

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES**

**PUBLIC**

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

Richard Wayne Moore

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

United States Attorney for the Southern District of Alabama

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 West Summit Hill Drive (ET 4C-K)  
Knoxville, Tennessee 37902-1401

Fairhope, Alabama

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

Bartow, Florida; 1952

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.

Oxford University, Wolfson College, Oxford, England, Independent Study:  
August 1996 – May 1997

Cumberland School of Law: September 1974 - May 1977; J.D., 1977

Spring Hill College: September 1971 - May 1974; B.S. Political Science, 1974

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.

Tennessee Valley Authority, OIG,  
400 W. Summit Hill Drive, ET 4C-K  
Knoxville, Tennessee 37902  
Inspector General (appointed by George W. Bush)  
May 2003-Present

Council of Inspectors General on Integrity and Efficiency (CIGIE)  
1717 H Street, NW, Suite 825  
Washington, DC 20006  
Chairman, Investigations Committee  
May 2009 – April 2011

United States Attorney's Office  
63 S. Royal Street #600  
Mobile, Alabama 36602  
Assistant United States Attorney, Criminal Chief, Senior Litigation Counsel  
September 1985 – May 2003

Gibbs and Craze, LLP  
17535 Rosbough Blvd.  
Cleveland, Ohio 44130-8361  
Associate  
January 1982 – September 1985

University of South Alabama  
307 N. University Blvd. #130  
Mobile, Alabama 36608  
Adjunct Professor  
September 1981 – December 1982

Richard W. Moore, LLC  
Cottage Hill Road  
Mobile Alabama  
Solo practitioner  
April 1981 – December 1981

Sherling, Drinkard, and Moore (I believe that Vaughn Drinkard, Jr., may still practice law at this location; however, Bob Sherling is no longer in private practice but is a Mobile County District Court Judge.)  
1070 Government Street  
Mobile, Alabama  
Partner  
June 1979 – December 1980

Marr and Friedlander, LLP  
740 Museum Drive  
Mobile, Alabama 36608  
Associate  
August 1977 – May 1979

Judge Michael Zogby, Mobile County Domestic Relations Court  
205 Government Street  
Mobile, Alabama 36644-2909  
Law Clerk  
May 1975 – August 1975

Scott Paper Co.  
2300 Bay Bridge Road  
Prichard, AL 36602  
Laborer  
June 1976 – August 1976  
June 1975 – August 1975  
June 1974 – August 1974

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 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.

Cumberland School of Law 2015 Distinguished Alumnus of the Year (April 2015) (based on audits and Congressional testimony that caused TVA to become more transparent about the impact of utility plants on the environment)

CIGIE Award Special Review of the Investigations Division of the SIGAR Inspector General (2010)

Community Coalition on Family Violence, Community Group Award (2007)

Certificate of Appreciation, U.S. Secret Service (May 2003)

Special Recognition, ATF (May 2003)

Special Recognition, U.S. Customs Service (May 2003)

Farewell Recognition, FBI (Mobile Division) (May 2003)

Senior Litigation Counsel (July 1992-2002)

Atlantic Fellowship in Public Policy (1997-1998)

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.

Alabama Bar (1977 to present); To the best of my recollection there have been no membership lapses.<sup>1</sup>

Mobile Bar Association (1986 to present); To the best of my recollection there have been no membership lapses.

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.

Alabama Bar (1977); To the best of my recollection there have been no membership lapses.<sup>2</sup>

- 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.

U.S. Court of Appeals, Fifth and Eleventh (1977); I have inquired of both the Fifth and Eleventh Circuits to determine what years I was admitted to practice in those Circuits but the records appear to be such that it is unclear when I allowed my membership to lapse. I argued cases before the Eleventh Circuit while an AUSA in the Southern District of Alabama and I was, of course, a member at that time. I would not have continued my membership after being appointed TVA Inspector General in May of 2003.

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.

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<sup>1</sup> The Alabama Bar has advised me that some of their records are incomplete and they cannot, for example, verify my membership for the years 1989-1991.

<sup>2</sup> Ibid.

Chairman of the Investigations Committee, CIGIE (2009-2011)

Leadership of Knoxville, (2007)

Inns of Court, Mobile Bar Association (1987-2003)

Eastern Shore Presbyterian Church, Montrose, Alabama (Elder, 1987-1996)

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

To my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

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

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

The IG Act requires that IGs report semiannually to Congress and to the head of an IG's agency. Typically, the IG has a "message" in each of these "semiannual reports" that highlights the contents of each report. There are 28 of these. Also, from time-to-time, the TVA IG wrote all or a portion of what we call a "Special Feature" that appears in the semiannual report to Congress. I am providing all of the "Special Features" during my tenure as TVA Inspector General. The complete semiannual reports are on the TVA OIG Web page at <http://oig.tva.gov/> All of these pertain to audit or investigation issues relative to TVA and none address any political issues.

**Messages from the IG in TVA OIG Semiannual Reports**

- March 31, 2017 (Copy supplied)
- September 30, 2016 (Copy supplied)
- March 31, 2016 (Copy supplied)
- September 30, 2015 (Copy supplied)
- March 31, 2015 (Copy supplied)
- September 30, 2014 (Copy supplied)
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- September 30, 2005 (Copy supplied)
- March 31, 2005 (Copy supplied)
- September 30, 2004 (Copy supplied)
- March 31, 2004 (Copy supplied)
- September 30, 2003 (Copy supplied)

#### Special Feature Articles in TVA OIG Semiannual Reports

- September 30, 2016 - “A Focus on Organizational Effectiveness” (Copy supplied)
- March 31, 2016 - “Navigating Risk: A Focus on Contracting” (Copy supplied)
- September 30, 2015 - “OIG Celebrates 30 Years of Making TVA Better” (Copy supplied)
- March 31, 2015 - “Building a Better TVA...Together” (Copy supplied)
- September 30, 2014 - “Generating Power Through People” (Copy supplied)
- March 31, 2014 - “Balancing Mobility With Security” (Copy supplied)
- September 30, 2013 - “Making TVA Better” (Copy supplied)
- March 31, 2013 - “Navigating Risk: Challenges in Maintaining Financial Health” (Copy supplied)
- September 30, 2012 - “Navigating Risk: A Focus on Cyber Security” (Copy supplied)
- March 31, 2012 - “The Challenge of Managing Change” (Copy supplied)
- September 30, 2011 - “The Role of the OIG in Identifying Risk at a Government Agency” (Copy supplied)
- March 31, 2011 - “The Role of the OIG: Making TVA Better” (Copy supplied)
- September 30, 2010 - “Creating an Environment of Change” (Copy supplied)
- March 31, 2010 - “The Culture Risk Connection” (Copy supplied)
- September 30, 2009 - “Recovery Following the Kingston Ash Spill – Restoring An Agency and A Community in Crisis” (Copy supplied)
- March 31, 2009 - “Challenging Times” (Copy supplied)
- September 30, 2008 - “Securing Information Technology” (Copy supplied)
- March 31, 2008 - “20 Years of an Independent Light” (Copy supplied)
- September 30, 2007 - “OIG Innovates to Improve” (Copy supplied)

- March 31, 2007 - "Upgrading Office Automation" and "Contract Audits & Procurement—A Continuous Improvement Process" (Copy supplied)
- September 30, 2006 - "Special Feature" (Copy supplied)
- March 31, 2006 - "IG Visits Plant Sites" (Copy supplied)
- September 30, 2005 - "OIG Review Team Receives PCIE Award for Excellence" and "TVA Responds to Diverse Challenges" (Copy supplied)
- March 31, 2005 - "OIG and TVA Management Kick Off TVA-Wide Fraud Risk Assessment Initiative" (Copy supplied)
- September 30, 2004 - "OIG Increases Oversight of the BFN Unit 1 Restart Project" and "OIG Works With TVA on Initiative To Detect and Prevent Fraud" (Copy supplied)
- March 31, 2004 - "The Inspector General Act – Recognizing 25 Years of Accomplishments" (Copy supplied)
- September 30, 2003 - "The 25<sup>th</sup> Anniversary of the Inspector General Act" (Copy supplied)

2012-2013 Fall/Winter Edition of *The Journal of Public Inquiry* – "The Role of the Office of Inspector General in Identifying Risks at a Government Agency." Majority of this article was included in the semiannual report dated September 30, 2011.

Interviewed by Protiviti personnel for inclusion in publication they are writing on "auditing corporate culture." It would be published in Protiviti's "*Internal Auditing Around the World, Volume 13.*" The TVA OIG has developed an audit model used exclusively by the TVA OIG to perform an Organizational Effectiveness Review on divisions of a government agency. These reviews have enabled TVA management to better understand the dynamics of culture that are affecting operational performance. This publication series profiles the internal audit leaders and functions of top-performing companies worldwide, providing them the opportunity to share the ways in which they manage risk, add value, and assist their organizations in the challenging internal audit and risk management environment. Protiviti has not finalized the article and has not provided an expected published date.

- 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.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including a thorough review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

April 1, 2003 – Testimony before the Senate Committee on Environment and Public Works for my nomination to be Inspector General of the Tennessee Valley Authority. Copy supplied. <https://www.congress.gov/108/chrg/shrg91746/CHRG-108shrg91746.pdf>

December 9, 2009 – Testimony before the House Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment: One Year Anniversary of TVA's Kingston Ash Slide. Copy supplied. <https://www.gpo.gov/fdsys/pkg/CHRG-111hhr54020/pdf/CHRG-111hhr54020.pdf>

November 18, 2010 – Testimony before the Senate Committee on Homeland Security and Government Affairs, Ad Hoc Subcommittee on Contracting Oversight: Oversight of Reconstruction Contracts in Afghanistan and the Role of the Special Inspector General. Copy supplied. <https://www.gpo.gov/fdsys/pkg/CHRG-111shrg63868/pdf/CHRG-111shrg63868.pdf> (full transcript)

I was called by the plaintiffs as a witness to testify in the civil litigation regarding the TVA OIG report on the Kingston coal ash spill. Copy supplied. Westlaw cite: 2012 WL 3647704

- 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.

To the best of my knowledge, below is a list of all the presentations and speeches that I have done. For all but two of the conferences listed below, I have attached written presentations consisting of PowerPoint slides. The two where I participated as a panelist, I did not use written PowerPoint slides. I do not have recordings or text of the actual presentations. I spoke at the following conferences:

ATD 2017 International Conference and Exposition  
May 21, 2017  
Proven Employee Engagement Strategies  
Copy supplied



2016 Government Workforce Learning Innovations Conference  
September 7, 2016  
Panelist – Measuring Change: Building an Environment for Engagement  
Copy unavailable

Southeastern and Southwest Intergovernmental Audit Forums Joint Meeting  
September 18, 2015  
Audit Transformation  
Copy supplied

Chattanooga State Community College  
April 1, 2014  
Your Career as a Free Agent  
Copy supplied

2013 Federal Audit Executive Council Annual Conference  
September 27, 2013  
Trust Building Communication Skills for Auditors  
Copy supplied

The Lincoln Leadership Institute at Gettysburg  
October 10, 2013  
Organizational Culture Change Me First Leadership: Demonstrating Mutual Respect  
Copy supplied

Watchdog II Conference: Summit on Anti-Corruption  
July 31-August 1, 2013  
Panelist – Presentations for the Watchdog Front: New and Established Anti-Corruption Agencies Discuss Challenges and Successes  
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Council of the Inspectors General on Integrity and Efficiency 2012 Annual Conference  
May 23-24, 2012  
OIG Organizational Health  
Copy supplied

2010 General Audit Management Conference  
March 29-31, 2010  
Assessing and Auditing Catastrophic Risk  
Copy supplied

As an Assistant U.S. Attorney and the Senior Litigation Counsel I would have made presentations as a part of litigation training, but I do not recall making any presentations or speeches otherwise. I did make some remarks at the farewell gathering in 1993 for departing U.S. Attorney Jeff Sessions. I have included a press

clipping that covered that event (See Additional Information on Question 12d.1), but I have been unable to find any notes that I may have had for my remarks. This would not have been a “speech” but merely a presentation and a few words of appreciation from me as a representative of the U.S Attorney’s Office.

- 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 interviews given, including a thorough a review of personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find or remember. I have located the following and am providing the excerpts of my portion of the videos and audio recording on DVD:

Federal News Radio, December 2016

This interview was for the TVA OIG Best Places in Government award for 2016.  
Copy supplied

CIGIE American University, June 2014

This video was made by CIGIE for use in American University CIGIE Leadership classes.  
Copy supplied

Tennessee This Week, August 2009

This interview was related to the Kingston ash spill report.  
Copy supplied

TVA OIG Fraud Video, April 2009

This video was used on the TVA OIG Web site to promote the OIG’s EmPowerline fraud, waste, and abuse hotline.  
Copy supplied

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

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

Inspector General (TVA)

May 2003 - Present

Appointed by President George W. Bush

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position

or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

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

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

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

Yes, I served as a law clerk for Judge Michael Zogby, Mobile County Domestic Relations Court during the period May 1975 to August 1975.

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

I did practice alone.  
April 1981-December 1981  
Cottage Hill Road,  
Mobile, Alabama 36609

- 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.

Tennessee Valley Authority, OIG  
400 W. Summit Hill Drive, ET 4C-K  
Knoxville, Tennessee 37902  
Inspector General (appointed by George W. Bush)  
May 2003 – Present

Council of Inspectors General on Integrity and Efficiency (CIGIE)  
1717 H Street, NW, Suite 825  
Washington, DC 20006  
Chairman, Investigations Committee  
May 2009 – April 2011

United States Attorney's Office  
63 S. Royal Street #600  
Mobile, Alabama 36602  
Assistant United States Attorney, Criminal Chief, Senior Litigation Counsel  
September 1985 – May 2003

Gibbs and Craze, LLP  
17535 Rosbough Blvd.

Cleveland, Ohio 44130-8361  
Associate  
January 1982 – September 1985

University of South Alabama  
307 N. University Blvd. #130  
Mobile, Alabama 36608  
Adjunct Professor  
September 1981 – December 1982

Richard W. Moore, LLC  
Cottage Hill Road  
Mobile, Alabama 36609  
Solo practitioner  
April 1981 – December 1981

Sherling, Drinkard, and Moore (I believe that Vaughn Drinkard, Jr., may still practice law at this location; however, Bob Sherling is no longer in private practice but is a Mobile County District Court Judge.)  
1070 Government Street  
Mobile, Alabama  
Partner  
June 1979- December 1980

Marr and Friedlander, LLP  
740 Museum Drive  
Mobile, Alabama 36608  
Associate  
August 1977 – May 1979

Judge Michael Zogby, Mobile County Domestic Relations Court  
205 Government Street  
Mobile, Alabama 36644-2909  
Law Clerk  
May 1975 – August 1975

- 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.

None.

b. Describe:

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

While I was in private practice from 1977-1982, the general character of my law practice would have been primarily civil plaintiff litigation, some criminal work, and some civil defense work. While practicing in Mobile, Alabama, I appeared in Mobile County District Court on non-jury civil complaints, was appointed to represent individuals in competency hearings in Probate Court and defendant minors in Juvenile Court on Child in Need of Supervision petitions.

From 1982-1985, I was an associate with Gibbs and Craze in Cleveland, Ohio, and did exclusively free exercise of religion cases. Gibbs and Craze represented thousands of churches across the United States on, for example, church zoning disputes with municipalities and the regulation of religious schools such as those conducted by Mennonite farm families in the state of Nebraska. I appeared on motions in both state and federal courts across the United States and wrote briefs in support of those motions.

From 1985 to 2003, as I have noted elsewhere, I was an Assistant United States Attorney in the Southern District of Alabama. I prosecuted criminal cases, argued appeals before the 11<sup>th</sup> Circuit of Appeals, and held various leadership positions in the office. From 1992 to 2003, I was the Senior Litigation Counsel and mentored other prosecutors on primarily courtroom trial skills. I managed the grand jury docket and returned each grand jury's report to a federal magistrate judge while I was either the Criminal Chief or the Deputy Criminal Chief.

From May 2003 to present, as the Inspector General, I have not engaged in the practice of law. In my time as the Inspector General, I have led and supervised over 100 auditors, federal law enforcement agents, attorneys and administrative support personnel. My experience at the OIG has made me a better leader. For 14 years I have worked with my staff to set a strategic vision for the office and implement the structure and changes that allowed us to meet the mission of the Inspector General Act. We emphasize the importance of building and sustaining a strong culture that enables strong performance. In 2015 and 2016, my office was awarded the number one ranking among federal agency subcomponents in the Best Places to Work in the Federal Government award presented by the Partnership for Public Service and Deloitte. In addition, I have been active with the Council of Inspectors General for Integrity and Efficiency and was Chair of the Investigations Committee from 2009 to 2011. During my tenure, our office has completed over 4,700 audits, evaluations, and investigations and identified over \$1.1 billion in questioned costs, funds put to better use, recoveries, fines and penalties, and other monetary loss. In addition, my office provided TVA with numerous recommendations to improve processes and policies which include, among others, strengthening the Information Technology security posture, the ethics program, and contracting practices; instituting a protocol for obtaining things of value from TVA; and establishing a Suspension and Debarment Officer that ultimately debarred contractors that were defrauding TVA. Our

work with the United States Attorney offices and other law enforcement agencies in the Tennessee Valley region resulted in numerous convictions, pleas, and settlements, including two recent convictions under the Atomic Energy Act related to conspiracy to unlawfully engage or participate in the production of special nuclear material outside the United States, a \$25 million civil settlement of an alleged false claims act violation related to a coal transportation vendor and a more than \$6 million civil settlement from a vendor for falsification of safety reporting records and subsequent conviction of an individual.

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

In 1977-1982, my typical clients were individual plaintiffs pursuing various civil remedies in the courts of Mobile County, Alabama. I did not do criminal or civil defense work.

In 1982-1985, while an associate with Gibbs and Craze I represented mostly churches who had disputes with either zoning officials or local school boards.

In 1985-2003, as an AUSA in the Southern District of Alabama my only client was the United States 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.

As a private attorney I appeared in court on a weekly basis. As an AUSA, I appeared in court on almost a daily basis.

- i. Indicate the percentage of your practice in:
  - 1. federal courts: 15% as a private attorney and 100% as an AUSA
  - 2. state courts of record: 85% as a private attorney and 0% as an AUSA
  - 3. other courts: 0%
  - 4. administrative agencies: 0%
- ii. Indicate the percentage of your practice in:
  - 1. civil proceedings: 100% as a private attorney and 0% as an AUSA
  - 2. criminal proceedings: 0% as a private attorney and 100% as an AUSA
- 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.

As a private attorney, I estimate that I tried to verdict three cases. As an AUSA, I estimate that I tried 30 cases to verdict.

- i. What percentage of these trials were:
  - 1. jury: 98%
  - 2. non-jury: 2%
- 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.

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

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

I have reviewed the records available to me and coupled with my memory of the trials of those cases, I have attempted to provide the information requested to the best of my ability, although some of the cases were tried more than 20 years ago.

- 1. United States vs. Mohamed Siddiqui, No. 1:1998-CR-00174 (S.D. Ala. 1998)  
Judge Richard Vollmer

Opposing Counsel: Christopher Knight,  
Federal Defenders, Inc.  
Assistant Federal Defender  
11 N. Water Street, Suite 11290  
Mobile, AL 36602  
251-433-0910

Mohamed Siddiqui was a professor at the University of South Alabama who attempted to fraudulently obtain a \$500,000 research grant from the National Science Foundation (NSF). He submitted recommendations from eminent scholars in Japan and Switzerland which neither scholar had authorized or signed. The NSF Office of Inspector General obtained the professor's computer from his office at the University, and emails from Professor Siddiqui to the two scholars

asking for their assistance were later admitted into evidence at trial. Defense counsel challenged the authenticity of the emails claiming that no proper predicate for their admission into evidence had been laid. The district court judge overruled the defendant's hearsay objections and the defendant was convicted by the jury. In 1998, this was an early case in the Eleventh Circuit establishing the authentication of emails much as letters sent via the U.S. mails had been authenticated prior to the usage of computers and emails.

2. United States vs. Jamar Rashaun Johnson et al., No. 1:1998-CR-00158 (S.D. Ala. 1998)  
Judge Richard Vollmer

I have not been able to locate the information for Opposing Counsel.

Johnson and his co-defendants ran a sophisticated carjacking ring that was responsible for over 30 carjackings. The carjackers method was always the same: steal a vehicle usually a van large enough to carry five shooters who would target a particular car with wheels that were the object of the carjacking. All of the defendants wore masks and gloves. They tracked the target car until the driver was out of the car at a gas station filling the tank. The shooters popped out of the van and either shot or assaulted the driver and then shot any occupants in the car. The targeted car was then driven to a remote location where the wheels were removed and the car was then set on fire. The wheels were sold for cash. My recollection is that the jury convicted all of the defendants of RICO with carjacking as the predicate offense.

3. United States vs. Martin C. Goldin et al, and Goldin Industries, Inc., No. 1:1996-CV-00522 (the civil case), 1:1995-CR-00158 (S.D. Ala. 1995)  
Judge Charles "Randy" Butler

Co-Counsel: Donna Dobbins  
Assistant US Attorney  
United States Attorney's Office  
63 S. Royal Street #600,  
Mobile, AL 36602  
251-802-4686

Opposing Counsel: Donald M. Briskman (and others)  
205 Church Street, Suite A  
Mobile, AL 36602  
251-433-7600

The Goldin family ran scrap metal businesses in Louisiana, Mississippi, and Alabama. An employee at the company in Mobile, Alabama, informed the FBI that the Goldin family (father Martin and his two sons) were routinely shorting companies and individuals by manipulating the electronic scales at their three locations. The companies were generating revenues of more than \$30 million per year but were cheating "peddlers" who brought in Coke cans in the back of



pickup trucks as well as local industries that trusted the Goldins to invoice them based the Goldin scales. The Goldin's manager cooperated with the government in exchange for a lenient plea deal. The jury acquitted the individual Goldin family members but convicted the company, Goldin Industries, which was required to pay back the restitution to their victims.

4. United States vs. Elizabeth Kammer, No. 1:1990-CV-00607 (S.D. Ala. 1992)  
Judge William Steele

Opposing Counsel: Richard D. Horne  
Richard D, Horne LLC  
1 Royal St, #4  
Mobile, AL 36602  
251-432-4421

Kammer created Coastal Training Institute in Mobile, Alabama, as a nursing and secretarial training school that received federal funds. The director of the school, Judith Martin, testified that Kammer had used federal monies designated for certain limited purposes to buy personal items for Kammer. The audits of the Institute confirmed that Kammer had embezzled thousands of federal funds and had concealed that from federal authorities. She was convicted by the jury after a three day trial.

5. United States vs. Donald Smitherman, No. 1:1992-CV-00663.(S.D. Ala. 1992)  
Judge Alex Howard

Opposing Counsel: Rick Yelverton (deceased)

The defendant Smitherman was head of the Mobile County Vice Squad. The IRS had initiated raids across the Southeast of houses of prostitution and had acquired credit card receipts from those raids indicating who the customers had been and how much had been charged. The IRS was preparing a tax evasion case against the establishments. Dena Vito was a madam at the Mobile County establishment caught up in the IRS raid. When she was arrested she claimed that she had paid Smitherman for years to protect her operations. The FBI set up surveillance in Vito's house where Smitherman was filmed taking \$500 on a Wednesday every other week. Smitherman testified at trial that the money was simply his winnings from the dog track as he had asked Vito to place bets for him. The jury convicted on those counts where Smitherman was filmed taking the money and acquitted on any count that relied on Dena Vito's testimony at trial.

6. United States vs. James Rayborn et al, (S.D. Ala. 1989)  
Judge Alex Howard

I have been unable to locate either the case number or information for Opposing Counsel.

This was a tax evasion case where the ringleader used the diesel off-road fuel tax credit to generate large refunds to his co-defendants which they then split with him. James Rayborn owned a shrimp boat that he operated out of Bon Secour, Alabama, and employed deck hands whom he recruited to allow him to prepare federal income tax returns claiming that they each owned a shrimp boat and that they had bought a certain quantity of diesel fuel to qualify each of them for a large refund. The return address on each of the returns was a P.O. Box opened by Rayborn. Each deckhand signed a return and when the refunds came to the P.O. Box Rayborn had them signed by each person and took a cut from each deckhand's refund. I was the sole prosecutor and all of the defendants were convicted of filing false tax returns.

7. United States vs. Dan Alexander, Norman Grider and Hiram Bosarge, No. CR-86-76 (S.D. Ala. 1986)  
Judge Emmet Cox

Co-Counsel: Jeff Sessions  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
202-514-2000

Opposing Counsel: Defense counsel for Dan Alexander was his brother,  
Richard Alexander  
56 St. Joseph Street  
Mobile, AL 36602  
251-438-3666  
Contact info:

Defense counsel for Norman Grider was Barry Hess  
(deceased)

Defense counsel for Hiram Bosarge was John Furman  
Furman & Furman  
1703 Main Street  
Daphne, AL 36526  
251-228-1744

This was a Hobbs Act and RICO public corruption case where our witnesses testified that they paid the Mobile County School Board Chairman (Dan Alexander) 10% of each contract on new school construction in Mobile County. The money was paid to Norman Grider by the contractors in most cases rather than directly to Alexander. Grider was the architect on the construction projects and paid Alexander as well. Bosarge was a school Board member who was charged as a co-conspirator who was alleged to have received the kickbacks on the contracts. After a three week trial, the jury acquitted Bosarge but convicted Alexander and Grider.

The following persons are familiar with my work as an AUSA in the Southern District of Alabama or my work as the Inspector General at TVA and are willing to discuss their assessment of that work:

Kenyen Brown  
Former U.S. Attorney, Southern District of Alabama  
Maynard Cooper & Gale  
11 North Water Street  
RSA Battle House Tower, Suite 24290  
Mobile, AL 36602  
(251) 348-0440

Callie Virginia Granade  
Senior District Court Judge, Southern District of Alabama  
113 St. Joseph Street  
Mobile, AL 36602  
(251) 690-3133

Michael Horowitz  
Department of Justice Inspector General  
CIGIE Chair  
950 Pennsylvania Avenue, NW, Suite 4760  
Washington, DC 20530  
(202) 514-3435

Steve Linick  
State Department Inspector General  
2121 Virginia Avenue, NW  
Washington, DC 20037  
(202) 663-0363

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

As the Inspector General at the Tennessee Valley Authority, I supervised attorneys in my office, OIG special agents, and OIG auditors in examining the facts surrounding the Kingston coal ash spill of December 23, 2008. The millions of tons of coal ash that was discharged by TVA's coal ash dam impacted both the environment along the Clinch River but also damaged private property for miles up and down the river. The report that I helped to write and testified about before Congress was at the center of the litigation between the plaintiff land owners and TVA. TVA's Office of General Counsel's put on

an \$11 million defense arguing for a variety of reasons that the court could not find TVA negligent. At the bench trial in the district court in Knoxville, Tennessee, the district court judge found that TVA had been negligent in its maintenance of the coal ash dam, and TVA was forced to pay damages to the property owners. This matter extended over several years and my office continued to issue reports to Congress about the efforts of TVA to secure all of its coal ash dams and to clean up the environment. This incident required TVA to pay out over one billion dollars for cleanup efforts and modifications of all of its coal ash dams in addition to the damages to the plaintiffs. This was a complex matter because it required juggling audits, the civil litigation, and Congressional testimony. Our work was viewed as instrumental in forcing TVA management to become more transparent about how its operations impacted the environment, and I was named Cumberland School of Law's Distinguished Alumnus for 2015, in part, because of my role in this effort.

United States vs. Alan Teale and Charlotte C. Rentz (Southern District of Alabama, June 1993)

This was at the time the biggest insurance fraud case in the United States and designated as a "major case" by the FBI. The FBI and the IRS seized the records of Teale Lloyds of London-style insurance companies across the United States and in the Bahamas. Teale and his wife, Charlotte Rentz, started re-insurance companies for high risks like long haul truckers, bad drivers, and in some cases medical malpractice. The Senate Permanent Subcommittee on Investigations was holding hearings and targeting some of Teale's companies at the time that the U.S. Attorney's Office in Mobile began its investigation that resulted in the arrest and prosecution of Teale and Rentz. Both defendants pleaded guilty and gave the FBI and the IRS the details of how the scam depended on using penny stock to give the appearance of sufficient assets to avoid scrutiny by state insurance commissioners. The scheme was to pay the first claims to come in but funnel most of the premium money to off-shore accounts and then collapse the insurance company and open another one once regulators started examining the books. I supervised AUSA's and federal agents from an offsite in Mobile, Alabama, for over two years in order to collect the evidence, prosecute the case, and then start the recovery efforts for the victims. The loss to the victims was approximately \$70 million.

The Alan Teale case was resolved by guilty pleas after several years of investigations and securing the plea agreements of lesser co-conspirators with Teale and Rentz. Managing a "major case" with the FBI took most of my time for almost three years. Taking custody of the records of multiple insurance companies that folded as a part of the Ponzi-like scheme required administrative oversight by me that was challenging in and of itself. The U.S. Attorney's Office agreed to dedicate me and other AUSA's to the case to work at an off-site that became our world for several years. Coordinating the work of both agents and other AUSA's while the Teale companies were collapsing across the country with claimants lining up in each state presented unique problems for us. The claimants ranged from doctors and lawyers trying to find the Teale insurance companies to defend them in malpractice cases to victims of long-haul trucking companies who bought discounted liability insurance from the Teale companies. This escalated the resources needed just to keep up with the on-going fraud. Once Teale was arrested and began to

cooperate, he provided an insider's guide to how fraudsters mastermind these type schemes which aided the FBI in investigating other similar cases that followed.

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

My recollection is that I taught an entry level business law class at the University of South Alabama around 1979. I believe it was a 2-hour course that I taught at night for one semester. Syllabus not available.

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

None.

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

No.

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

See my SF-278 as provided by the Office of Government Ethics.

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

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

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

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

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

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

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

As a part of Leadership Knoxville, I served food to the homeless at Helen and Ellen's Love Kitchen in Knoxville, Tennessee. I have also constructed buildings with Habitat for Humanity in Knoxville. I escorted two brothers from Mobile, Alabama, to the World War II Memorial as a part of the Honor Air Flight in 2011.