

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Martha Maria Pacold

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

United States District Judge for the Northern District of Illinois

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

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

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

1979; Richmond, Virginia

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.

July 19 – 23, 2010, Executive Education program in Mergers & Acquisitions, University of Chicago Booth School of Business (no degree)

July 23 – August 16, 2007 (approximately), Universidad Internacional, Center for Bilingual Multicultural Studies, Cuernavaca, Mexico (Spanish language immersion program; no degree)

1999 – 2002, University of Chicago Law School; J.D. (with honors), 2002

1995 – 1999, Indiana University; B.A. (with highest distinction), 1999

Spring 1998, Intercollegiate Center for Classical Studies in Rome, administered by Duke University (overseas study program; no degree)

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.

2017 – present
United States Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220
Deputy General Counsel, October 2017 – present
Executive Secretary, March 2017 – October 2017

2007 – 2017
Bartlit Beck Herman Palenchar & Scott LLP
54 West Hubbard Street, Suite 300
Chicago, Illinois 60654
Partner, 2010 – 2017
Associate, 2007 – 2010

2006 – 2007
United States Attorney's Office, Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, Virginia 22314
Special Assistant United States Attorney

2005 – 2006
Office of the Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Counsel to the Attorney General

2004 – 2005
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543
Law Clerk to Hon. Clarence Thomas

2003 – 2004
United States Court of Appeals for the Ninth Circuit
Lloyd D. George Courthouse
333 Las Vegas Boulevard South
Las Vegas, Nevada 89101
Law Clerk to Hon. Jay S. Bybee

2002 – 2003
United States Court of Appeals for the D.C. Circuit
333 Constitution Avenue, N.W.
Washington, D.C. 20001
Law Clerk to Hon. A. Raymond Randolph

Summer 2002
Office of Legal Counsel
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Summer Law Intern

Summer 2001
Covington & Burling LLP
One CityCenter
850 Tenth Street, N.W.
Washington, D.C. 20001
Summer Associate

Summer 2000
University of Chicago Law School
1111 East 60th Street
Chicago, Illinois 60637
Research Assistant to Dean Daniel R. Fischel

While attending the University of Chicago Law School, I also did brief projects (e.g., over winter break one year, or periodically during the school year) as a research assistant to Professors Lisa Bernstein, Douglas Lichtman, and Bernard Meltzer. I do not recall the specific dates, or whether I received compensation for these projects.

Other Affiliations (Uncompensated)

2016 – present
St. Ignatius College Prep
1076 West Roosevelt Road
Chicago, Illinois 60608
Member, Board of Trustees

2014 – 2017
University of Chicago Law School
1111 East 60th Street
Chicago, Illinois 60637
Lecturer in Law

2009 – 2014
University of Chicago Alumni Club of Chicago
University of Chicago Offices
5235 Harper Court, Suite 600
Chicago, Illinois 60615
Member, Board of Directors

2002 – 2003
University of Chicago Law Review
1111 East 60th Street
Chicago, Illinois 60637
Member, Advisory Board

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

I have not served in the military. I was not required to register for selective service.

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

St. Ignatius Class of 1995 20th Reunion Alumni Medal (with seven other alumni from the Class of 1995)

University of Chicago Law School
Graduated with honors (2002)
Order of the Coif (2002)
Editor-in-Chief, *University of Chicago Law Review* (2001 – 2002)
Staff Member, *University of Chicago Law Review* (2000 – 2001)
Three-year merit scholarship
Bradley Student Fellowship
Joseph Henry Beale Prize (first-year legal research and writing) (2000)
Bell, Boyd & Lloyd Prize (brief writing) (2000)

Indiana University
Graduated with highest distinction (1999)
Majors in Classical Studies – Latin & Greek (with Departmental Honors),
Chemistry, and Political Science (1999)
Wells Scholarship (four-year full tuition merit scholarship) (1995 – 1999)
Phi Beta Kappa

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.

I have been a member of the following bar associations:

American Bar Association (approximately 2016 – 2017)
Chicago Bar Association (approximately 2003 – 2004, 2015 – 2016)
Federal Bar Association (approximately 2012 – 2013, 2015 – 2016)
Illinois State Bar Association (approximately 2003 – 2004, 2008 – 2009)

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.

Illinois, 2003

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 Court of Appeals for the Federal Circuit, 2011
United States Court of Appeals for the Fourth Circuit, 2006
United States Court of Appeals for the Seventh Circuit, 2006
United States Court of Appeals for the Ninth Circuit, 2004
United States District Court for the Northern District of Illinois, 2007
Supreme Court of Illinois, 2003

While practicing at Bartlit Beck Herman Palenchar & Scott LLP, I was admitted to practice *pro hac vice* in various courts. I do not have records of those admissions.

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.

St. Ignatius College Prep (2016 – present)
Board of Trustees

St. Ignatius Law Society (intermittently beginning in approximately 2015 – present)

Phi Beta Kappa (1998 – present)

Lumen Christi Institute Executive Great Books Seminar Series (2015 – 2017)

University of Chicago Law School Class of 2002 Reunion Committee
Co-Chair, 2017 Reunion
Class Gift Co-Chair, 2012 Reunion
Program Chair, 2007 Reunion

Women’s Mentoring Program, University of Chicago Law School (2007 – 2014)

University of Chicago Alumni Club of Chicago (2009 – 2014)
Board of Directors
Program Committee Cochair (approximately 2010 – 2011)

Chicago Council on Global Affairs, Member (approximately 2014 – 2015)

Art Institute of Chicago, Member (approximately 2009 – 2011, 2013 – 2014);
Evening Associates Member (approximately 2009 – 2011); Architecture &
Design Society Member (approximately 2009 – 2011)

Young Professional Chapter, Lyric Opera of Chicago (approximately 2007 – 2008, 2009 – 2010)

Alumni Admissions Network, University of Chicago Law School, Volunteer (approximately 2007 – 2009)

Federalist Society (approximately 2000 – 2008)

Indiana University Alumni Association (approximately 2003 – 2005)

University of Chicago Law Review (2002 – 2003)
Advisory Board

- 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 listed in response to 11a above currently 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.

St. Ignatius College Prep, Class of 1995 20th Reunion Award Recipients.
Copy supplied.

Alumni Tributes to Tim Londergan, Wells Scholars Program Newsletter,
Summer 2014. Copy supplied.

Class Notes, Wells Scholars Program Newsletter, Summer 2014. Copy supplied.

Comment, *Attorneys' Fees in Class Actions Governed by Fee-Shifting Statutes*,
68 U. Chi. L. Rev. 1007 (2001). Copy supplied.

M. Chisholm, N. Eilerts, J. Huffman, S. Iyer, M. Pacold, & K. Phomphrai,
Molecular Design of Single-Site Metal Alkoxide Catalyst Precursors for Ring-Opening Polymerization Reactions Leading to Polyoxxygenates. 1. Polylactide Formation by Achiral and Chiral Magnesium and Zinc Alkoxides, (η^3 -L)MOR, Where L = Trispyrazolyl- and Trisindazolylborate Ligands, J. Am. Chem. Soc'y, 122(48): 11845-54 (2000). Copy supplied.

Letter to the Editor, "When Is Sexual Harassment Discrimination?," Wash. Post,
Dec. 17, 1997. Copy supplied.

L. Anderson, D. Li, & M. Pacold, *Pyridine Nucleotide-Dependent Changes in the Phase-Partitioning Behavior of NADP-Linked Glyceraldehyde-3-Phosphate Dehydrogenase from Pea Chloroplasts*, Plant Sci., 99: 39-42 (1994). Copy supplied.

Wordy Gurdy No. 7, Chi. Trib., April 26, 1990, at 86. Copy supplied.

When I was a member of the Board of Directors of the University of Chicago Alumni Club of Chicago (from 2009 – 2014), I contributed and / or edited brief

event descriptions to various University of Chicago Alumni Association event brochures and web postings for events I helped plan. I do not have final copies.

Occasionally I have contributed short entries to the Class Notes section of the University of Chicago Law School Record (a magazine for alumni). I cannot recall the dates and do not have copies.

I co-wrote a piece for the Phoenix, a University of Chicago Law School student newspaper, when I was in law school there. I cannot recall the name of the piece or the date.

I wrote various columns for the Indiana Daily Student when I was in college at Indiana University. I cannot recall the names or dates of the columns and do not have copies.

- 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.

Progress Report of the Department of Justice's Task Force on Intellectual Property, June 2006 (Additional Contributor). Copy supplied.

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

June 11, 2018 Letter re: Nomination of Julius Ness Richardson to be United States Circuit Judge for the Fourth Circuit. Copy supplied.

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

To my recollection:

May 6, 2017: Speaker, University of Chicago Law School Class of 2002 Reunion Dinner, Chicago, Illinois. My class reunion co-chairs and I gave brief remarks. I have no notes, transcript, or recording. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637.

March 17, 2016: Panelist, Webinar, "Mindfulness: Elevate Your Awareness, Enhance Your Practice," American Bar Association, Legal Career Central. Recording available at <http://www.abalcc.org/2016/03/17/replay-elevate-your-awareness-enhance-your-practice/>.

March 3, 2016: Co-presenter, "A Discussion of 'The Road to Character'" (book by David Brooks), Part II. This was a continued discussion of the book with students at the University of Chicago Law School. I have no notes, transcript, or recording. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637.

November 20, 2015 (approximately): Co-presenter, "A Discussion of 'The Road to Character'" (book by David Brooks), Part I. This was a discussion of the book with students at the University of Chicago Law School. I have no notes, transcript, or recording. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637.

September 29, 2015: Brief remarks at reception in honor of the retirement of Dawn Matthews, University of Chicago Law School, Chicago, Illinois, recognizing Ms. Matthews' 31 years with the University, including 29 as Student Journals Business Manager. I have no notes, transcript, or recording. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637.

August 28, 2015: Brief remarks at a gathering of students, alumni, and faculty associated with the Wells Scholars Program recognizing Associate Director Charlene Brown's 25 years of service to the Program, Bloomington, Indiana. I gave brief remarks in honor of Associate Director Brown. I have no notes, transcript, or recording. The address of the Wells Scholars Program is Harlos House, 1331 East Tenth Street, Bloomington, Indiana 47405.

July 10, 2015: One of multiple speakers during dinner at gathering of Justice Thomas's clerks, Park City, Utah. I gave brief remarks in honor of Justice Thomas. I have no notes, transcript, or recording. There was no formal sponsoring organization.

September 19, 2014: Panelist, "Becoming a Better Student and Lawyer Part II: Moving Beyond Technical Skills," University of Chicago Law School. I have no

notes, transcript, or recording. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637.

September 26, 2013: One of multiple alumni participants, Lunch with Alumni Leaders, as part of the Class of 2015 Professionalism and Leadership Day, University of Chicago Law School. I have no notes, transcript, or recording. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637.

October 23, 2012: One of multiple alumni volunteers, Oral Advocacy Boot Camp for University of Chicago Law School students, Jenner & Block LLP, Chicago, Illinois. I have no notes, transcript, or recording. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637.

September 24, 2012: One of multiple alumni participants, Lunch with Alumni Leaders, as part of the Class of 2015 Professionalism and Leadership Day, University of Chicago Law School. I have no notes, transcript, or recording. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637.

May 5, 2012: University of Chicago Law School Class of 2002 Reunion Dinner, Chicago, Illinois. My class reunion co-chairs and I gave brief remarks. I have no notes, transcript, or recording. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637.

October 21, 2010: Panelist, panel on appellate advocacy, University of Chicago Law School, available at <https://www.law.uchicago.edu/recordings/panel-appellate-advocacy>.

May 5, 2007: University of Chicago Law School Class of 2002 Reunion Dinner, Chicago, Illinois. My class reunion co-chairs and I gave brief remarks. I have no notes, transcript, or recording. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637.

While at Bartlit Beck, I participated, along with other alumni and practitioners, in a number of panels / question-and-answer sessions / meetings / lunches with students at the University of Chicago Law School. A number of these events were part of 1L orientation or the Law School's Kapnick Leadership Development Initiative, and dealt with the law school experience. Others were associated with moot court or skills development programs, such as appellate advocacy, judging the first-year legal writing program moot court competitions, or giving feedback on students' practice oral arguments for moot court competitions. Except as listed above, I do not have the exact dates, notes, transcripts, or recordings for these events. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637.

- 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.

As best I can recall, I was interviewed by two University of Chicago students who were compiling audio interview clips from alumni for use in the Law School's Kapnick Leadership Development Initiative. I do not have a date, a transcript, or a recording.

St. Ignatius President's Report, Spring 2009, at 2. Copy supplied.

6 Whiz Kids Attest: Parents Know Best, Chi. Sun-Times (May 8, 2001). Copy supplied.

See, It Pays to Listen to Mother, Chi. Trib. (June 18, 1995). Copy supplied.

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

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

- i. Of these, approximately what percent were:

jury trials:	____%
bench trials:	____% [total 100%]
civil proceedings:	____%
criminal proceedings:	____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

I have not held judicial office.

- 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.

Deputy General Counsel, United States Department of the Treasury (October 2017 – present). Appointed by Secretary Steven T. Mnuchin.

Executive Secretary, United States Department of the Treasury (March 2017 – October 2017). Appointed by Secretary Steven T. Mnuchin.

Counsel to the Attorney General, Office of the Attorney General, United States Department of Justice (2005 – 2006). Appointed by Attorney General Alberto R. Gonzales.

- 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.

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

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

From 2002 to 2003, I served as a law clerk to the Hon. A. Raymond Randolph, Circuit Judge of the United States Court of Appeals for the District of Columbia Circuit.

From 2003 to 2004, I served as a law clerk to the Hon. Jay S. Bybee, Circuit Judge of the United States Court of Appeals for the Ninth Circuit.

From 2004 to 2005, I served as a law clerk to the Hon. Clarence Thomas, Associate Justice of the Supreme Court of the United States.

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

I have not practiced alone.

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

Summer 2002
Office of Legal Counsel
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Summer Law Intern

2005 – 2006
Office of the Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Counsel to the Attorney General

2006 – 2007
United States Attorney's Office, Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, Virginia 22314
Special Assistant United States Attorney

2007 – 2017
Bartlit Beck Herman Palenchar & Scott LLP
54 West Hubbard Street, Suite 300
Chicago, Illinois 60654
Partner, 2010 – 2017
Associate, 2007 – 2010

2017 – present
United States Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220
Deputy General Counsel, October 2017 – present
Executive Secretary, March 2017 – October 2017

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

I have not served as a mediator or arbitrator.

b. Describe:

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

Beginning in 2005, I served at the Department of Justice as a Counsel to the Attorney General. My role was mainly advisory and involved primarily civil matters. I also did some appellate work.

I then served on a detail for approximately eight months, from 2006 to 2007, as a Special Assistant United States Attorney in the United States Attorney's Office for the Eastern District of Virginia. Most of my work consisted of handling misdemeanor cases before magistrate judges. I also handled preliminary hearings, detention hearings, and a grand jury proceeding. I helped brief two appeals in the Fourth Circuit in criminal cases. I was also part of a trial team that tried a four-week jury trial against a physician for drug trafficking involving prescription drugs.

In 2007, I joined Bartlit Beck Herman Palenchar & Scott LLP in Chicago. I worked there for close to ten years, first as an associate (from 2007 to 2010) and then as a partner (from 2010 to 2017). My practice at Bartlit Beck involved complex civil litigation in a variety of areas, including contract, tort, and intellectual property, in state and federal courts and in arbitrations, in large and small matters. Besides handling matters in litigation, I also advised clients on pre-litigation matters, again spanning a variety of areas of law and matters of different sizes. Most of my work was at the trial court level. I also worked on several appeals.

Since March 2017, I have served at the United States Department of the Treasury, first (from March to October 2017) as Executive Secretary, and then (from October 2017 to the present) as Deputy General Counsel.

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

While I was a Counsel to the Attorney General in 2005 to 2006, most of my work was advisory and involved civil matters (although I did some appellate work). I did not specialize in a particular area.

While serving as a Special Assistant United States Attorney in the United States Attorney's Office for the Eastern District of Virginia in 2006 to 2007, I represented the United States in criminal matters. My practice involved litigation in federal court, mainly at the trial court level, but also including appellate work.

During my time at Bartlit Beck (2007 to 2017), I handled civil litigation

and pre-litigation matters in a variety of areas of law, including contract, tort, and intellectual property, in state and federal courts and in arbitrations. I did not specialize in a particular area. Most of my clients at Bartlit Beck were business entities; I represented individuals on a few occasions. My practice involved primarily work at the trial level. I also worked on several appeals.

As Executive Secretary at the U.S. Department of the Treasury (March 2017 – October 2017), I performed various process and coordination functions, including managing the clearance by Treasury offices and components of documents for the Secretary of the Treasury. Since October 2017, I have served as a Deputy General Counsel at the Treasury Department, providing legal advice to departmental policy offices, bureaus, and leadership on a variety of issues.

- 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.

My current practice (as Deputy General Counsel of the Treasury Department, a position I have held since October 2017) is advisory; I do not appear in court. I did not appear in court while I was the Executive Secretary at the Treasury Department from March to October 2017. During my time at Bartlit Beck (2007 to 2017), all of my practice involved litigation or pre-litigation matters; I appeared in court occasionally. While serving as a Special Assistant United States Attorney from 2006 to 2007, all of my practice involved litigation; I appeared in court frequently. While serving as a Counsel to the Attorney General from 2005 to 2006, almost all of my practice was advisory, but I appeared in court once, to argue a criminal appeal.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 50% |
| 2. state courts of record: | 40% |
| 3. other courts: | ___% |
| 4. administrative agencies: | ___% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | ___% |

I have answered this question based on my practice at Bartlit Beck (2007 to 2017). The remaining 10% of my practice was before arbitration tribunals.

When I was a Special Assistant United States Attorney (2006 to 2007), 100% of my practice was in federal courts, and 100% of my practice was

in criminal proceedings.

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

I tried two cases to verdict in courts of record, as associate counsel, one (the *Krippelz* case listed below) while I was at Bartlit Beck and the other (the *Hurwitz* case listed below) while I was at the United States Attorney's Office.

- i. What percentage of these trials were:
- | | |
|--------------|------|
| 1. jury: | 100% |
| 2. non-jury: | __% |

I have the following experience as well:

I tried a three-week arbitration before an arbitration panel, as associate counsel (the *Spirit v. Gulfstream* arbitration listed below). This was not before a court of record, and it settled.

I tried a two-week arbitration before an arbitration panel, as associate counsel (a confidential AAA arbitration). This was not before a court of record.

I also tried to verdict several brief trials in courts of record, as chief or sole counsel. These included a day-and-a-half long jury trial in the Circuit Court of Cook County while I was at Bartlit Beck and, as best I recall, a handful of misdemeanor cases before magistrate judges in the Eastern District of Virginia.

- 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) *In re Alleged Environmental Contamination of Pompton Lakes*, N.J. Super. Ct. (Law Div. Bergen County), Case No. 290 (from 2010 to 2016, Hon. Brian R. Martinotti; since 2016, Hon. Rachelle L. Harz); *Agnes v. E.I. du Pont de Nemours and Company*, C.A. No. 98-1405 (D.N.J. Mar. 31, 2011) (Hon. Dennis M. Cavanaugh)

In 2010, more than 500 plaintiffs filed suit against E. I. du Pont de Nemours and Company in the Superior Court of New Jersey, alleging groundwater contamination from the Pompton Lakes Works Plant, a former DuPont manufacturing facility in Pompton Lakes, New Jersey. From 2010 until I left Bartlit Beck in March 2017, I was part of a team representing DuPont in the matter. My work spanned many aspects of the matter, including handling discovery, taking depositions, conducting legal research, briefing motions, and attending mediations. During the time I worked on the matter, a majority of the claims were resolved. In 2011, the United States District Court for the District of New Jersey enjoined some of the claims due to releases the plaintiffs had signed in settlement of prior litigation. Other claims were resolved in the Superior Court of New Jersey through settlement, voluntary dismissal, or summary judgment. When I left Bartlit Beck, some cases were still pending in the Superior Court.

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- (2) *Spirit AeroSystems v. Gulfstream* (AAA / ICDR Arbitration, New York, NY, 2015)

I was a member of a trial team representing Spirit AeroSystems against Gulfstream in a three-week arbitration hearing. Both parties alleged hundreds of millions of dollars of breach of contract damages. The hearing included opening statements and testimony from dozens of witnesses. My work included preparing for trial, conducting legal research, drafting and reviewing briefs, preparing outlines, preparing witnesses, and taking both a direct and a cross examination at trial. The case settled.

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- (3) *SecNet Holding, LLC v. Potash*, C.A. No. 1:12-cv-00078-RGA (D. Del.) (Hon. Richard G. Andrews); *SecNet Holding, LLC v. Potash*, C.A. No. 7781-VCP (Del. Ch. Apr. 2, 2013) (Transcript) (Hon. Donald F. Parsons, Jr.); *Potash v. Sterling Fund Management, LLC*, C.A. No. N12C-10-243 (Del. Super. Ct.) (Hon. James T. Vaughn, Jr.); *Potash v. SecureNet, LLC*, Docket No. 24C12001634 (Balt. City Cir. Ct.)

I was part of a team representing SecNet Holding, LLC (an LLC associated with a private equity firm, Sterling Partners), and other Sterling-related entities and individuals, in a dispute with Mark Potash and related individuals and entities. The dispute arose from the Potash parties' sale of a controlling stake in a payment processing business to SecNet Holding, LLC. The dispute resulted in multiple complaints in multiple courts: Delaware federal district court and subsequently the Delaware Court of Chancery; Delaware Superior Court; and the Circuit Court for Baltimore City, Maryland. I participated in a variety of aspects of the cases, including drafting and filing pleadings, conducting legal research, handling discovery, preparing for, taking, and defending depositions, and attending a mediation. The cases ultimately settled.

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- (4) *Johnson Controls Battery Group, Inc. v. Saft JV Holding Co.* (Del. Ch.) (Docket No. 6497) (Hon. Sam Glasscock III)

I was on a team representing Johnson Controls, Inc. in its dispute with Saft Groupe S.A. in the Delaware Court of Chancery concerning the parties' joint venture to develop and manufacture lithium-ion batteries for hybrid and electric vehicles, Johnson Controls-Saft Advanced Power Solutions LLC. I participated in various aspects of the case, including coordinating with co-counsel and the client, conducting legal research, drafting filings, and handling discovery. I also assisted with related matters in the United States District Court for the Southern District of New York and in an arbitration. The case settled.

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- (5) *Krippelz v. Ford Motor Co.*, C.A. No. 1:98-cv-02361 (N.D. Ill.) (Hon. James B. Zagel); on appeal, 667 F.3d 1261, No. 2011-1103 (Fed. Cir. 2012)

I was on a team representing inventor Jacob Krippelz, Sr. in a patent infringement action against Ford Motor Co. involving automotive exterior mirror lighting systems. We represented Mr. Krippelz in a jury trial in the United States District Court for the Northern District of Illinois. The jury returned a \$23 million verdict for Mr. Krippelz. The district court then found willful infringement and awarded an additional \$33 million in enhanced damages and prejudgment interest for a total award of \$56 million. The Federal Circuit reversed on invalidity grounds, vacated the other rulings, and remanded for entry of judgment of non-liability. My work on the matter primarily involved conducting legal research and drafting motions during trial, and after trial, drafting briefs to the district court on various post-trial issues.

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- (6) *Novartis Vaccines and Diagnostics, Inc. & Novo Nordisk A/S v. Bayer HealthCare LLC, C.A. No. 2:08-cv-00068-TJW (E.D. Tex.) (Hon. T. John Ward); In re Bayer HealthCare LLC and CSL Behring L.L.C., Case No. 2010-M918 (Fed. Cir.)*

I was part of a team representing Bayer HealthCare LLC and other Bayer-related entities in a patent case filed by Novartis Vaccines and Diagnostics, Inc. & Novo Nordisk A/S involving Bayer's recombinant Factor VIII product Kogenate®FS. Bayer moved to transfer venue to the Northern District of California. The United States Court for the Eastern District of Texas denied the motion, *Novartis Vaccines and Diagnostics, Inc. & Novo Nordisk A/S v. Bayer HealthCare LLC, et al.*, C.A. No. 2:08-cv-00068-TJW (E.D. Tex. Sept. 28, 2009). Bayer filed a petition for mandamus in the Federal Circuit. The case settled before the Federal Circuit issued a decision on the petition. I participated in various aspects of the case, including discovery and legal research and writing.

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- (7) *In re Teflon Prods. Liab. Litig.*, MDL No. 1733, 4:06-md-01733-REL-CFB (S.D. Iowa) (Hon. Ronald E. Longstaff, Hon. Celeste F. Bremer); *In re Teflon Prods. Liab. Litig.*, No. 08-8023 (8th Cir.)

I was part of a team representing DuPont in multidistrict product liability litigation involving numerous proposed class actions brought by consumers who purchased cookware made with DuPont's non-stick cookware coatings. The district court denied class certification, *In re Teflon Prods. Liab. Litig.*, 254 F.R.D. 354 (S.D. Iowa 2008). The Eighth Circuit denied plaintiffs' petition for permission to appeal. I assisted with class certification briefing and helped prepare for the class certification hearing.

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- (8) *Whitehead v. Bond*, 680 F.3d 919 (7th Cir. 2012)

Along with attorneys from the City of Chicago Law Department, I represented appellees, the City of Chicago and Chicago Police Officers Lawrence J. Bond, Thomas Stack, and Michael J. Stevens, in an appeal from a jury verdict in favor of appellees in a Section 1983 action by appellant, Sarah Whitehead, involving Fourth Amendment claims of false arrest and excessive force. I briefed and argued the case in the Seventh Circuit. The Seventh Circuit affirmed.

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- (9) *Barber v. City of Chicago*, 725 F.3d 702 (7th Cir. 2013)

Along with attorneys from the City of Chicago Law Department, I represented appellees, the City of Chicago and Chicago Police Officers Michael Malaniuk and Michael Shields, in an appeal from a jury verdict in favor of appellees in a Section 1983 action by appellant, Terrence Barber, involving Fourth Amendment claims of false arrest and excessive force. I briefed and argued the case in the Seventh Circuit. The Seventh Circuit held that the district court erred by allowing defense counsel to cross-examine Barber about a subsequent arrest for underage drinking and about his intervening felony conviction. The Seventh Circuit reversed the district court's denial of Barber's motion for a new trial, vacated the judgment,

and remanded for a new trial.

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- (10) *United States v. Hurwitz*, Case. No. 1:03-cr-00467-LMB-1 (E.D. Va.) (Hon. Leonie Brinkema)

In the spring of 2007, I was a member of a trial team that represented the government in a four-week jury retrial of a physician on charges of distributing prescription drugs. (The case had been tried once before, and the Fourth Circuit granted a new trial, before I was involved.) The retrial involved dozens of witnesses. The court granted a judgment of acquittal as to certain counts. The jury acquitted on some counts, convicted on some counts, and was unable to reach a verdict on other counts, which the court then dismissed. After I left the United States Attorney's Office, the defendant was sentenced to 57 months. My role in the case consisted of helping prepare for and assisting at trial.

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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.)

Since October 2017, I have served as a Deputy General Counsel at the U.S. Department of the Treasury, providing legal advice to departmental policy offices, bureaus, and leadership on a variety of issues.

During my time at Bartlit Beck (2007 to 2017), besides matters in litigation, a substantial amount of my practice involved advising clients on matters that were not in litigation, but required assessment, evaluation, research, or other advice, spanning a variety of subject areas.

Earlier in my time at Bartlit Beck, I also worked on some cases involving multidistrict litigation proceedings and / or putative class actions; these cases did not progress to trial.

While I was a Counsel to the Attorney General in 2005 to 2006, most of my work was advisory and involved civil matters.

In addition to my practice, I have taught Professional Responsibility as an adjunct at the University of Chicago Law School, as discussed below.

I have not performed lobbying activities.

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.

In the Spring 2014, Spring 2015, and Winter 2016 quarters, I taught Professional Responsibility at the University of Chicago Law School, covering a variety of topics, such as the formation and termination of the attorney-client relationship, duties to clients, and conflicts. In Spring 2015 and Winter 2016, I also invited guest speakers from various practice areas to address the classes.

In the Winter 2017 quarter, I co-taught Professional Responsibility: Representing Business Organizations at the University of Chicago Law School.

Copies of syllabi supplied.

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.

None.

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.

If confirmed, I would hope to teach at a law school as an adjunct, if consistent with my service with the court. I have no commitments or agreements to do so and no other plans for outside activities.

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.

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

See attached.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse myself from any litigation where I have ever played a role. For an appropriate period of time, I anticipate recusing in all cases where my former firm, Bartlit Beck Herman Palenchar & Scott LLP, represents a party. I will evaluate any other real or potential conflict, or relationship that could give rise to the appearance of a conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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.

I have made efforts to fulfill these responsibilities through teaching and mentoring law students. From 2007 through the 2013 – 2014 academic year, I served as a mentor to women law students through the Women's Mentoring Program at the University of Chicago Law School. In professional responsibility classes that I taught, I arranged for a speaker from the Federal Criminal Justice Clinic at the University of Chicago Law School to address the class, to inform the students about professional responsibility issues, but also to help them to consider careers in service to indigent criminal defendants, and for a speaker from the Lawyers' Assistance Program, to inform the

students about the Program and the resources it provides to address substance abuse disorders and mental health issues in the legal profession. While at Bartlit Beck, I helped moot a student from the Federal Criminal Justice Clinic in preparation for an appellate argument on behalf of a criminal defendant.

Outside the law, I have served on the Board of Trustees of St. Ignatius College Prep since 2016. In 2011, I served as a tutor to a student assigned through Literacy Chicago, an organization that promotes adult literacy.

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.

On June 14, 2017, I was contacted by an attorney from the White House Counsel's Office about interviewing for a potential federal judicial appointment. On June 19, 2017, I interviewed with officials from the White House Counsel's Office and the Department of Justice's Office of Legal Policy. I have been in contact with attorneys from those offices since the initial contact. There is a Senators' Screening Committee for the United States District Court for the Northern District of Illinois. I submitted my application to the Committee on February 1, 2018. It is my understanding that the Committee recommended my nomination. I was nominated on June 11, 2018.

- 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.