

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Kenji Marcel Price

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

United States Attorney for the District of Hawaii

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.

PJJK Federal Building
300 Ala Moana Blvd.
Room 6-100
Honolulu, HI 96850

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

1980; Port Jervis, NY

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.

University of Pennsylvania Law School, J.D., May 2010 (attended September 2007 to May 2010)

University of Maryland, College Park, no degree received (attended September 2006 to December 2006)

Gonzaga University, B.A., May 2002 (attended September 1998 to May 2002)

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.

Compensated Employment:

United States Attorney, District of Hawaii
300 Ala Moana Boulevard
Room 6-100, PJKK Federal Building
Honolulu, HI 96850
January 2018 – present

Alston Hunt Floyd & Ing
1001 Bishop Street, Suite 1800
Honolulu, HI 96813
Director, October 2017 – January 2018

Carlsmith Ball LLP
1001 Bishop Street
Honolulu, HI 96813
Partner, July 2017 – September 2017
Of Counsel, September 2015 – September 2017

The 'Iolani School
563 Kamoku Street
Honolulu, HI 96826
Assistant Coach (Boys Varsity I Basketball Team), Fall 2016 – Spring 2017

The University of Hawai'i at Mānoa
William S. Richardson School of Law
2515 Dole Street
Honolulu, HI 96822-2350
Lecturer-in-Law, January 2016 – May 2016

United States Attorney's Office, Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201
Assistant United States Attorney, September 2012 – September 2015

United States Court of Appeals for the Third Circuit
5100 Federal Building
844 N. King Street Unit 10
Wilmington, DE 19801-3566
Law Clerk for the Honorable Kent A. Jordan, August 2011 – August 2012

United States District Court for the District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101
Law Clerk for the Honorable Robert B. Kugler, August 2010 – August 2011

University of Pennsylvania Law School

3501 Sansom Street
Philadelphia, PA 19104
Arthur Littleton & H. Clayton Louderback Legal Writing Instructor, Fall 2009 – Spring 2010

Sullivan & Cromwell, LLP
1700 New York Avenue, N.W. Suite 700
Washington, DC 20006-5215
Summer Associate, May 2009 – August 2009

Wilson Sonsini Goodrich & Rosati, P.C.
1700 K Street, NW
Fifth Floor
Washington, DC 20006-3814
Summer Associate, May 2008 – August 2008

Alpha Tau Omega
333 North Alabama Street
Indianapolis, IN 46204
House Father/House Manager (College Park, MD), Fall 2006 – Fall 2007

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.

May 2002 – July 2006
U.S. Army
Captain (O – 3)
Honorable discharge

I have registered for the 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.

Editor-in-Chief, *University of Pennsylvania Law Review*, 2009
Army Commendation Medal, 2006
Army Achievement Medal, 2005
The Bronze Star Medal (awarded on two occasions), 2003 & 2005
Combat Infantry Badge, 2003
Combat Parachutist Badge with Bronze Service Star, 2003
Officer Honor Graduate, United States Army Airborne School, 2003
Ranger Tab, 2002
Commandant's List, United States Army Infantry Officer Course, 2002

Distinguished Military Graduate, Gonzaga University, 2002
Gonzaga University *magna cum laude*, 2002

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

Federal Bar Association, Member, 2015 – Present; Hawaii Chapter National Delegate, 2016 – 2017; Hawaii Chapter Vice President, 2017 – January 2018

Hawaii State Bar Association, Member, 2016 – Present

Criminal Justice Act Panel for the United States District Court for the District of Hawaii, Member, 2016 – January 2018

10. **Bar and Court Admission:**

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

State Bar of Hawaii, admitted 2016

State of New York, admitted 2011

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.

Supreme Court of the United States, admitted 2015

United States Court of Appeals for the Second Circuit, admitted 2012

United States Court of Appeals for the Third Circuit, admitted 2012

United States District Court for the Eastern District of New York, admitted 2015

United States District Court for the Southern District of New York, admitted 2015

United States District Court for the District of Hawaii, admitted 2016

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.

Hawaii State Bar Association
Member, 2016 – Present

Honolulu Japanese Chamber of Commerce
Member, 2015 – December 2017; January 2018 – Present

The Federalist Society for Law & Public Policy Studies
President, Hawaii Chapter, 2016 – 2018
Member, 2016 – Present

Federal Bar Association
Vice President, Hawaii Chapter, 2017 – 2018
National Delegate, Hawaii Chapter, 2016 – 2017
Member, 2015 – Present

Hawaii Republican Party
Delegate to State Convention, 2016, 2017
Member, 2015 – Present

Black Law Students Association
University of Pennsylvania Law School
Member, 2007 – 2010

Alpha Sigma Nu Jesuit Honor Society
Member, 2002 – Present

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organizations to which I gave funds and did not otherwise participate in programmatic activities.

- 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 following is a list of works that I authored or co-authored unless otherwise noted. I have done my best to identify all responsive published material, including through a thorough review of my personal files and searches of publically available electronic databases. Despite these efforts, there might be other materials that I have been unable to identify, locate, or remember. I have located the following:

Early Case Management, Discovery Under the New Federal Rules of Civil Procedure. National Business Institute (“NBI”), March 17, 2017. Copy supplied.

Following the Proportionality Standard During Discovery, Discovery Under the New Federal Rules of Civil Procedure. National Business Institute (“NBI”), March 17, 2017. Copy supplied.

Loher v. Thomas: A Criminal Defendant’s Right to “Wait-And-See” What Other Defense Witnesses Say Before Taking The Witness Stand. Hawaii Bar Journal, December 2016. Copy supplied.

Noetzel v. HMSA: Is Hawaii’s Anti-Subrogation Law Toothless? Hawaii Bar Journal, November 2016. Copy supplied.

When America Denies Citizenship to Service Members. The Hill, July 11, 2016. Copy supplied.

The Mysterious *Alford* Plea Raises Evidentiary Challenges. Law360, June 7, 2016. Copy supplied.

Client Alert: *Merrill Lynch et al. v. Manning*: U.S. Supreme Court Removes Arrow in the Quiver of Defendants Seeking to Litigate State Securities Lawsuits in Federal Court. Carlsmith Ball LLP, May 26, 2016. Copy supplied.

Client Alert: Mitigating Risk of Liability for Discriminatory Lending in the Wake of *Inclusive Communities*. Carlsmith Ball LLP, April 25, 2016. Copy supplied.

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

a summary of its subject matter.

I have done my best to identify any reports, memoranda, or policy statements I prepared or contributed to, including a thorough review of my personal files and searches of publicly available electronic databases. I have not located any responsive items. Despite my searches, there may be other materials that I have been unable to identify, find, or remember.

- 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. I have not located any responsive materials. Despite my searches, there may be other materials that I have been unable to identify, find, or remember.

- 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.

The following is a list of remarks that I delivered. I have done my best to identify all speeches or talks I have delivered, including thorough a review of my personal files and searches of publically available electronic databases. Despite these efforts, there may be other materials I have been unable to identify, locate or remember. I have located the following:

February 27, 2018
USPACOM Black History Month Talk, "African Americans in Times of War"
Camp H. M. Smith
Halawa, HI 96701
Copy of outline supplied.

February 15, 2018
Q & A session with high school student fellows from the Center for Tomorrow's Leaders
Prince Kuhio Federal Building

300 Ala Moana Boulevard
Honolulu, HI 96850
Copy not available.

October 31, 2017
Federal Civil Litigation
Hawaii Association of Public Accountants
Honolulu, HI
Copy of PowerPoint supplied.

April 6, 2017
Keynote Speech
Oahu League of Republican Women
150 Country Club Road
Honolulu, HI 96817
Copy not available.

February 7, 2017
Hawaii Bankers Association BSA/AML Conference 2017
Japanese Cultural Center
Honolulu, HI
Copy of outline supplied.

October 26, 2016
The Globe and the Gavel: Judicial Decision-making in the Age of Globalization
Hawaii Lawyers Chapter of the Federalist Society for Law & Public Policy Studies
and the Pacific Forum CSIS (Moderator)
1001 Bishop Street
Honolulu, HI 96813
Copy of outline supplied.

October 17, 2016 & October 18, 2016
Carlsmith Ball LLP 2016 MCLE Program (federal regulation of marijuana)
1001 Bishop Street
Honolulu, HI 96813
Copy of outline supplied.

June 28, 2016
United States Supreme Court Review: October 2015 Term (Moderator)
Hawaii Lawyers Chapter of the Federalist Society for Law & Public Policy Studies
1001 Bishop Street
Honolulu, HI 96813
Copy not available.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these

interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all interviews given, including through 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:

Interview for Pacific Business News, dated July 1, 2016, Relaxed FAA regulations invite commercial drone use, but Hawaii laws pose legal risks. Copy supplied.

Interview on ThinkTech, Evolutions on the Law of the Internet, dated June 15, 2016 (video available at <http://thinktechhawaii.com/2016/06/15/evolutions-in-the-law-of-the-internet-kenji-price/>).

Interview for Pacific Business News, People Who Make Hawaii Work: Kenji Price, Of Counsel Attorney at Carlsmith Ball LLP, October 30, 2015. Copy supplied.

Interview for Star Advertiser, Island sports standout opted for Army and law, dated October 20, 2015. Copy supplied.

Interview on Hawaii News Now, dated October 9, 2015 (video available at <http://www.hawaiinewsnow.com/story/30227585/attorney-sheds-light-on-future-of-marijuana-dispensaries>).

Interview for Honolulu Star Advertiser, Price debating books and baskets, dated February 7, 1998. 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.

Interim United States Attorney, District of Hawaii
January 2018 – Present
Appointed by Attorney General Jefferson B. Sessions III

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

I have never held a position in a political campaign. I attended the 2016 Hawaii Republican Party's convention on the Island of Oahu as a state delegate. At the conclusion of voting for the office of National Committeeman and National Committeewoman, I assisted a candidate by observing individuals tally the total number of ballots cast for each candidate.

I attended the 2017 Hawaii Republican Party's convention on the Island of Kauai as a state delegate. Other than attending the state convention, I held no positions within the party and performed no functions at the convention.

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

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

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

I served as a clerk to the Honorable Robert B. Kugler, United States District Court for the District of New Jersey, from 2010 to 2011.

I served as a clerk to the Honorable Kent A. Jordan, United States Court of Appeals for the Third Circuit, from 2011 to 2012.

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

I have not practiced law 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.

United States District Court for the District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101
Law Clerk for the Honorable Robert B. Kugler, August 2010 – August 2011

United States Court of Appeals for the Third Circuit
5100 Federal Building
844 N. King Street Unit 10
Wilmington, DE 19801-3566
Law Clerk for the Honorable Kent A. Jordan, September 2011 – September 2012

United States Attorney's Office, Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201
Assistant United States Attorney, September 2012 – September 2015

Carlsmith Ball LLP
1001 Bishop Street
Honolulu, HI 96813
Partner, July 2017 – September 2017
Of Counsel, September 2015 – July 2017

Alston Hunt Floyd & Ing
1001 Bishop Street, Suite 1800
Honolulu, HI 96813
Director, October 2017 – January 2018

United States Attorney's Office
District of Hawaii
300 Ala Moana Boulevard
Room 6-100, PJKK Federal Building
Honolulu, HI 96850
United States Attorney, January 2018 – present

- 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.

I served as a law clerk for the Honorable Robert B. Kugler of the United States District Court for the District of New Jersey and the Honorable Kent A. Jordan of the United States Court of Appeals for the Third Circuit. While serving as a law clerk, I conducted legal research, prepared bench memoranda, and drafted legal opinions for Judge Kugler and Judge Jordan. After serving as a judicial law clerk, I served as an Assistant United States Attorney in the Criminal Division of the United States Attorney's Office for the Eastern District of New York. While serving as an Assistant United States Attorney, I investigated and prosecuted a variety of federal crimes in the Eastern District of New York. Those crimes involved individuals engaged in, among other things, domestic and

international narcotics trafficking, fraud, organized crime, and public corruption.

In 2015, I joined the Honolulu office of Carlsmith Ball LLP. As Of Counsel in the litigation department, I conducted legal research, drafted memoranda and pleadings, and engaged in discovery practice on a wide variety of both civil and criminal matters. In July 2017, I was named partner at Carlsmith Ball. In September 2017, I resigned from my position with Carlsmith Ball, and in October 2017, I joined Alston Hunt Floyd & Ing as a Director. I was a member of Alston Hunt Floyd & Ing's litigation practice, and my practice generally involved both commercial litigation and white collar criminal defense. In January 2018, I resigned my position when I was named interim United States Attorney for the District of Hawaii.

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

While serving as an Assistant United States Attorney, my only client was the United States government.

At Carlsmith Ball LLP, I represented a wide variety of individuals and companies, including, but not limited to, a real estate private equity firm, a charitable trust, the founder of a telecommunications company, and others. At Alston Hunt Floyd & Ing, I represented a wide variety of clients, including a charitable trust, a national bank, and a real estate private equity firm and its managers. My practice involved representing individuals and companies in state and federal court in Hawaii.

- 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 practice has been 100% litigation. As an Assistant United States Attorney, I appeared in court frequently. While working in the private sector, I appeared in court occasionally.

- i. Indicate the percentage of your practice in:

- 1. federal courts; 50%
- 2. state courts of record; 50%
- 3. other courts; 0%
- 4. administrative agencies 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings; 50%
- 2. criminal proceedings. 50%

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

I have tried four cases to a verdict, one of which was a re-trial.

- i. What percentage of these trials were:
- | | |
|--------------|------|
| 1. jury; | 100% |
| 2. non-jury. | 0% |

- 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 filed one brief before the Supreme Court of the United States.

Brief of Lt. Gen. Julius W. Becton, Jr., Gen. John P. Abizaid, Adm. Dennis C. Blair, Gen. Bryan Doug Brown, Gen. George W. Casey, Lt. Gen. Daniel W. Christman, Gen. Wesley K. Clark, Adm. Archie Clemins, Gen. Ann. E. Dunwoody, Gen. Ronald R. Fogleman, Adm. Edmund P. Giambastiani, Jr., et al., as Amici Curiae in Support of Respondents, *Abigail Noel Fisher v. University of Texas at Austin, et al.*, No. 14-981 (November 2, 2015). Copy supplied.

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:

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

- United States v. Laauli Amani, et al.*, 16 CR 746 (D. Haw.)
Hon. J. Michael Seabright
Dates of Representation: March 2017 – January 2018

I served as lead counsel in the defense of an individual accused of narcotics

trafficking in Hawaii. The charges stemmed from an investigation into the methamphetamine distribution activities of a multi-defendant narcotics trafficking ring in a public housing development in Honolulu. My client pleaded guilty to possessing with intent to distribute methamphetamines and is awaiting sentencing.

Co-Counsel:
None.

Opposing Counsel:
Marion Percell
United States Attorney's Office
Prince Kuhio Federal Building
300 Ala Moana Boulevard, Suite 6100
Honolulu, HI 96850
Telephone: (808) 541-2850

Tony Roberts
DHS Office of Inspector General
245 Murray Lane SW
Washington, DC 20528-0305
Telephone: (202) 254-4205

2. *United States v. Albert Hee*, 14 CR 826 (D. Haw.)
Hon. Susan Oki Mollway
Dates of Representation: October 2015 – March 2017

I served as co-counsel with my colleagues at Carlsmith Ball LLP in the defense of an individual accused of obstructing justice and filing false tax returns. The Government alleged, among other things, that the defendant owned a telecommunications company based in Honolulu, and caused the company to pay substantial amounts of his personal expenses and falsely characterized the expenditures as business expenses on the company's tax returns.

The defendant was convicted of all of the charged offenses. After trial, the defendant retained Carlsmith Ball to represent him during the post-trial proceedings, which included sentencing, motions for post-trial relief, and appeal. I assisted my colleagues in preparing post-trial briefs.

The defendant was sentenced to a total of 46 months of imprisonment.

Co-Counsel:
Michael Purpura
BlackSand Capital
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Honolulu, HI 96814
Telephone: (808) 738-8400

Erika Amatore
Alston Hunt Floyd & Ing
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Addison D. Bonner
Hosoda & Morikone, LLC
Three Waterfront Plaza, Suite 499
500 Ala Moana Boulevard
Honolulu, HI 96813
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Lyle S. Hosoda
Hosoda & Morikone, LLC
Three Waterfront Plaza, Suite 499
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Steven Toscher
Hochman Salkin Rettig Toscher & Perez PC
9150 Wilshire Boulevard, Suite 300
Beverly Hills, CA 90212
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Lacey Strachan
Hochman Salkin Rettig Toscher & Perez PC
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Kurt K. Kawafuchi
Hochman Salkin Rettig Toscher & Perez PC
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Beverly Hills, CA 90212
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Edward M. Robbins, Jr.
Hochman Salkin Rettig Toscher & Perez PC
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Opposing Counsel:

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Telephone: (808) 541-2850

Leslie E. Osborne, Jr.
United States Attorney's Office
Prince Kuhio Federal Building
300 Ala Moana Blvd Ste 6100
Honolulu, HI 96850
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Quinn P. Harrington
U.S. Department of Justice – Tax Division
601 D Street, N.W. Room 029
Washington, DC 20004
Telephone: (202) 514-9623

3. *United States v. Jeon Seon Han*, 16 CR 512 (D. Haw.)
Hon. Susan Oki Mollway
Dates of Representation: April 2016 – December 2016

I served as co-counsel with one of my partners at Carlsmith Ball LLP in defending the chief engineer of a fishing vessel, who was accused of committing environmental crimes and obstructing justice. The case concluded after the defendant pleaded guilty and was sentenced to one year of probation and fined \$3,000.

Co-Counsel:
Michael Purpura
BlackSand Capital, LLC
1288 Ala Moana Boulevard, Suite 288
Honolulu, HI 96814
Telephone: (808) 738-8400

Opposing Counsel:
Kenneth M. Sorenson
Office of the United States Attorney
Prince Kuhio Federal Building
300 Ala Moana Boulevard, Suite 6100
Honolulu, HI 96850

4. *United States v. Jose Tejada*, 08 CR 242 (E.D.N.Y.)
Hon. Sandra Townes
Hon. John Gleeson

Dates of Representation: September 2013 – September 2015

I served as co-counsel with two other Assistant United States Attorneys in the prosecution of a former officer of the New York Police Department (“NYPD”) for conspiring to commit Hobbs Act robbery, conspiring to distribute illegal narcotics, unlawfully using a firearm in relation to a crime of violence and a drug trafficking crime, and obstructing justice. The indictment alleged that the defendant and other individuals posing as police officers engaged in a series of violent robberies and attempted robberies targeting drug traffickers while the defendant was an active duty NYPD officer.

I participated in discovery in this case and drafted and edited motions *in limine*. I also participated in the first jury trial before the Honorable Sandra Townes, which resulted in convictions on some counts and a mistrial on others. I also participated in a second jury trial before the Honorable John Gleeson, which resulted in convictions on additional counts. During both trials, I delivered the opening statement and presented government witnesses, and I cross-examined defense witnesses during the second trial.

The defendant was convicted of conspiracy to commit robbery, conspiracy to distribute heroin, cocaine, MDMA and marijuana, obstruction of justice, obstructing an official proceeding, and conspiring to obstruct an official proceeding, and sentenced to 18 years of imprisonment.

Co-Counsel:

Alexander Solomon
United States Attorney’s Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201
Telephone: (718) 254-7000

Douglas Pravda
United States Attorney’s Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201
Telephone: (718) 254-7000

Opposing Counsel:

Chad D. Seigel
Tacopina & Seigel, PC
275 Madison Avenue
35th Floor
New York, NY 10016
Telephone: (212) 227-8877

Joseph Tacopina
Law Offices of Joseph Tacopina, P.C.
275 Madison Avenue
35th Floor
New York, NY 10016
Telephone: (212) 619-1028

Dina Nesheiwat
Tacopina Seigel & Turano PC
275 Madison Avenue
35th Floor
New York, NY 10016
Telephone: (212) 619-1028

Maurice H. Sercarz
Sercarz & Riopelle
810 Seventh Avenue, Suite 620
New York, NY 10019
Telephone: (212) 586-1234

Robert Caliendo
Sercarz & Riopelle, LLP
810 Seventh Avenue, Suite 620
New York, NY 10019
Telephone: (212) 446-2346

Zachary Margulis-Ohnuma
Law Office of Zachary Margulis-Ohnuma
260 Madison Avenue
18th Floor
New York, NY 10016
Telephone: (212) 685-0922

5. *United States v. Ion Catalin Vrancea*, 12 CR 198 (E.D.N.Y.)
Hon. William F. Kuntz, II
Dates of Representation: September 2012 – September 2015

I served as co-counsel with another Assistant United States Attorney in the prosecution of a defendant charged with obstructing justice, destroying evidence, using arson to obstruct justice, using fire to damage real or personal property, and using a false passport. The defendant was the target of an investigation into the activities of a group of individuals suspected of committing access device fraud in several countries, including the United States.

Following a six-day trial, the defendant was convicted of all the crimes charged in a

superseding indictment. The defendant was subsequently sentenced to 360 months of imprisonment.

The defendant appealed his conviction, and the case was remanded to the trial court for re-sentencing. On remand, the defendant was sentenced to 180 months of imprisonment, and appealed his sentence. The Court of Appeals affirmed the judgment of the District Court.

I prepared this case for trial, delivered the opening statement, questioned multiple witnesses, and argued the appeal.

Co-Counsel:
Amanda Hector
D1 Capital Partners
650 Madison Avenue, 15th Floor
New York, NY 10022
Telephone: (212) 390-9100

Opposing Counsel:
Bernard Alan Seidler
B. Alan Seidler
580 Broadway
Room 709
New York, NY 10012
Telephone: (212) 334-3131

Lori Cohen
Cohen & Funk
Suite 5C
145 Hudson Street
New York, NY 10013
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Peter Kirchheimer
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One Pierrpont Plaza, 16th Floor
Brooklyn, NY 11201
Telephone: (718) 855-0760

6. *United States v. Andre Ricardo Myers*, 13 CR 283 (E.D.N.Y.)
Hon. Eric N. Vitaliano
Dates of Representation: April 2013 – September 2015

I served as lead counsel in the prosecution of an individual responsible for possessing and distributing child pornography. The defendant pleaded guilty to possessing child pornography, and was sentenced to 30 months of imprisonment and 5 years of

supervised release.

Co-Counsel:

None

Opposing Counsel:

Irwin Rochman

Tesser, Ryan & Rochman LLP

509 Madison Avenue

New York, NY 10022

(212) 754-9000

7. *United States v. Ofelia Torres*, 13 CR 49 (E.D.N.Y.)

Hon. Carol Bagley Amon

Dates of Representation: January 2013 – September 2015

I served as lead counsel in the prosecution of a defendant charged with knowingly and intentionally importing over 500 grams of cocaine into the United States and possessing with intent to distribute 500 or more grams of cocaine. As lead counsel, I developed the evidence in this case, facilitated plea negotiations, prepared the case for trial and tried the case to a verdict. After a two-day trial, the defendant was convicted of both counts alleged in the indictment. Subsequently, the defendant was sentenced to 18 months of imprisonment, and ordered to serve four years of supervised release.

Co-Counsel:

None

Opposing Counsel:

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Jan Alison Rostal

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8. *United States v. Deon Walcott*, 12 CR 251 (E.D.N.Y.)

Hon. Sterling Johnson, Jr.

Dates of Representation: February 2013 – May 2014

I served as co-counsel with another Assistant United States Attorney in the prosecution of a defendant for knowingly and intentionally stealing approximately

\$855,000 in United States currency from a bank located in New York. The investigation revealed that the defendant, several employees of Chase Bank, and two unidentified individuals participated in a scheme to steal United States currency from Chase Bank in Ozone Park, NY. The scheme was an “inside job,” insofar as the employees were notified in advance that the bank would be robbed, and promised payment for arriving at work “on time” the day of the planned larceny and not interfering with the planned larceny.

I developed the evidence in this case with investigators, conducted plea negotiations, drafted a sentencing memorandum and made arguments on behalf of the government during sentencing.

Co-Counsel:
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Opposing Counsel:
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Alan Nelson, Esq.
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9. *United States v. Jorge Solis Alicano*, 13 CR 53 (E.D.N.Y.)
Hon. Nicholas G. Garaufis
Dates of Representation: January 2013 – April 2014

I served as lead counsel in the prosecution of a defendant charged with importing a substantial quantity of cocaine into the United States. The evidence revealed that the defendant attempted to smuggle approximately 40 kilograms of cocaine into the United States through John F. Kennedy International Airport.

The defendant pleaded guilty to possessing cocaine with intent to distribute, and was sentenced to 30 months of imprisonment.

I brought the charges in this case and conducted plea negotiations.

Co-Counsel:
None.

Opposing Counsel:
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10. *United States v. Joseph Mermelstein*, 12 CR 99 (E.D.N.Y.)
Hon. John Gleeson (Retired)
Dates of Representation: May 2013 – December 2013

I served as co-counsel to another Assistant United States Attorney in the prosecution of a physician, who was charged with defrauding United Service Automobile Association Property and Casualty Insurance Co. (“USAA”) and Berkshire Life Insurance Company of America (“Berkshire”) of millions of dollars’ worth of insurance payments by misrepresenting his physical condition during an approximately eight-year period.

I prepared this case for trial, drafted pre-trial motions, argued a pre-trial motion, and participated in plea negotiations. The defendant pleaded guilty to mail fraud prior to trial, and was sentenced to 14 months of incarceration and ordered to pay restitution in the amount of \$2,800,000.

Co-Counsel:
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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.)

During my service at the United States Attorney's Office for the Eastern District of New York, I devoted a substantial amount of my time to prosecuting international narcotics traffickers, with an emphasis on Mexican narcotics traffickers. Although much of my work in this area is confidential, I have assisted in investigating and/or prosecuting present and former high-level members of the Sinaloa Cartel, including Alfredo Beltran Leyva, who pleaded guilty in 2016, received a life sentence, and was ordered to forfeit \$529 million.

During my service at the United States Attorney's Office for the Eastern District of New York, I also assisted in the investigation and prosecution of 12 individuals charged with conspiring to distribute and possess with intent to distribute heroin in Queens, New York in *United States v. Lambus et al.*, 15 CR 382 (E.D.N.Y.). After I resigned from DOJ in 2015, ten of the defendants pleaded guilty, and nine have been sentenced. The charges against two of the defendants who have not pleaded guilty are on appeal before the United States Court of Appeals for the Second Circuit.

In private practice, I represented BlackSand Capital, LLC and its managers in *Elda Investments, LLC v. BlackSand Capital Acquisitions, LLC et al.*, Civ. No. 17-1-479-09 (First Circuit Court, State of Hawaii), in a lawsuit stemming from the purchase of a \$41 million shopping center in Waikiki, Hawaii. The plaintiff alleged, among other things, that my clients interfered with the plaintiff's right of first refusal to purchase the leasehold interest in the shopping center. My clients moved to dismiss the case on the grounds that the complaint failed to establish the elements of the plaintiff's claims. I advised BlackSand Capital, LLC and its managers during the period preceding the filing of the complaint, and drafted the motions to dismiss, which are pending.

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.

I co-taught Constitutional Law II at the William S. Richardson School of Law at the University of Hawai'i at Mānoa during the Spring of 2016. The class syllabus is supplied.

During my third year at the University of Pennsylvania Law School (*i.e.*, the 2009 – 2010 school year), I served as an Arthur Littleton and H. Clayton Louderback Legal Writing Instructor. In that role, my responsibilities included leading weekly classroom instruction on writing and oral advocacy for a group of first-year law students, grading written assignments, and conducting meetings with students regarding their progress and performance. 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.

I do not anticipate receiving any deferred income or future financial benefits.

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.

None.

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 the event of a potential conflict of interest, I will consult with the ethics officials in the Executive Office for United States Attorneys, Department of Justice.

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.

In private practice, I represented clients *pro bono* in federal criminal cases as a member of the Criminal Justice Act Panel for the United States District Court for the District of

Hawaii. I began serving as a member of the panel in the Fall of 2016, and since that time represented a defendant charged with possessing with intent to distribute methamphetamine and a defendant charged with conspiring to pass counterfeit currency.

I also supervised attorneys handling cases referred to Carlsmith Ball LLP as part of the Federal Civil Pro Bono Panel in the District of Hawaii.

As reflected elsewhere in this questionnaire, I also represented senior military officers *pro bono* in *Abigail Noel Fisher v. University of Texas at Austin, et al.*, No. 14-981 (November 2, 2015), by filing an amicus brief in support of the University of Texas at Austin.