

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Julius ("Jay") Ness Richardson

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

Judge for the United States Court of Appeals for the Fourth Circuit

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

United States Attorney's Office for the District of South Carolina
1441 Main Street, Suite 500
Columbia, South Carolina 29201

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

1976; Columbia, South Carolina

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.

2000 – 2003: University of Chicago Law School; J.D. (2003)

1995 – 1999: Vanderbilt University; B.S. (1999)

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2009 – present

United States Attorney's Office for the District of South Carolina
1441 Main Street, Suite 500
Columbia, South Carolina 29201
Assistant United States Attorney (2009 – present)

National Security & Anti-Terrorism Advisory Council Coordinator (2017 – present)
Deputy Criminal Chief: White-Collar & General Crimes (2015 – present)
Organized Crime & Drug Enforcement Task Force (2011 – 2015)

2006 – 2009

Kellogg, Huber, Hansen, Todd, Evans & Figel
(now Kellogg, Hansen, Todd, Figel & Frederick)
1615 M Street, Northwest, Suite 400
Washington, D.C. 20036
Associate Attorney

2004 – 2005

The Honorable William H. Rehnquist
Supreme Court of the United States
One First Street Northeast
Washington, D.C. 20543
Law Clerk

2003 – 2004

The Honorable Richard A. Posner
United States Court of Appeals for the Seventh Circuit
219 South Dearborn Street
Chicago, Illinois 60604
Law Clerk

Summer 2002

Cravath, Swaine & Moore
825 Eighth Avenue
New York, New York 10019
Summer Associate

Summer 2001

Lieff, Cabraser, Heimann & Bernstein
275 Battery Street, 29th Floor
San Francisco, California 94111
Summer Associate

1999

Four Seasons Resort Maui at Wailea
3900 Wailea Alanui Drive
Wailea, Hawaii 96753
Server Assistant

Affiliations (Uncompensated)

2016 – present

Heathwood Hall Episcopal School
3000 South Beltline Boulevard
Columbia, South Carolina 29201
Board Member

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 did not serve in the military. I registered for selective service upon turning 18.

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.

The Attorney General's Award for Distinguished Service (2017)

United States Attorney's Award for the District of South Carolina (2016, 2015, 2013, 2011, 2010)

FBI, Demonstrated Excellence in Prosecuting *United States v. Bifield* (2013)

International Outlaw Motorcycle Gang Investigator's Association, Outstanding Prosecution Award (2013)

DEA, Outstanding Contribution in the Field of Drug Law Enforcement (2012)

FBI, Prosecution of MS-13 Murder for Hire (2011)

Organized Crime and Drug Enforcement Task Force, Southeast Region, Outstanding Contribution to Success of Operation Bitter Orange (2010)

University of Chicago Law School

High Honors (2003)

Order of the Coif (2003)

Member & Articles Editor, *University of Chicago Law Review* (2001 – 2003)

Casper Platt Award for the Outstanding Paper Written by a Student (2003)

Joseph Henry Beale Prize for Outstanding Legal Writing in First Year Writing Program (2001)

Representative, Law Student Association (2001 – 2003)

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.

Fourth Circuit Judicial Conference (2014 – present)

John Belton O’Neill Inn of Court (2014 – present)

South Carolina Judicial Invitational Golf Classic (2014 – present)

South Carolina Legal Eagles (organization of Eagle Scouts that are now judges, lawyers, or law enforcement officers) (2017 – present)

Federal Bar Association (approximately 2010 – present)

American Bar Association (2005)

South Carolina Bar Association (2005 – present)

Richland County (South Carolina) Bar Association (approximately 2010 – present)

10. Bar and Court Admission:

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

South Carolina Bar, 2005

District of Columbia Bar, 2006

In 2017, I learned my membership in the District of Columbia Bar had been suspended for inadvertently not paying dues. I immediately contacted the D.C. Bar and completed the necessary steps for reinstatement, including payment of current and back dues, and was reinstated. I have not practiced in the District of Columbia since moving home to South Carolina in 2009 to join the United States Attorney’s Office. There have been no other lapses in my memberships.

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

United States Supreme Court, 2009

United States Court of Appeals for the Fourth Circuit, 2006

United States District Court for the District of South Carolina, 2006

United States Court of Appeals for the Seventh Circuit, 2003 (limited admission only as a supervised law student)

State courts of South Carolina, 2005

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.

Coastal Conservation Association (approximately 2010 – present)

Columbia Kiwanis Club (2013 – present)

Ducks Unlimited (approximately 1995 – 2016)

Federalist Society for Law and Public Policy Studies (approximately 2017 – present)

Forest Lake Club (2017 – present)

Heathwood Hall Episcopal School Board of Trustees (2016 – present)

IPTAY (Clemson University Athletics Booster Club) (approximately 1980's – present)

Men of Trinity (approximately 2016 – present)

National Association of Assistant United States Attorneys (approximately 2010 – 2017)

Palmetto Club (2016 – present)

Smithsonian Society (approximately 2015 – present)

Supreme Court Historical Society (approximately 2006 – present)

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

The Forest Lake Club is a private country club that previously discriminated in its membership process but does not anymore. When I first moved to Columbia, South Carolina, in 2009, the Club had no African-American members (though I understand now that membership had been offered to African-American families and that existing members had sought to sponsor other African Americans for membership). Over time and after conversations with a number of individuals about the Club and their desire to recruit and admit diverse members, I concluded the best way to ensure that the Club sought and admitted a diverse membership was by becoming a member and advocating for diversity. I was admitted in 2017. Immediately upon admission, I wrote a letter to the chair of the membership committee to express my strong desire that the Club actively seek and admit a

diverse membership. In 2017, the Club admitted an African-American woman. Furthermore, through conversations and other actions, I have sought to ensure that the Club not only does not discriminate but makes active efforts to expand the diversity of the membership.

The Palmetto Club is a private club that I understand previously discriminated in its membership process. I learned of this discrimination only in the process of preparing this response. By the time I considered joining in 2016, the Palmetto Club was no longer engaged in these discriminatory practices.

The Men of Trinity, which is an informal organization at the Trinity Episcopal Cathedral in Columbia, South Carolina, does not have membership requirements or process, but I have observed only men participating.

To my knowledge, none of the other 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.

With Jeffrey L. Oldham and Ryan A. Shores, *Chief Justice Rehnquist: Reminiscences from Clerking*, 34 Sup. Ct. Hist. Soc'y Q. 2:3 (2012). Copy supplied.

Comment, *Shifting the Burden of Production Under Rule 4(k)(2): A Cost-Minimizing Approach*, 69 U. Chi. L. Rev. 1427 (2002). Copy supplied.

The United States Attorney for the District of South Carolina regularly issues press releases in connection with many of the cases. I have participated in drafting or editing some of those releases and have appeared as a point of contact on some releases. Copies of the District's press releases are available at <https://www.justice.gov/usao-sc/pr>.

- 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 not prepared or contributed to any reports, memoranda or policy statements on behalf of any bar association, committee, conference, or organization of which I was or am a member.

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

Letter to Senators Spector and Leahy, Nomination of Samuel A. Alito, Jr., Jan. 4, 2006. Copy supplied.

Letter to Senator Spector, Nomination of Michael B. Wallace, Jul. 17, 2006. 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.

I have spoken to classes, civic groups, and legal groups. I have not always kept notes or information about these speeches and talks. The list below was compiled by reviewing my records and searching publicly available databases, although there may be additional events that I am unable to recall or find.

March 16, 2018: Speaker, "Dylann Roof's Attack at Mother Emanuel AME," Criminology Class, Columbia College, Columbia, South Carolina. For my various speeches on my experiences in prosecuting Dylann Storm Roof and working with the extraordinary survivors and families of those massacred, I review the same set of notes and use some portion of the same presentation. Notes and slides supplied.

March 8, 2018: Speaker, "Dylann Roof's Attack at Mother Emanuel AME," South Carolina Appellate Judges' Conference, Charleston, South Carolina. Notes and slides supplied for the event on March 16, 2018.

February 8, 2018: Speaker, "Dylann Roof's Attack at Mother Emanuel AME," Heathwood Hall Episcopal School – Civil Rights Day, Columbia, South Carolina. Notes supplied.

February 6, 2018: Speaker, Heathwood Hall Event, Columbia, South Carolina. I briefly welcomed guests. I have no notes, transcript, or recording. The address for Heathwood Hall Episcopal School is 3000 South Beltline Boulevard, Columbia, South Carolina 29201.

January 28, 2018: Speaker, "Trust," Hammond School, Columbia, South Carolina. Notes and slides supplied.

January 14, 2018: Speaker, "Dylann Roof's Attack at Mother Emanuel AME," Martin Luther King, Jr. Prayer Service, Trinity Episcopal Cathedral, Columbia, South Carolina. Recording available at:
<http://d3eroigfywjegp.cloudfront.net/services/2018-01/20180114EV16P.html>
(link located at <http://trinitysc.org/worship/sermons>).

November 16, 2017: Speaker, "Dylann Roof's Attack at Mother Emanuel AME," The Coastal American Inn of Court, Myrtle Beach, South Carolina. Notes and slides supplied for the event on March 16, 2018.

October 11, 2017: Panelist, "United States Attorney's Office," University of South Carolina Law Students, Columbia, South Carolina. The panel discussed the work of the United States Attorney's Office. I have no notes, transcript, or recording. The address for the University of South Carolina School of Law is 1525 Senate Street, Columbia, South Carolina 29208.

September 25, 2017: Speaker, "Dylann Roof's Attack at Mother Emanuel AME," Rotary Club, Columbia, South Carolina. Video supplied.

September 18, 2017: Speaker, Civil Rights Seminar, University of South Carolina Law School, Columbia, South Carolina. Along with another Assistant United States Attorney from my office, I spoke to students about prosecuting federal civil rights crimes (focusing on excessive force and hate crimes). I have no notes, transcript, or recording. The address for the University of South Carolina School of Law is 1525 Senate Street, Columbia, South Carolina 29208.

August 9, 2017: Speaker, "Excessive Force Prosecutions," Narcotics Commander's School, Columbia, South Carolina. Slides supplied.

June 12, 2017: Speaker, "Legal Writing," South Carolina Attorney General's Office CLE, Columbia, South Carolina. Slides supplied.

May 26, 2017: Speaker, Heathwood Hall Episcopal School Commencement, Columbia, South Carolina. Video supplied.

May 8, 2017: Speaker, "Bank Secrecy Act and Federal Prosecution," South Carolina Banking Lawyers at Palmetto Club, Columbia, South Carolina. The presentation, which I made alongside an agent from the Internal Revenue Service,

Criminal Investigation Division, addressed the Bank Secrecy Act. I have no notes, transcript, or recording. The address for the Palmetto Club is 1231 Sumter Street, Columbia, South Carolina 29201.

April 12, 2017: Speaker, "Dylann Roof's Attack at Mother Emanuel AME," The James L. Petigru American Inn of Court, Charleston, South Carolina. Notes and slides supplied for the event on March 16, 2018.

March 21, 2017: Speaker, "Dylann Roof's Attack at Mother Emanuel AME," The John Belton O'Neill American Inn of Court, Columbia, South Carolina. Notes and slides supplied for the event on March 16, 2018.

March 14, 2017: Panelist, "Legal Careers," Heathwood Hall High School, Columbia, South Carolina. The panel addressed legal careers. I have no notes, transcript, or recording. The address for Heathwood Hall Episcopal School is 3000 South Beltline Boulevard, Columbia, South Carolina 29201.

March 14, 2017: Speaker, "Dylann Roof's Attack at Mother Emanuel AME," Leadership Columbia, sponsored by the Columbia Chamber of Commerce. Notes and slides supplied for the event on March 16, 2018.

February 9, 2017: Speaker, "Voir Dire," Civil Procedure Class, University of South Carolina Law School, Columbia, South Carolina. I spoke to a first-year civil procedure class on voir dire, including a demonstration of capital voir dire questioning. I have no notes, transcript, or recording. The address for the University of South Carolina School of Law is 1525 Senate Street, Columbia, South Carolina 29208.

February 10, 2016: Speaker, Barnwell High School, Barnwell, South Carolina. I spoke to a group of student-athletes. Notes supplied.

September 22, 2015: Speaker, "Hearsay," South Carolina Solicitor's Conference, Myrtle Beach, South Carolina. Slides supplied.

August 8, 2015: Panelist, "United States Attorney's Office," University of South Carolina Law Students, Columbia, South Carolina. The panel discussed the work of the United States Attorney's Office. I have no notes, transcript, or recording. The address for the University of South Carolina School of Law is 1525 Senate Street, Columbia, South Carolina 29208.

February 19, 2015: Panelist, "Federal Criminal Justice," Undergraduate Honors College, University of South Carolina, Columbia, South Carolina. The panel spoke with a class about the criminal justice system. I have no notes, transcript, or recording. The address for the University of South Carolina Honors College is Harper College 120, Columbia, South Carolina 29208.

October 21, 2014: Speaker, River Bluff High School, Lexington, South Carolina. I discussed my background and experiences as an attorney with a class of law and policy students. I have no notes, transcript, or recording. The address for River Bluff High School is 320 Corley Mill Road, Lexington, South Carolina 29072.

May 21, 2014: Speaker, Graduation Ceremony, Barnwell County Career Center, Barnwell, South Carolina. Notes supplied.

October 22, 2013: Panelist, "Criminal Discovery," University of South Carolina Law School Criminal Seminar, Columbia, South Carolina. Notes supplied.

January 15, 2013: Speaker, "Reflections on Chief Justice Rehnquist," The John Belton O'Neall American Inn of Court, Columbia, South Carolina. Notes supplied.

February 17, 2012: Speaker, "Hearsay," It's all a Game: Top Trial Lawyers Tackle Evidence, South Carolina Bar, Columbia, South Carolina. Video supplied.

December 3, 2011: Speaker, "*Gaiman v. McFarlane*, 360 F.3d 644 (7th Cir. 2004)," Judge Richard Posner's Twenty-Fifth Anniversary on the Bench, Chicago, Illinois. I offered a short personal reflection addressing Judge Posner's opinion in *Gaiman*. I have no notes, transcript, or recording. There is no address for the group of law clerks.

September 1, 2011: Panelist, "Professionalism," Charleston School of Law Professionalism Speaker Series, Charleston, South Carolina. Notes supplied.

October 22, 2010: Panelist, "South Carolina Law Review Symposium Panel: Judicial Ideology: Responses to *How Judges Think* by the Honorable Richard A. Posner," Columbia, South Carolina. Notes supplied.

September 9, 2010: Speaker, "Second Amendment After *Heller* and *McDonald*," Guns Rights and Laws CLE, University of South Carolina School of Law, Columbia, South Carolina. Video supplied.

June 17, 2010: Panelist, "Federal Criminal Practice," Federal Bar Association Summer Law Clerk Panel, United States District Courthouse, Columbia, South Carolina. The panel discussed federal criminal practice. I have no notes, transcript, or recording. The address for the Federal Bar Association, South Carolina Chapter is c/o Matt Bogan, 1320 Main Street, Columbia, South Carolina 29201.

June 5, 2010: Speaker, "Personal Reflections," Chief Justice Rehnquist Law Clerk Reunion, United States Supreme Court, Washington, D.C. Notes supplied.

February 19, 2010: Panelist, "Functions of Criminal Punishment in Law and Society," Charleston School of Law's Law & Society Symposium, Charleston, South Carolina. The panel discussed the role of punishment. I have no notes, transcript, or recording. The address for the Charleston School of Law is 81 Mary Street, Charleston, South Carolina 29403.

January 2009: Panelist, "United States Supreme Court," Renaissance Weekend, Charleston, South Carolina. The panel discussed the Supreme Court. I have no notes, transcript, or recording. The address for the Renaissance Weekend is Post Office Box 22049, Charleston, South Carolina 29413.

May 2, 2008: Speaker, "Chief Justice Rehnquist," South Carolina Circuit Judges' Conference, Litchfield, South Carolina. Notes supplied.

- 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 compiled the list below by reviewing my records and searching publicly available databases, although there may be additional instances that I am unable to recall or find. I have not included press articles that use quotes taken from statements I made in open court during the prosecution of a case.

Susan Shackelford, *The Energizer: Terry Richardson Keeps Going and Going and Going*, South Carolina Super Lawyers, May 2017. Copy supplied.

Dan Harris, *Disability Fraud: Dennis Paulsen Charged*, ABC Nightline, Sept. 12, 2016. Copy supplied.

Longtime South Carolina Sheriff Sentenced to Year in Prison in Corruption Case, Reuters, Apr. 27, 2015. Copy supplied (reprinted in multiple outlets).

Former Lexington County Sheriff Sentenced to One Year in Prison, South Carolina Radio Network, Apr. 27, 2015. Copy supplied.

Jeremy Turnage, *Former Lexington County Sheriff James Metts Receives 12 Months in Prison*, WIS, Apr. 27, 2015. Copy supplied.

Savannah Levins and Tony Santaella, *Ex-Sheriff James Metts Gets 1 Year in Prison*, WLTX, Apr. 27, 2015. Copy supplied.

Bristow Marchant, *Convicted Drug Dealer Faces up to Life in Prison*, The Sumter Item, Feb. 10, 2014. Copy supplied.

Serge F. Kovalski, *Despite Outlaw Image, Hells Angels Sue Often*, N.Y. Times,

Nov. 29, 2013.

Andrew Dys, *Feds Tout Successful Hells Angels Operation in Rock Hill*, Herald (Rock Hill, South Carolina), Jun. 19, 2013. Copy supplied.

Meg Kinard, *Feds Hail Success of Hells Angels Biker Gang Probe*, Associated Press, Jun. 19, 2013. Copy supplied.

Jonathan McFadden, *Five Sentenced in Rock Hill Biker Gang Trial*, Herald (Rock Hill, South Carolina), May 10, 2013. Copy supplied.

SC Hells Angels Leader's Guilty Plea Stands; Sentencing for Ten Bikers Convicted of Drugs, Weapons, Conspiracy Starts May 9, Charlotte Observer, Apr. 16, 2013. Copy Supplied.

Andrew Dys, *Fifteen Rock Hill Hells Angels Plead Guilty, Six Face Up to Life in Prison*, Herald (Rock Hill, South Carolina), Mar. 20, 2013. Copy supplied.

Mike Gellatly, *Some Charges Dropped Against College Student*, Aiken Standard, Nov. 29, 2012. Copy supplied.

Feds Arrest Hells Angels Members on Racketeering and Drug Charges, WIS, Jun. 12, 2012. Copy supplied.

Noelle Phillips, *Nine Sentenced as Greenview Gun Ring Broken*, State Newspaper (Columbia, South Carolina), Aug. 4, 2011. Copy supplied.

Clif LeBlanc, *Latino Gang Hitmen Guilty in Local Killing; Pair Convicted of Murdering Man in West Columbia*, State Newspaper (Columbia, South Carolina), Feb 12, 2011. Copy supplied.

MS-13 Gang Members Face Life in Prison After Murder-for-Hire, Charlotte Observer, Feb. 12, 2011. Copy supplied.

Rick Brundrett, *"He Was the Best Boss I Ever Had": S.C. Native Spent a Year as Law Clerk for Chief Justice*, State Newspaper (Columbia, South Carolina), Sept. 8, 2005. 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.

None.

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

I have not held any position or rendered services to any political party, election committee or political campaign.

16. Legal Career: Answer each part separately.

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

From 2003 to 2004, I served as a law clerk to the Honorable Richard A.

Posner, Circuit Judge of the United States Court of Appeals for the Seventh Circuit.

From 2004 to 2005, I served as a law clerk to the Honorable William H. Rehnquist, Chief Justice 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.

2006 – 2009

Kellogg, Huber, Hansen, Todd, Evans & Figel
(now Kellogg, Hansen, Todd, Figel & Frederick)
1615 M Street, Northwest, Suite 400
Washington, D.C. 20036
Associate Attorney

2009 – present

United States Attorney's Office for the District of South Carolina
1441 Main Street, Suite 500
Columbia, South Carolina 29201
Assistant United States Attorney (2009 – present)
National Security & Anti-Terrorism Advisory Council Coordinator (2017 – present)
Deputy Criminal Chief: White-Collar & General Crimes (2015 – present)
Organized Crime & Drug Enforcement Task Force (2011 – 2015)

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

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

From 2006 to 2009, I practiced law as an associate attorney at Kellogg, Huber, Hansen, Todd, Evans & Figel in Washington, D.C. I focused on commercial litigation, taking depositions; drafting motions, briefs, and

complaints; conducting discovery; and actively participating in trials and arbitrations. I estimate that 60% of my cases were in federal court with the remaining 40% in state courts. My cases were primarily civil and addressed an array of subjects, including contract, fraud, intellectual property, and antitrust disputes.

Since 2009, I have served an Assistant United States Attorney for the District of South Carolina. For my first six years, I primarily handled narcotics and violent crime cases. In 2015, I was appointed Deputy Criminal Chief for White-Collar and General Crime. In that role, I supervise investigations, prosecutions, trials, and appeals for the unit's attorneys across the state. Additionally, I continue to carry my own caseload. In 2017, I became the National Security and Anti-Terrorism Advisory Council Coordinator for the District, which includes a variety of duties and casework. Treating habeas corpus cases as criminal, my time in the United States Attorney's Office has been devoted to federal criminal work.

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

From 2006 to 2009, while at Kellogg Huber, my clients were business entities (*e.g.*, telecommunications, technology, manufacturing, mining, and finance companies) and individuals.

From 2009 to present, at the United States Attorney's Office, my client is the United States of America.

- 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.

From 2006 to 2009, while at Kellogg Huber, I focused on commercial litigation (including work done in anticipation of litigation or in an effort to avoid litigation) in both state and federal court. I argued motions and actively prepared for and participated in trials and arbitrations. I appeared in court occasionally.

Since 2009, at the United States Attorney's Office, my practice has been devoted to criminal investigations and prosecutions. I have appeared frequently in federal court for criminal hearings and trials. As I have taken on supervisory responsibilities and the nature of my own caseload has evolved, the frequency with which I appear in court has diminished. For example, I spend significant time working with agents on national security, public corruption, and civil rights investigations that do not result in criminal charges.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 90 % |
| 2. state courts of record: | 10 % |
| 3. other courts: | 0 % |
| 4. administrative agencies: | 0 % |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 15 % |
| 2. criminal proceedings: | 85 % |

- 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.

In the United States Attorney's Office, I have served as sole, lead, or co-lead counsel in sixteen criminal jury trials and as associate counsel in two criminal jury trials. I have also served as co-lead counsel in one criminal bench trial. I have presented oral argument to the Court of Appeals for the Fourth Circuit in four cases.

While at Kellogg Huber, I was associate counsel in one federal civil jury trial and on another trial team to a federal civil jury trial that reached verdict. I also participated as a member of the trial team on other cases that settled during or just prior to trial.

While in law school, I presented oral argument to the Court of Appeals for the Seventh Circuit in one case.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 95% |
| 2. non-jury: | 5% |

- 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) *United States v. Young*, 3:17-cr-00575 (D.S.C.)

This case involved the prosecution of Michael Young and Vance Volious for distributing drugs and attempting to kill Young's ex-wife. Young, a state prison inmate, used a contraband cellphone to access the Dark Web's AlphaBay Market and purchase a mail bomb using bitcoin from a vendor believed to be a foreign explosives dealer. Vance Volious and other un-incarcerated conspirators received, armed, and re-shipped the mail bomb in an attempt to kill Young's ex-wife. After a trial presided over by the Honorable J. Michelle Childs, the jury convicted Young and Volious of all four counts on April 19, 2018. I handled the investigation and trial with assistance from co-counsel.

Date of representation: 2017 – 2018

Co-counsel for the Government:

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803-929-3000

Counsel for Young:

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803-457-2216

Counsel for Volious:

Aimee J. Zmroczek
Post Office Box 11961
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803-403-7750

(2) *United States v. Roof*, 2:15-cr-472 (D.S.C.)

This case was the prosecution of Dylann Storm Roof for his massacre of African-American worshippers during a Bible study at Mother Emanuel AME Church in

Charleston, South Carolina. The jury found Roof guilty of all counts and returned eighteen death sentences, which the Honorable Richard M. Gergel imposed in January 2017. I served as lead counsel, handling all pre-trial matters and trying the guilt and sentencing phases along with several other prosecutors.

Date of representation: 2015 – present

Co-counsel for the Government:

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(3) *United States v. Paulsen*, 3:15-cr-00286 (D.S.C.), *aff'd*, 684 Fed. Appx. 342 (4th Cir. 2017).

This case involved the prosecution of Dennis Paulsen for stealing more than one million dollars from the Department of Veterans Affairs and the Social Security Administration by accepting payments to which he knew he was not entitled. I became involved to assist in the jury trial, which took place in January 2016. The jury found Paulsen guilty and the presiding judge, the Honorable Margret B. Seymour, imposed a sentence of 41 months.

Date of representation: 2015 – 2016

Co-counsel for the Government:

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Counsel for the Defendant:

Melvin Dean Bannister
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(4) *United States v. Ballard*, 2:12-cr-00232 (D.S.C.), *aff'd*, 2018 WL 1341568 (4th Cir. Mar. 15, 2018).

This case was the prosecution and bench trial in May 2015 of Martin Ballard. Ballard initially was indicated with others for his role in a drug conspiracy. While Ballard was incarcerated pending trial, Ballard attempted to have a cooperating federal witness murdered. The witness survived being shot by Ballard's co-defendant twelve times. I became involved to assist in the bench trial, which lasted several weeks before the Honorable Sol Blatt, Jr. After finding Ballard guilty, Judge Blatt passed away prior to sentencing. The Honorable Margret B. Seymour sentenced Ballard to life in prison. I tried the case with co-counsel and handled the appeal.

Date of representation: 2015 – 2018

Co-counsel for the Government:

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Peter Phillips
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Counsel for Defendant:

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Philip Rayland Hammond
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(5) *United States v. Nielsen*, 3:13-cr-00558 (D.S.C.), *aff'd in part, vacated in part*, 640 Fed. Appx. 224 (4th Cir. 2016).

This case involved the prosecution of Leland Nielsen for aggravated sexual abuse and sexual abuse of a minor, arising out of the repeated sexual abuse of the defendant's twelve-year-old niece on Fort Jackson in Columbia, South Carolina. The jury found Nielsen guilty on eight counts after a trial in April 2014 before the Honorable Terry Wooten, who sentenced Nielsen to life in prison. On appeal, the Court of Appeals reversed the sentences on the four lesser counts as multiplicitous while affirming the conviction and the life sentence. I got involved in the case to assist co-counsel in pre-trial matters and the trial.

Date of representation: 2015 – 2016

Co-counsel for the Government:

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Counsel for Defendant:

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Robert Theodore Williams
Hendrix & Steinger
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803-359-1550

(6) *United States v. Bifield*, 3:12-cr-00430 (D.S.C.), *aff'd*, 547 Fed. Appx. 273 (4th Cir. 2013) & 598 Fed. Appx. 165 (4th Cir. 2015).

This case entailed the prosecution under the Racketeering Influenced and Corrupt Organizations Act of members and associates of the Hells Angels Motorcycle Club in Rock Hill and Lexington, South Carolina. After many defendants pleaded guilty, five defendants were tried together and a separate defendant was tried immediately following the completion of the first trial. Both cases were tried before the Honorable Cameron M. Currie, who granted a directed verdict for one of the five defendants in the first trial, Daniel Boersma. On March 14, 2013, a jury found three other defendants – Mark Baker, David Oiler, and Bruce Long – guilty of the RICO conspiracy and related offenses but found defendant Thomas Plyler not guilty. After the second trial, a jury found Carlos Hernandez guilty of his role in the drug conspiracy on March 29, 2013. Judge Currie sentenced Baker to 188 months, Oiler to 200 months, Long to 168 months, and Hernandez to 262 months in prison. The Fourth Circuit affirmed on appeal. I handled the investigation, pleas, both trials, and the appeals, all with assistance from co-counsel.

Date of representation: 2012 – 2016

Co-counsel for the Government:

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Counsel for Baker:

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Counsel for Plyler:

Jeffrey P. Bloom
J P Bloom, Attorney at Law
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(7) *United States v. Wiggins*, 1:12-cr-00333 (D.S.C.), *aff'd*, 578 Fed. Appx. 252 (4th Cir. 2014).

This case involved the prosecution of Wiggins for narcotics and firearm offenses based on historical witnesses and a search of the defendant's mobile home that uncovered drug distribution paraphernalia, kilogram wrappers with cocaine residue, multiple firearms, and almost three-quarters of a million dollars in cash. After a jury found Wiggins guilty on December 12, 2012, the Honorable Margaret B. Seymour sentenced Wiggins to life in prison. I handled the investigation, trial (with co-counsel), and appeal.

Date of representation: 2012 – 2017

Co-counsel for the Government:

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Counsel for Defendant:

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803-536-9610

(8) *United States v. Davis*, 10-cr-968 (D.S.C.), *aff'd*, 501 Fed. Appx. 233 (2012).

This case involved the prosecution of a drug trafficking organization led by Christopher Davis operating in and around Hampton, Allendale, and Barnwell counties in South Carolina. Based on controlled buys, cooperating witnesses, and extensive wiretaps, each defendant pleaded guilty except Earl Daniels, who stood trial in August 2011. The jury found Daniels guilty, and the Honorable Margaret B. Seymour sentenced Daniels to life imprisonment for conspiring to distribute narcotics. The Fourth Circuit affirmed. After his conviction, Daniels cooperated with the DEA, and his mandatory life sentence was reduced twice, first for his substantial assistance and then based on Amendment 782. I handled the investigation, pleas, trial, sentence reductions, and appeal.

Date of representation: 2009 – 2016

Counsel for Daniels:

Anthony O'Neil Dore

Dore Law Firm
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843-522-9112

James Arthur Brown, Jr
James Arthur Brown Law Office
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843-470-0003

(9) *United States v. Teran*, 3:10-cr-00468 (D.S.C.), *aff'd*, 496 Fed. Appx. 287 (2012).

This case was the prosecution of MS-13 gang members, Martin Teran and Josue Benitez, for travelling from Texas to South Carolina to commit a murder in return for an expected payment. On November 2, 2008, Benitez executed Jorge Ramos by shooting him in the head and chest with a pistol. This MS-13 murder-for-hire trial lasted three weeks in January and February of 2011 and resulted in the jury finding both defendants guilty of all charges. The Honorable Joseph F. Anderson Jr. presided and sentenced Teran and Benitez to life in prison. I handled the investigation, trial (with co-counsel), and appeal.

Date of representation: 2009 – 2016

Co-counsel for the Government:

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864-760-4000

(10) *United States v. James*, 5:08-cr-00944 (D.S.C.), *vacated sub. nom.*, *United States v. Sellers*, 512 Fed. Appx. 319 (4th Cir. 2013) (affirming the convictions but vacating the sentence of James), *aff'd*, 547 Fed. Appx. 237 (4th Cir. 2013) (affirming the resentencing of James).

This case involved the prosecution of Sigmund James and others as part of a long-term wiretap investigation into a drug conspiracy operating in and around Orangeburg, South Carolina. After a number of defendants pleaded guilty, a two-week trial in December 2009 resulted in the conviction of defendants James, Lott, Matthews, Sellers, and Peoples. The Honorable Margaret B. Seymour presided and sentenced James to life imprisonment for drug and firearm offenses. The first life sentence for James was vacated for a misapplication of the Sentencing Guidelines' murder cross-reference, and the Court re-sentenced James to life on remand. Judge Seymour also sentenced Sellers to life imprisonment for drug and firearm offenses, Lott to 121 months imprisonment for drug offenses, and both Matthews and Peoples to 24 months imprisonment for their role in a money laundering conspiracy. I served as associate counsel in the trial and appeal.

Dates of representation: 2009 – 2013

Co-counsel for the Government:

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Counsel for Sellers:

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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.)

In addition to the cases described above, as an Assistant United States Attorney, I have handled an array of criminal cases that plead prior to trial. I also have managed extensive investigative activities; supervised and supported other attorneys in the white-collar and general crime section; helped on appellate and legal issues for other prosecutors; and assisted the Joint Terrorism Task Force. Currently, I have a death penalty trial scheduled in January 2019 as a result of Brandon Council's executing two bank employees while

robbing a bank in Conway, South Carolina; a trial on June 4, 2018, stemming from Robert Christiansen's attempt to entice a child to travel to Texas for sex; and a variety of other ongoing investigations and prosecutions. While in private practice at Kellogg Huber, I worked on a variety of legal matters, including an antitrust case involving the copper industry, patent litigation for a medical device company and a telecommunications company, a contractual arbitration for a mining company, and a dispute concerning the funding of a leveraged buyout.

I have not performed any 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.

I have not taught any classes.

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

I have no deferred income or future benefits from prior work.

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

I have no plans, commitments, or agreements for any outside employment.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation where I participated as counsel, adviser, or material witness concerning the proceeding (including supervision, discussion, or consultation) or expressed an opinion concerning the merits of the particular case in controversy. *See* 28 U.S.C. §455(b)(3). As a practical matter, I anticipate that this will require recusal on most federal criminal cases from the District of South Carolina for a period of time.

With respect to financial holdings, I anticipate transitioning to holdings that minimize any potential conflict. However, I will actively screen cases for potential financial recusal questions, disqualifying myself anytime I, or anyone in my household, has a financial interest in the subject matter of the controversy, in a party to the proceeding, or in any other interest that could be substantially affected by the outcome. *See* 28 U.S.C. §455(b)(4).

My father (Terry E. Richardson, Jr), brother (Matthew T. Richardson), and sister-in-law (Beth Burke Richardson) are practicing attorneys in South Carolina, and I will recuse myself when they are acting as a lawyer in the proceeding or have an interest that could be substantially affected by the outcome of the proceeding. *See* 28 U.S.C. §455(b)(5).

I will evaluate any other potential conflict or relationship that could give rise to the appearance of conflict on a case-by-case basis and determine appropriate action by consultation of applicable laws, rules, canons, practices, judicial decisions, or opinions, and by seeking the input of parties, if 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 applicable laws, rules, practices, judicial decisions, or Judicial Conference opinions.

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.

My role as an Assistant United States Attorney limits my ability to engage in the practice

of law outside my government service. I do take time to talk to groups and with other attorneys, judges, and the public about my work and experiences, particularly with the victims and their families. While in private practice in 2006 – 2009, I assisted other attorneys in the firm with pro bono work, including substantial time representing an individual on issues that are not public.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In informal discussions with friends in the spring of 2017, I indicated that I would be interested in being considered should a vacancy occur on the Court of Appeals for the Fourth Circuit.

On June 20, 2017, I received an email from the Office of the White House Counsel, asking if I would be interested in interviewing for a seat on the United States Court of Appeals for the Fourth Circuit. On Friday, June 30, 2017, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. Since my interview, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy.

I briefly discussed the possibility of my nomination with Senator Lindsay Graham in January 2018. I also met formally with members of Senator Tim Scott's office in December 2017 and February 2018. On March 7, 2018, I received a call from Senator Graham's office about being submitted for an FBI background investigation.

Throughout this process, I have had informal communications regarding my potential nomination with a number of friends and acquaintances within the Department of Justice, which includes the United States Attorney's Office where I work.

On May 7, 2018, President Trump submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or

implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.