

Mark Morris, *Dane Accused of Sexually Manipulating St. Joe Girl via Internet*, Kansas City Star, Sept. 8, 2010. Copy supplied.

Mike McGraw, *Investigation of 1988 Blast that Killed Six Firefighters Is Still Wrapped in Mystery*, Kansas City Star, Aug. 23, 2010. Copy supplied.

Press release, *Credit History Fraud Alleged in \$2.7 Million Lee's Summit Mortgage Scheme*, United States Attorney for the Western District of Missouri, Aug. 4, 2010. Copy supplied.

Press release, *Two MU Graduates Plead Guilty to College E-Mail Spam Conspiracy*, United States Attorney for the Western District of Missouri, July 28, 2010. Copy supplied.

Press release, *38 Defendants Indicted in Multi-Million Dollar Fraud*, United States Attorney for the Western District of Missouri, July 9, 2010. Copy supplied.

Press release, *Former Congressman Pleads Guilty to Obstructing Justice, Acting as Unregistered Foreign Agent*, United States Attorney for the Western District of Missouri, July 7, 2010. Copy supplied.

Press release, *IARA Director Pleads Guilty to Violating U.S. Sanctions against Iraq*, United States Attorney for the Western District of Missouri, June 25, 2010. Copy supplied.

Press release, *Hereford House Owner Indicted for Arson, Mail Fraud Conspiracy*, United States Attorney for the Western District of Missouri, June 22, 2010. Copy supplied.

Press release, *Twenty-Three Defendants Indicted for Cocaine, Crack Cocaine Conspiracy*, United States Attorney for the Western District of Missouri, June 10, 2010. Copy supplied.

Press release, *Al-Qaida Supporter Pleads Guilty to Supporting Terrorist Organization*, United States Attorney for the Western District of Missouri, May 19, 2010. Copy supplied.

Press release, *Two Eastern Jackson County Men Plead Guilty to \$23 Million Mortgage Fraud*, United States Attorney for the Western District of Missouri, Apr. 22, 2010. Copy supplied.

Press release, *Former Jackson County Deputy Sentenced to 14 Years for Civil Rights Violation*, United States Attorney for the Western District of Missouri, Apr. 9, 2010. Copy supplied.

Press release, *Three Men Sentenced for Dog Fighting*, United States Attorney for the Western District of Missouri, Apr. 2, 2010. Copy supplied.

James Hart, *More about the New U.S. Attorney*, Crime Scene KC, Mar. 5, 2010. Copy supplied.

Mark Morris, *New U.S. Attorney Is a Career Trial Lawyer and a Steady Advocate for Women and Children*, Kansas City Star, Mar. 5, 2010. Copy supplied.

Press release, *St. Joseph Man Sentenced for Dog Fighting Conspiracy*, United States Attorney for the Western District of Missouri, Feb. 22, 2010. Copy supplied.

16 Arrested in \$10 Million Mo. Bank Fraud Scheme, Associated Press, Feb. 18, 2010. Copy supplied.

Press release, *Business Owners Sentenced for Distributing Tainted Pet Food Ingredient*, United States Attorney for the Western District of Missouri, Feb. 5, 2010. Copy supplied.

Laura Bauer and Mike McGraw, *Two Agencies Won't Seek Federal Funds in an Effort against Human Trafficking*, Kansas City Star, Feb. 3, 2010. Copy supplied.

Press release, *Beth Phillips Sworn In as U.S. Attorney*, United States Attorney for the Western District of Missouri, Dec. 31, 2009. Copy supplied.

Alyson E. Raletz, *Senate Confirms Missouri's New Federal Prosecutors*, Missouri Lawyers Media, Dec. 29, 2009. Copy supplied.

Betsy Frye, *Legal Leaders, 2009*, Kansas City Daily Record, Mar. 9, 2009. Copy Supplied.

Mark Morris, *Child Exploitation Convictions Up in 2008*, Kansas City Star, Jan. 5, 2009. Copy Supplied.

Erica Wood, *Man Found Not Guilty in Infant Son's Death*, Kansas City Star, May 24, 2001. Copy supplied.

In my official capacity as the U.S. Attorney, I have held press conferences on the dates listed below and videos are supplied.

March 31, 2011
February 9, 2011
October 27, 2010
August 4, 2010
July 9, 2010
June 22, 2010
May 19, 2010

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 never held a 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.

None.

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

I have not held any memberships or offices in any political party or election committee.

I have played a minimal role in the following political campaigns:

Kanatzar for Prosecutor, approximately April 2008 to August 2008

Candidate: Jim Kanatzar

Title: Volunteer (distributed campaign material door-to-door, co-hosted fundraiser, made telephone calls in relation to fundraisers)

McCaskill for Auditor, approximately June 1998 to November 1998

Candidate: Claire McCaskill

Title: Volunteer (made telephone calls in relation to fundraisers)

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;

I have not served as a judicial law clerk.

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

I have never practiced as a solo practitioner.

- 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.

1997 – 2001

Jackson County Prosecutor
415 East 12th Street, 11th Floor
Kansas City, Missouri 64106
Assistant Prosecutor

2001 – 2008

Bartimus, Frickleton, Robertson & Gorny
11150 Overbrook Road, Suite 200
Leawood, Kansas 66211
Associate

2002 – 2008

Jackson County Circuit Court
415 East 12th Street
Kansas City, Missouri 64106
I was periodically appointed as Special Prosecutor for the Jackson County, Missouri Circuit Court

2008

U.S. Attorney's Office – Western District of Missouri
400 East 9th Street, Suite 5510
Kansas City, Missouri 64106
Litigation Consultant

2008 – 2009

U.S. Attorney's Office – Western District of Missouri
400 East 9th Street, Suite 5510
Kansas City, Missouri 64106
Assistant United States Attorney

2009 – Present

U.S. Attorney's Office – Western District of Missouri
400 East 9th Street, Suite 5510
Kansas City, Missouri 64106
United States Attorney

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

I have never served as a mediator or arbitrator.

b. Describe:

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

I have been a trial attorney my entire legal career. From June 1997 to August 2001, I served as an Assistant Prosecutor for Jackson County, Missouri. From September 2001 to February 2008, I practiced with the firm Bartimus, Frickleton, Robertson and Gorny representing plaintiffs in medical malpractice, nursing home negligence and product liability lawsuits. During this time period, I periodically was appointed as Special Prosecutor for Jackson County, Missouri, Circuit Court when the county prosecutor's office encountered a conflict with a particular defendant. From June 2008 to July 2008, I served as a litigation consultant to the U.S. Attorney for the Western District of Missouri. In August 2008, I continued my career as a prosecutor as an Assistant United States Attorney for the Western District of Missouri. In December 2009, I was confirmed by the United States Senate and was appointed United States Attorney for the Western District of Missouri by President Obama.

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

1997 – 2001: As an Assistant Jackson County Prosecutor, I represented the State of Missouri in criminal prosecutions. While I pursued criminal cases in the General Crimes, Grand Jury and Drug Units, the majority of my caseload was in the Child Abuse and Sex Crimes Unit of the office.

2001– 2008: With Bartimus, Frickleton, Robertson and Gorny, I represented victims of catastrophic injuries and their families. My caseload included medical malpractice, nursing home negligence and product liability cases.

2008 – 2009: As an Assistant United States Attorney, I was the Project Safe Childhood Coordinator and represented the United States in the prosecution of child exploitation crimes.

2009 – Present: As the United States Attorney for the Western District of Missouri, I represent the United States in the prosecution of criminal cases, defend the United States in civil cases and collect debts owed the federal government.

- 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.

Throughout my legal career, 100% of my practice has been in litigation.

1997 – 2001: During my practice with the Jackson County Prosecutor’s Office I appeared in court frequently.

2001 – 2008: My practice with Bartimus, Frickleton, Robertson and Gorny involved occasional court appearances.

2008 – 2009: My practice as an Assistant U.S. Attorney involved frequent court appearances.

2009 – Present: As United States Attorney I maintain a small docket of cases and occasionally appear in court.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 20% |
| 2. state courts of record: | 80% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 50% |
| 2. criminal proceedings: | 50% |

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

I have tried approximately 40 cases to verdict. In approximately 25 of these cases I served as chief counsel. I served as associate counsel in the remaining cases.

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.

1. *State of Missouri v. Buffington*

Case Number: 16CR98004507-01

50 S.W.3d 858

Charges Filed – March 5, 1999

Final Disposition – February 17, 2000

Jackson County, Missouri Circuit Court

Judge Justine Del Muro

Buffington was charged with Forcible Rape after coercing a neighbor into the basement of an abandoned house and raping her at knife-point. Although Buffington argued the encounter was consensual, the extensive DNA evidence directly contradicted Buffington's story. The jury convicted Buffington of the sole count, and the judge sentenced him to ten years in prison.

I served as lead counsel in the case and was responsible for all pre-trial matters, the exhibits and jury instructions. Assistant Jackson County Prosecutor Ted Hunt served as co-counsel. At trial, I conducted voir dire, direct examination of one-half of the witnesses, including the DNA expert, and the first half of closing argument.

Co-Counsel: Ted Hunt
Assistant Jackson County Prosecutor
415 East 12th Street, 7M
Kansas City, Missouri 64106
(816) 881-3888

Defense Counsel: Jarrett Johnson
The Jarrett Johnson Law Firm
215 West 18th Street, Suite 220
Kansas City, Missouri 64108
(816) 875-5754

2. *State of Missouri v. Dorsey*
Case Number: 16CR99001457
156 S.W.3d 825; 70 S.W.3d 552
Case Filed – April 2, 1999
Final Disposition – October 5, 2000
Jackson County, Missouri Circuit Court
Judge Preston Dean

The State presented evidence that the victim was driving to her cousin's house and became lost. When she stopped to ask for directions, Dorsey approached the victim's car with a knife and ordered her to let him in the car. Dorsey then ordered her to drive to a remote location and forced her to perform oral sex on him. Dorsey then forced the victim out of the car and drove off in the car. The State charged him with Kidnapping, Sexual Abuse, Attempted Forcible Rape, Forcible Sodomy, First Degree Robbery and five corresponding counts of Armed Criminal Action.

At trial, Dorsey testified that the victim stopped to ask him about drugs, and he entered the car to discuss purchasing drugs. He further testified that the victim voluntarily agreed to the sex act in exchange for drugs. Dorsey acknowledged driving off with the car but contended that the victim rented him the car in exchange for drugs. After two days of deliberations, the jury convicted Dorsey of Forcible Sodomy, Robbery and two counts of Armed Criminal Action. The jury acquitted him of the remaining counts. The judge sentenced Dorsey to 12 years for Forcible Sodomy, ten years for Robbery and three years for each Armed Criminal Action count. The judge further ordered that the Robbery and Armed Criminal action sentences be served concurrently and consecutive to the Forcible Sodomy sentence.

In speaking with the jurors after the verdict, co-counsel and I learned that between the two days of deliberations one of the jurors visited the crime scene to confirm the victim's testimony that she got lost in the area. He reported his trip to the other jurors and informed them that he too had gotten lost in the area. The lead prosecutor immediately informed the court and defense counsel of the juror's statements.

On appeal, Dorsey argued that his counsel was ineffective for, among other things, failing to timely file a motion for new trial and failing to properly address the issue of juror misconduct. The court of appeals agreed, found Dorsey's counsel ineffective, reversed the judgment and remanded the case to the trial court to vacate the convictions and sentences and to order a new trial. After the case returned to the trial court, Dorsey pled guilty to Forcible Rape, Robbery and Armed Criminal Action. He was sentenced to 18 years in prison.

I served as co-counsel in the case and was responsible for opening statement, direct examination of approximately one-half of the witnesses and the first half of closing argument.

Lead Counsel: Jennifer Vincent
11914 Sterns
Overland Park, Kansas 66213
(913) 707-1223

Defense Counsel: Geary Jaco
2322 Council Lane
Buford, Georgia 30519
(770) 967-0018

3. *State of Missouri v. Mattic*
Case Number: 16CR99005182-01
84 S.W.3d 161
Charges Filed – September 22, 1999
Final Disposition – February 23, 2001
Jackson County, Missouri Circuit Court
Judge Justine Del Muro

The State charged Mattic with two counts of Statutory Rape and one count of Statutory Sodomy in connection with his sexual abuse of his two nieces when they were approximately four and five years old. The girls testified at trial, along with the social workers to whom they initially disclosed the abuse and the social worker who conducted forensic interviews of the girls. Although Mattic testified in his defense, the jury found him guilty of all counts and the judge sentenced him to 30 years in prison.

As lead counsel, I made the decision to file the case and handled all pre-trial matters, including an extensive hearing pursuant to R.S. Mo. § 491.075 to determine whether the hearsay statements of the social workers were reliable and admissible. At trial, I presented the opening statement, conducted the direct examination of one-half of the witnesses, including the two minor victims, the cross-examination of Mattic and rebuttal closing argument. I was also responsible for the exhibits and jury instructions.

Co-Counsel: Jennifer Vincent
11914 Sterns
Overland Park, Kansas 66213
(913) 707-1223

Defense Counsel: Bryon Woehlecke
600 East 8th Street, Suite A
Kansas City, Missouri 64106
(816) 886-9143

4. *State of Missouri v. Rogers*
Case Number: 16CR00002321-01
95 S.W.3d 181
Charges Filed – May, 26, 2000
Final Disposition – May 15, 2001
Jackson County, Missouri Circuit Court
Judge Preston Dean

Rogers was charged with Attempted Statutory Rape in the Second Degree, three counts of Statutory Sodomy in the Second Degree, Statutory Rape in the Second Degree and Forcible Rape. The State's evidence established that Rogers, age 33, had a sexual relationship with his niece, age 14. When the young girl became pregnant and told her aunt of the pregnancy, the aunt reported the relationship to the police. The young girl subsequently underwent an abortion. In addition to the young girl's testimony, the State presented DNA evidence from the aborted fetus and handwriting analysis of an apology letter Rogers sent from pre-trial custody. The jury found Rogers guilty and based upon a previous conviction for forcible rape the judge determined the defendant to be a predatory sex offender. The court sentenced Rogers to consecutive terms of imprisonment of five years for Attempted Statutory Rape, seven years for each count of Statutory Sodomy, seven years for Statutory Rape and life imprisonment for Forcible Rape without eligibility for parole until he has served twenty-seven years of his life sentence.

Assistant Jackson County Prosecutor Ted Hunt served as lead counsel, and I served as co-counsel. As co-counsel, I participated in all pre-trial preparation, was responsible for one-half of the witnesses at trial, including the handwriting analysis expert, and the first half of closing argument. I also assisted with the exhibits and jury instructions.

Co-Counsel: Ted Hunt
Assistant Jackson County Prosecutor
415 East 12th Street, 7M
Kansas City, Missouri 64106
(816) 881-3888

Defense Counsel: Chase Higinbotham
Higinbotham & Higinbotham
117 Bradford Lane
Belton, Missouri 64012
(816) 322-5297

5. *State of Missouri v. Porras*
Case Number: 16CR00000306-1
84 S.W.3d 153
Charges Filed – February 24, 2000
Final Disposition – May 18, 2001
Jackson County Missouri Circuit Court
Judge Michael Manners

Porras was charged with two counts of Statutory Sodomy involving his three-year-old step-daughter. Although the victim was very young at the time of her disclosure, she was a very verbal and articulate child. The victim was five years old at the time of trial and testified in person. Despite her age, the victim's consistent, detailed and descriptive disclosure of the abuse persuaded the jury of Porras' guilt despite his adamant denials. After a day and a half of deliberations, the jury found Porras guilty of one count of Statutory Sodomy, and he was sentenced to ten years in prison.

As lead counsel, I made the decision to file the case and was responsible for all pre-trial matters. At trial, I conducted voir dire and direct examination of approximately one-half of the state's witnesses, including the victim. I also cross-examined the defendant, presented rebuttal closing argument and was responsible for the exhibits and jury instructions. Assistant Jackson County Prosecutor Melissa Rodriguez co-chaired the trial.

Co-Counsel: Melissa Rodriguez
96 Ledgewood Drive
Glastonbury, Connecticut 06033
(860) 430-5681

Defense Counsel: Steve Sakoulas
Bortnick, McKeon, Sakoulas & Shanker, P.C.
1222 McGee
Kansas City, Missouri 64106
(816) 221-2470

6. *State of Missouri v. Stephens*
Case Number: 16CR99005672-01
88 S.W.3d 876
Charges filed - November 8, 1999
Final Disposition – June 21, 2001
Jackson County, Missouri Circuit Court
Judge Edith Messina

Stephens was charged by way of indictment with Forcible Rape, two counts of Assault in the First Degree, Kidnapping and Robbery in the Second Degree. Stephens accompanied the victim on a social date and demanded oral sex from the

victim. When the victim refused, Stephens ultimately beat and raped the victim, leaving her for dead in a remote wooded area. When the victim regained consciousness, she was able to walk to the nearest house and called the police.

After a four day trial, the jury deliberated for a day and a half and convicted Stephens on all counts. However, when speaking with the jurors after the verdict, I learned that between the two days of deliberations one of the jurors visited the remote wooded area which was the scene of the crime. I made the trial court and defense attorney aware of this information. Although the defendant argued the juror's actions constituted misconduct and warranted a new trial, the trial court and Missouri Western District Court of Appeals disagreed. Stephens was ultimately sentenced to life in prison.

I served as lead counsel during the trial and was responsible for all pre-trial matters. At trial, I gave the opening statement, conducted the direct examination of approximately one-half of the State's witnesses, including the victim, and cross examined the defendant. I also gave rebuttal closing. Assistant Jackson County Prosecutor Melissa Rodriguez served as my co-counsel.

Co-Counsel: Melissa Rodriguez
 96 Ledgewood Drive
 Glastonbury, Connecticut 06033
 (860) 430-5681

Defense Counsel: Chase Higinbotham
 Higinbotham & Higinbotham
 117 Bradford Lane
 Belton, Missouri 64012
 (816) 322-5297

7. Funk v. Girkin

Case Number: 00CV207107

Case Filed: March 16, 2000

Final Disposition: April 17, 2003

Jackson County, Missouri Circuit Court

Judge J.D. Williamson

I represented plaintiff Funk in a medical malpractice case against multiple physicians and medical services providers. The lawsuit alleged that Mrs. Funk's husband suffered a fractured vertebra which the defendant physicians failed to properly diagnosis. The suit alleged that the misdiagnosis caused Mr. Funk to become a quadriplegic and ultimately caused Mr. Funk's death.

After extensive discovery, plaintiff entered into a monetary settlement with several of the defendants prior to trial. Based upon the information learned in discovery, plaintiff dismissed two physicians from the lawsuit prior to trial.

I served as co-counsel at the trial against two of the defendants. I presented two experts for deposition prior to trial and played a significant role in pre-trial preparation. At trial, I assisted with the exhibits and jury instructions and conducted the direct examination of two witnesses. The jury entered a verdict for defendants.

Lead Counsel: Jim Frickleton
Bartimus, Frickleton, Robertson & Gorny
11150 Overbrook Road, Suite 200
Leawood, Kansas 66211
(913) 266-2300

Defense Counsel: Mark Lynch
Holbrook & Osborn
7400 West 110th Street, Suite 600
Overland Park, Kansas 66210
(913) 342-0603

8. *Mayberry v. Birnbaum and Sand Cars Unlimited*

Case Number: 00CV05530
Case Filed: August 31, 2000
Final Disposition: January 12, 2004
Johnson County, Kansas District Court
Judge Larry McClain

In this civil case, I, along with lead counsel Steve Gorny, represented plaintiff Mayberry. Mayberry alleged that Sand Cars Unlimited used a defective design in the manufacture of a seat belt for a dune buggy. Mayberry further alleged that the design defect caused the seat belt to fail when Mayberry's husband was driving the dune buggy causing his death. Mayberry also contended that Birnbaum, the owner of the dune buggy, knew of problems with the seat belt and failed to properly warn Mayberry's husband of the problems. After a week of evidence, the jury entered an award of \$1.5 million, finding Sand Cars 25% at fault and plaintiff 75% at fault.

I served as co-counsel in the case and became involved in the case a few months before trial, which required me to quickly familiarize myself with the extensive facts of the case and the intricacies of the plaintiff's product liability theory. I provided substantial assistance in researching and writing many of the pre-trial motions, and at trial I was responsible for approximately one half of the witnesses including two experts.

Lead Counsel: Steve Gorny
Bartimus, Frickleton, Robertson & Gorny
11150 Overbrook Road, Suite 200
Leawood, Kansas 66211
(913) 266-2300

Defense Counsel: Mike Dutton
Wallace, Saunders, Austin, Brown & Enochs
110111 West 87th Street
Overland Park, Kansas 66282
(913) 888-1000

Sarah Fulkerson
Healthcare Services Group
4700 Country Club Drive
Jefferson City, Missouri 65109
(573) 230-2478

9. *United States v. Grant*

Case number: 09-00045-01-CR-W-SOW

Case Filed: February 4, 2009

Final Disposition: April 7, 2010

Western District of Missouri

Judge Scott Wright

A child victim disclosed to her mother that Grant sexually abused her and her sister for approximately 9 years. She further alleged that Grant would engage in oral, vaginal or anal sex with both victims and, in exchange, would give them money or goods. The child victim further disclosed that, on one occasion, Grant videotaped the incident. A search warrant was executed on Grant's residence and a computer was seized. A forensic examination of the computer revealed child pornography on the hard drive. During a post-Miranda interview, Grant admitted to downloading child pornography to his computer. He further admitted molesting both victims and giving the girls money and gifts in exchange for sex. He also confessed to videotaping one incidence of sexual abuse.

Grant was charged with Publishing a Notice of Child Pornography, Attempted Distribution of Child Pornography, Receipt of Child Pornography, Possession of Child Pornography, Attempted Transferring a Child for Sexual Exploitation, Attempted Inducing a Child to Engage in Sexually Explicit Conduct for Production of Visual Depiction and Enticement of a Child to Engage in Prohibited Sexual Conduct. Grant subsequently pled guilty and was sentenced to 30 years imprisonment with 20 years of supervised release.

As sole counsel on the case I was involved in all aspects of the case from charging to sentencing.

Defense Counsel: Larry Pace
Office of the Federal Public Defender
818 Grand Blvd.
Kansas City, MO 64106
(816) 471-8282

10. *United States v. Dillingham*
Case number: 10-CR-0002-DW
Case Filed: December 14, 2009
Final Disposition: March 24, 2011
Western District of Missouri
Judge Dean Whipple

Through an undercover peer-to-peer investigation, the Independence, Missouri Police Department discovered that Dillingham was sharing child pornography using the peer-to-peer software Limewire. A search warrant was obtained for Dillingham's residence and his computer and hard drive were seized. A forensic examination of the media revealed approximately 325 images and 150 videos of child pornography, including videos of children being raped and engaging in sadistic and masochistic conduct. The examination also revealed approximately 1400 photos of children playing in the grassy area outside Dillingham's apartment.

During a post-Miranda interview, Dillingham admitted that he downloaded child pornography using Limewire. He explained that he knew how Limewire worked and knew that the files in his Limewire shared folder were available for other Limewire users to access and download. He also admitted to taking pictures of neighborhood children while they were playing outside his apartment window.

Dillingham was charged with Receipt of Child Pornography, a charge that carries a statutory minimum sentence of five years imprisonment. Dillingham pled guilty to the charge and a pre-sentence investigation calculated Dillingham's range of punishment using United States Sentencing Guideline § 2G2.2, which provided for a sentence of 210-240 months. Dillingham's counsel filed a sentencing memorandum requesting the Court "categorically reject" § 2G2.2 and sentence Dillingham "far below the applicable Guideline range." I filed a response to Dillingham's sentencing memorandum responding to Dillingham's arguments and providing an abbreviated history to § 2G2.2.

After extensive testimony at the sentencing hearing, Judge Whipple entered an order sentencing Dillingham to 36 months imprisonment. The government filed a Motion to Correct Sentence and the Court entered a subsequent order sentencing Dillingham to 60 months imprisonment.

As sole counsel in the case, I was intimately involved in all aspects of the pre-indictment review and charging decisions. I prepared all pleadings and handled all major hearings in the matter.

Defense Counsel: Phil Gibson
Thomason and Gibson
2400 Lee's Summit Road, Suite 200
Independence, Missouri 64055
(816) 252-5050

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.)

1. U.S. Attorney for the Western District of Missouri

As U.S. Attorney for the Western District of Missouri I oversee the prosecution of a wide variety of cases. During my tenure, the office successfully prosecuted the first case in the District involving a confessed member of Al Qaida who provided material support to the organization, the first credit history fraud case in the country and one of the largest forced labor human trafficking/RICO cases in history. I have made reduction of violent crime a priority by developing a Steering Committee of community leaders to conduct a Comprehensive Gang Assessment of the Kansas City area and creating an initiative that focuses on illegal gang prosecutions.

While U.S. Attorney I have also focused on internal office management. I conducted a thorough review and revision of the office discovery policy and instituted new procedures to obtain potential Giglio related information on law enforcement witnesses. I also reorganized the office to place an emphasis on financial litigation, asset forfeiture and recovery of monetary penalties.

2. Civil Litigation

For over six years, I maintained a civil practice focused on representation of plaintiffs who suffered catastrophic injuries. I represented numerous individuals in medical malpractice, nursing home negligence and product liability lawsuits. As part of this practice, I conducted extensive investigations into alleged negligence and any potential legal issues to determine whether to file suit. I worked closely with expert witnesses and conducted hundreds of depositions of doctors, nurses and other medical personnel. I frequently participated in mediations and successfully negotiated settlements for most of my clients. I also tried five civil jury trials in four different jurisdictions.

3. Child Protection Center

Prior to becoming U.S. Attorney, I assisted the Child Protection Center (CPC) transition from an entity of the Family Court of Jackson County, Missouri, to a separate non-profit entity. While working with the executive director of the center, we successfully completed the process to obtain non-profit status through the Internal Revenue Service, created board of director by-laws and financial and personnel policies and procedures for the agency.

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

I have not taught any courses.

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

The only future benefits I expect to receive are from the following: federal government Thrift Savings Plans, rental property, Missouri State Retirement Plans (457), and various IRAs and stocks, all of which are listed on my Net Worth Statement.

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, with or without compensation, during my service.

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.

Should I be appointed, I initially would have a conflict with cases and matters pending in the U.S. Attorney's office while I was U.S. Attorney. I would address any such conflict by working with the Interim U.S. Attorney and the Clerk of the Court to assure that I was not assigned any such cases.

After current cases and matters in the U.S. Attorney's office are disposed of, I do not anticipate any conflicts of interest.

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

If any matter were to arise that involved an actual or potential conflict of interest, I would handle it by careful and diligent application of the Code of Conduct for United States Judges as well as other relevant canons and statutory provisions.

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.

Prior to becoming United States Attorney I served on the board of the Child Protection Center (CPC), a child advocacy center that conducts forensic interviews and provides crisis intervention to children who have disclosed sexual abuse and their families. CPC provides services free of charge to all children in Jackson County and Cass County, Missouri, who disclose that they have been sexually abused. In late 2004, CPC decided to spinoff from the Family Court of Jackson County, Missouri, and become a separate non-profit agency. I have assisted CPC with all legal issues associated with becoming a non-profit agency and an entity separate from the court. I completed all the paperwork submitted to the Internal Revenue Service to obtain non-profit status, created a draft of the board of director's by-laws, worked with the board to create the final by-laws, and worked closely with the executive director to create financial policies and procedures and personnel policies and procedures for the agency. Through the process, I provided legal advice on various issues. I estimate that I spent an average of five hours a month providing assistance and advice to CPC.

I served on the board of the Metropolitan Organization to Counter Sexual Assault (MOCSA) from 2006 to 2009. MOCSA exists to lessen the ill effects of sexual assault

and violence through intervention, advocacy, education, and treatment by providing services free of charge to the metropolitan Kansas City community. I also served as the chair of the Young at Art event, the fundraising committee and the program services committee for MOCSA. In addition, I provided legal advice to the executive director on an ad hoc basis. I have provided suggestions and input on a variety of issues including record retention, the proper way to respond to subpoenas, and agency policy and procedure. I spent approximately four hours a month providing assistance to MOCSA.

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.

To my knowledge, my jurisdiction does not have a selection committee. On March 3, 2011, I was contacted by U.S. Senator McCaskill. I had previously interviewed with Senator McCaskill as part of the process to become U.S. Attorney. During the March 3rd conversation, Senator McCaskill inquired if I was interested in being considered for one of the open federal judgeships in the Western District of Missouri. I responded that I was interested and Senator McCaskill said that my name would be sent to the White House for consideration.

Since March 8, 2011, I have been in contact with pre-nomination officials from the Department of Justice. On April 7, 2011, I interviewed with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On June 7, 2011, 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, Mary Elizabeth Phillips, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

6/6/11
(DATE)

Mary Elizabeth Phillips
(NAME)

ANNETTE L. CORDELL
Notary Public - Notary Seal
State of Missouri
Commissioned for Clay County
My Commission Expires: September 07, 2013
Commission Number: 09388247

Annette L CordeLL
(NOTARY)