

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Timothy James Kelly

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

District Judge, United States District Court for the District of Columbia

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 Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510-6050

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

1969; Glen Cove, New York

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1994 – 1997, Georgetown University Law Center; J.D., 1997

1987 – 1991, Duke University; A.B., 1991

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

2015 – present
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building

Washington, DC 20510-6050
Position: Chief Counsel for National Security and Senior Crime Counsel,
Chairman Charles E. Grassley

2013 – present
United States Senate
Caucus on International Narcotics Control
Hart Senate Office Building, Room 818-C
Washington, D.C. 20510
Position: Republican Staff Director, Chairman Charles E. Grassley

2013 – 2014
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510-6050
Position: Counsel, Ranking Member Charles E. Grassley

2007 – 2013
United States Department of Justice
Criminal Division, Public Integrity Section
Bond Building, 12th Floor
1400 New York Avenue, NW
Washington, DC 20530
Position: Trial Attorney

2003 – 2007
United States Attorney's Office for the District of Columbia
555 Fourth Street, NW
Washington, DC 20530
Position: Assistant United States Attorney

1995 – 2003
Arnold & Porter (now Arnold & Porter Kaye Scholer)
555 12th Street, NW
Washington, DC 20004
Positions: Associate (1997 – 2001; 2002 – 2003); Law Clerk (1995 – 1997)

2001 – 2002
United States District Court for the Eastern District of Pennsylvania
Chambers of the Honorable Ronald L. Buckwalter
United States District Judge
601 Market Street
Philadelphia, PA 19106
Position: Law Clerk to the Honorable Ronald L. Buckwalter

1999 – 2000
Legal Aid Society of the District of Columbia
666 11th Street, NW
Suite 800
Washington, DC 20001
Position: Attorney (Loaned Associate)

Summer 1996
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue, NW
Washington, DC 20036
Position: Summer Associate

1994
Edward Bennett Williams Law Library
Georgetown University Law Center
111 G Street, NW
Washington, DC 20001
Position: Work-Study Reference Clerk

1993 – 1994
United States House of Representatives
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515
Position: Staff Assistant

1993 – 1994
Hawk 'N' Dove
329 Pennsylvania Avenue, NW
Washington, DC 20003
Positions: Waiter, Doorman

1993
Computer Dynamics, Inc.
1755 Jefferson Davis Highway
Arlington, VA 22202
Position: Temporary Clerk

1993
Temps & Co.
3325 M Street, NW
Washington, DC 20007
Position: Temporary Clerk

1993

U.S. Representative Dean Gallo
2447 Rayburn House Office Building
Washington, DC 20515
Position: Intern

1991 – 1993
Cleary, Gottlieb, Steen & Hamilton
One Liberty Plaza
New York, NY 10003
Position: Legal Assistant

Other Affiliations (uncompensated):

2013 – 2016
D.C. Bar, Criminal Law and Individual Rights Section Steering Committee
1101 K Street, NW Suite 200
Washington, DC 20005
Positions: Steering Committee Member, Financial Officer

1999 – 2011
Fill Their Shelves Foundation, Inc.
Position: Board of Directors 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 have not served in the United States military. I timely registered for selective service.

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

Certificate of Appreciation for Outstanding Service on the D.C. Bar Criminal Law and Individual Rights Steering Committee (2016)

Federal Bureau of Investigation Washington Field Office USAO Service Award (2015)

Assistant Attorney General's Award for Distinguished Service (2012)

Special Commendation for Outstanding Leadership, Dedication and Professionalism, United States Department of Energy, Office of Inspector General (2011)

Special Achievement Awards for Sustained Superior Performance, United States Department of Justice (2009, 2010, 2011)

Senior Associate Editor, American Criminal Law Review (1996 – 1997)

Graduated *cum laude* from Duke University (1991)

National Merit Scholar (1987)

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.

Barrister, Edward Bennett Williams Inn of Court (2015 – present)

District of Columbia Bar, Criminal Law and Individual Rights Section, Steering Committee Member and Financial Officer (2013 – 2016)

Federal Bureau of Investigation, Criminal Undercover Operations Review Committee (2012)

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.

Maryland, 1998 (inactive status since 2004)
District of Columbia, 1999

There have been no lapses in these bar 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 Court of Appeals for the Fourth Circuit, 2011
United States District Court for the Southern District of Texas, 2013
United States District Court for the Northern District of West Virginia, 2011
United States District Court for the District of Hawaii, 2011
United States District Court for the District of Puerto Rico, 2011
United States District Court for the Eastern District of Virginia, 2010
United States District Court for the District of New Hampshire, 2010
United States District Court for the Southern District of Florida, 2002
United States District Court for the District of Maryland, 2000

To the best of my knowledge and belief, there have been no lapses in my membership in any of these courts.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

St. Peter's Catholic Church on Capitol Hill, Washington, DC (2013 – present)
Interfaith Families Project of Washington, DC (2007 – present)
Republican National Lawyers Association (2005 – present)
The Federalist Society for Law and Public Policy Studies (2009 – present)
Assistant United States Attorneys Association (2013 – present)

I have not held any offices in these organizations.

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

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

12. Published Writings and Public Statements:

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

Glenn Beard, Timothy Kelly, Christopher Longmore, Sonia Lopez, & Keeley Mitchell, *Eleventh Survey of White Collar Crime: Racketeer Influenced and Corrupt Organizations*, 33 Am. Crim. L. Rev. 929 (1996). Copy supplied.

Tim Kelly, Letter to the Editor, Newsweek, August 18, 2003, at 15. 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 am not aware of any materials responsive to this request.

- 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 am not aware of any materials responsive to this request.

- 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 am not aware of any materials responsive to this request.

- 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 am not aware of any materials responsive to this request.

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 any 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 any 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.

I have not held public office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

- 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 been a member of, or held office in, any political party, election committee or political campaign.

In November 2014, I spent four days in Iowa distributing campaign literature and making phone calls on behalf of Senator Joni Ernst's campaign for the United States Senate.

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 2001 to 2002, I served as a law clerk to the Honorable Ronald L. Buckwalter, United States District Judge, United States District Court for the Eastern District of Pennsylvania.

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

I have never 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.

1997 – 2003

Arnold & Porter (now Arnold & Porter Kaye Scholer)
555 12th Street, NW
Washington, DC 20004
Associate (1997 – 2001; 2002 – 2003)

1999 – 2000

Legal Aid Society of the District of Columbia
666 11th Street, NW
Suite 800
Washington, DC 20001
Attorney (Loaned Associate)

2001 – 2002

United States District Court for the Eastern District of Pennsylvania
Chambers of the Honorable Ronald L. Buckwalter
United States District Judge
601 Market Street
Philadelphia, PA 19106
Law Clerk to the Honorable Ronald L. Buckwalter

2003 – 2007

United States Attorney's Office for the District of Columbia
555 Fourth Street, NW
Washington, DC 20530
Assistant United States Attorney

2007 – 2013

United States Department of Justice

Criminal Division, Public Integrity Section
Bond Building, 12th Floor
1400 New York Avenue, NW
Washington, DC 20530
Trial Attorney

2013 – present
United States Senate
Caucus on International Narcotics Control
Hart Senate Office Building, Room 818-C
Washington, D.C. 20510
Republican Staff Director, Chairman Charles E. Grassley

2013 – present
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510-6050
Chief Counsel for National Security and Senior Crime Counsel, Chairman
Charles E. Grassley (2015 – present)
Counsel, Ranking Member Charles E. Grassley (2013 – 2014)

- 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.

I began practicing law at Arnold & Porter, after my graduation from law school in 1997. I left the firm in 2001 for a clerkship and returned for one year from 2002 to 2003. Apart from my time as a Loaned Associate to the Legal Aid Society of the District of Columbia, my work consisted mainly of reviewing documents, managing discovery, conducting legal and factual research, drafting motions and briefs, preparing witnesses to be deposed and to testify at trial, assisting with the development of trial strategies, and helping to manage teams of lawyers, all in connection with a series of product liability lawsuits filed against a major pharmaceutical company. I was a junior member of teams that litigated two such cases to trial.

From October 1999 to April 2000, I served as Arnold & Porter's Loaned Associate to the Legal Aid Society of the District of Columbia. In that position, my full-time job was to represent low-income residents of Washington, D.C., in civil litigation involving public benefits, landlord-tenant disputes, and family law.

From 2001 to 2002, I served as a law clerk to the Honorable Ronald L. Buckwalter of the United States District Court for the Eastern District of Pennsylvania. In that position, my work consisted mostly of reviewing pleadings, conducting legal research, and writing draft opinions and orders for civil cases, as instructed by the judge.

In 2003, I joined the United States Attorney's Office for the District of Columbia. During my time in that office, I served in the Misdemeanor, Grand Jury, Felony Trial and Domestic Violence/Sex Offense Sections of the Superior Court Division, the Appellate Division, and the Federal Major Crimes Section of the Criminal Division. Collectively, I estimate I was responsible for hundreds of different investigations or prosecutions over the course of my time there, involving a range of offenses, including serious violent crimes, drug trafficking, and white-collar offenses. I also briefed approximately 18 appeals before the District of Columbia Court of Appeals, and argued three appeals before that court.

In 2007, I moved to the Department of Justice's Criminal Division, Public Integrity Section, as a Trial Attorney. During my time there, I directed or participated in approximately 30 criminal investigations involving public corruption. The criminal charges I prosecuted included bribery, kickbacks, fraud, theft of federal funds, conspiracy, conflict-of-interest, obstruction of justice, witness tampering, making false statements, money laundering, and unlawful retention and disclosure of national defense information. I appeared before federal courts across the country, and worked with and supervised attorneys and law enforcement agents nationwide.

In 2013, I started working for then-Ranking Member Grassley's Senate Judiciary Committee staff as Counsel, and as his Republican Staff Director for the Senate Caucus on International Narcotics Control. I now hold the title of Chief Counsel for National Security and Senior Crime Counsel to the Chairman. In my current positions, I advise the Chairman on national security, crime, and drug control and prevention issues, strategy, and legislation; supervise junior staff, detailees, and interns; and coordinate with staff for other members of the Senate and House of Representatives.

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

At Arnold & Porter, my typical clients were companies involved in product liability and other civil disputes in federal and state courts. At the Legal Aid Society of the District of Columbia, my clients were exclusively low-income residents of Washington, D.C., in civil litigation involving public benefits, landlord-tenant disputes, and family law. As a prosecutor for the Department of Justice, my client was, broadly speaking, the United States. Finally, in my current positions, my client is Chairman Grassley.

- 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.

Until 2013, over 95% of my practice was devoted to litigation or litigation-related matters, including directing criminal investigations pre-indictment. As an associate at Arnold & Porter, I appeared in court on only a few occasions. At the Legal Aid Society of the District of Columbia, I appeared in court on an occasional basis. While serving as an Assistant United States Attorney, I appeared in court frequently, usually on a daily or weekly basis. Finally, while a Trial Attorney in the Public Integrity Section, my appearances were again more occasional.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 55% |
| 2. state courts of record: | 45% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 35% |
| 2. criminal proceedings: | 65% |

- 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.

Over the course of my career, I have tried approximately 30 cases, including a few cases that ended in hung juries. Almost all of these trials took place while I was an Assistant United States Attorney, and for which I was typically sole or lead counsel. In addition, when I was an associate at Arnold & Porter, I was a junior member of teams that tried two civil cases in state courts, both of which settled during the trial, before a verdict was reached. However, my work on those cases did not extend to appearing in court. In addition, during the entirety of my time as a prosecutor, I negotiated dozens of guilty pleas as lead or sole counsel for the United States.

- i. What percentage of these trials were:
 - 1. jury: 30%
 - 2. non-jury: 70%

- 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. Sterling*, No. 1:10-cr-00485 (E.D. Va.) (Judge Brinkema); *see also* 818 F. Supp. 2d 945 (E.D. Va. 2011), *aff'd in part, rev'd in part*, 724 F.3d 482 (4th Cir. 2013).

Between 2010 and 2013, while in the Criminal Division's Public Integrity Section, I served as co-counsel for the United States in the investigation and prosecution of Mr. Sterling, a former CIA case officer, for disclosing information about a classified operation related to the Iranian nuclear weapons program to a journalist and to the public. In January 2015, Mr. Sterling was convicted on nine of ten counts in the indictment. He was subsequently sentenced to 42 months in prison, to be followed by two years of supervised release. As co-counsel, among other things, I investigated the case with agents from the Federal Bureau of Investigation, participated in grand jury proceedings, and briefed and argued pre-trial motions. I was awarded the Federal Bureau of Investigation's Washington Field Office USAO Service Award for my work on this case.

Co-counsel

William M. Welch (former Senior Litigation Counsel, U.S. Department of Justice)
Voya Capital
One Orange Way

Windsor, CT 06095
(860) 275-3720

James L. Trump
U.S. Attorney's Office, Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, VA 22314
(703) 299-3700

Mr. Sterling's counsel
Edward B. MacMahon
P.O. Box 25
107 East Washington Street
Middleburg, VA 20118
(540) 687-3902

Barry Pollack
Miller & Chevalier
900 Sixteenth Street NW
Washington, DC 20006
(202) 626-5830

2. *United States v. Sunia and Lam Yuen*, No. 1:07-cr-00225 (D.D.C.) (Judge Walton); *see also* 643 F. Supp. 2d 51 (D.D.C. 2009).

Between 2009 and 2010, while in the Criminal Division's Public Integrity Section, I served as co-counsel for the United States in the prosecution of Mr. Sunia, the Lt. Governor of American Samoa, and Mr. Lam Yuen, a senator in the American Samoa legislature. The defendants were charged with various counts of federal program fraud and bribery, conspiracy, and obstruction of justice. In February 2010, after a multi-week jury trial, the jury was unable to reach a verdict and the court declared a mistrial.

Co-counsel
Matthew Stennes (former Trial Attorney, Public Integrity Section)
710 Medtronic Parkway
Minneapolis, MN 55432
(763) 505-2702

Kathryn Albrecht (former Trial Attorney, Public Integrity Section)
7 Crooked Mile Road
Westport, CT 06880
(203) 451-9334

Mr. Sunia's counsel
Stephen Anthony
Covington & Burling

One City Center, 850 Tenth Street, NW
Washington, DC 20001
(202) 662-5105

Emily Henn
Covington & Burling
333 Twin Dolphin Drive, Suite 700
Redwood Shores, CA 94065
(650) 632-4715

Mr. Lam Yuen's counsel

Michelle M. Peterson
Federal Public Defender for the District of Columbia
625 Indiana Avenue, NW, Suite 550
Washington, DC 20004
(202) 208-7500

Jonathan Jeffress (former Assistant Federal Defender)
Kaiser Dillon
1401 K Street, NW, Suite 600
Washington, DC 20005
(202) 640-4430

3. *United States v. Nauer*, No. 1:10-cr-00891 (D. Haw.) (Judge Ezra).

Between 2009 and 2012, while in the Criminal Division's Public Integrity Section, I served as lead counsel for the United States in the investigation and prosecution of Mr. Nauer, an official in the American Samoa Department of Education. In January 2011, Mr. Nauer pleaded guilty to conspiracy to commit bribery. He was subsequently sentenced to 25 months in prison, to be followed by three years of supervised release, and ordered to pay restitution of \$100,000. I oversaw all aspects of the investigation and prosecution, working with agents from the Federal Bureau of Investigation and the Department of the Interior, Office of Inspector General.

Co-counsel

Kathryn Albrecht (former Trial Attorney, Public Integrity Section)
7 Crooked Mile Road
Westport, CT 06880
(203) 451-9334

M. Kendall Day (former Trial Attorney, Public Integrity Section)
Acting Deputy Assistant Attorney General
950 Pennsylvania Avenue, NW
Washington DC 20530
(202) 514-1263

Mr. Nauer's counsel

Pamela E. Tamashiro
Topa Financial Center
745 Fort Street, Suite 1420
Honolulu, HI 96813
(808) 528-3332

4. *United States v. Solofa*, No. 1:10-cr-00250 (D.D.C.) (Judge Walton), *aff'd*, 745 F.3d 1226 (D.C. Cir. 2014) (per curiam).

Between 2009 and 2011, while in the Criminal Division's Public Integrity Section, I served as lead counsel for the United States in the investigation and prosecution of Mr. Solofa, the former Chief Financial Officer of the American Samoa Department of Education. In January 2012, Mr. Solofa was convicted of obstruction of justice and witness tampering. He was subsequently sentenced to 35 months in prison. I oversaw all aspects of the investigation and prosecution, working with agents from the Federal Bureau of Investigation and the Department of the Interior, Office of Inspector General, until a conflicting trial date in the *Sterling* case required that other attorneys represent the United States beginning in September 2011.

Co-counsel

Raymond Hulser
Chief, Public Integrity Section, United States Department of Justice
Bond Building, 12th Floor
1400 New York Avenue, NW
Washington, DC 20530
(202) 514-1412

Daniel Petalas (former Trial Attorney, Public Integrity Section)
Garvey Schubert Barer
1000 Potomac Street, NW
Washington, DC 20007
(202) 298-1791

Mr. Solofa's counsel

Michelle M. Peterson
Federal Public Defender for the District of Columbia
625 Indiana Avenue, NW, Suite 550
Washington, DC 20004
(202) 208-7500

5. *United States v. Evick*, No. 2:11-cr-00018 (N.D. W.Va.) (Judge Bailey).

Between 2010 and 2011, while in the Criminal Division's Public Integrity Section, I served as co-counsel for the United States in the investigation and prosecution of Mr. Evick, a sergeant in the United States Army. In June 2012, he was convicted of all

counts in the indictment, including bribery, money laundering, and obstruction of justice, each related to a scheme that he and others executed while stationed in Camp Arifjan, Kuwait. He was subsequently sentenced to 12 months and one day in prison, to be followed by three years supervised release. I was awarded the Assistant Attorney General's Award for Distinguished Service for my work on this case.

Co-counsel

Peter Sprung (former Trial Attorney, Public Integrity Section)
Office of Enforcement Operations, U.S. Department of Justice
1301 New York Avenue, NW
Washington, D.C. 20530
(202) 514-6809

Eric Olshan
Deputy Chief, Public Integrity Section, United States Department of Justice
Bond Building, 12th Floor
1400 New York Avenue, NW
Washington, DC 20530
(202) 514-1412

Mr. Evick's counsel

Brian J. Kornbrath
Office of the Federal Public Defender
The Huntington Bank Building
230 W. Pike Street, Suite 360
Clarksburg, WV 26302
(304) 622-3823

6. *United States v. Donna Scott*, No. 1:10-cr-00025 (D. Md.) (Judge Messitte), and *United States v. Tim Scott*, No. 1:10-cr-00026 (D. Md.) (Judge Messitte).

Between 2009 and 2010, while in the Criminal Division's Public Integrity Section, I served as lead counsel for the United States in the investigation and prosecution of Ms. Scott, a senior official in the Department of Energy's Office of Management, and her husband. On multiple occasions in 2006 through 2008, Ms. Scott steered contracts to companies she knew would employ her husband to fulfill, thereby earning him a commission. In March 2010, she pleaded to a felony conflict of interest. At the same time, her husband pleaded guilty to making false statements to investigators. They were each subsequently sentenced to 36 months of probation and a fine of \$5,000. I oversaw all aspects of the investigation and prosecution, working with agents from the Department of Energy, Office of Inspector General. I was awarded a Special Commendation for Outstanding Leadership, Dedication and Professionalism by the United States Department of Energy, Office of Inspector General for my work on this case.

Co-counsel

Stacy Dawson Belf (former Assistant United States Attorney, District of Maryland)
Office of the United States Attorney, District of Massachusetts
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3605

Ms. Scott's counsel

Steven Kupferberg
5904 Hubbard Drive
Rockville, MD 20852
(301) 231-9480

Mr. Scott's counsel

Stephen Mercer (former attorney in private practice)
Chief Attorney, Forensics Division of the Maryland Office of the Public Defender
6 St. Paul Street, Suite 1400
Baltimore, MD 21202
(410) 767-5541

7. *United States v. Pedraza*, No. 1:13-cr-00305 (S.D. Tex.) (Judge Hanen), *aff'd*, No. 14-41450 (5th Cir. Jan. 22, 2016).

Between 2012 and 2013, while in the Criminal Division's Public Integrity Section, I served as co-counsel for the United States in the investigation and prosecution of Eugenio Pedraza, Special Agent-in-Charge of the Department of Homeland Security, Office of Inspector General's Field Office in McAllen, Texas. In advance of an internal DHS-OIG inspection of that office, Mr. Pedraza conspired with a series of agents there to create falsified records of investigative activity. In March 2014, he was convicted on six counts relating to the falsification of these records. He was subsequently sentenced to 37 months in prison, to be followed by two years supervised release, and a fine of \$7,500.

Co-counsel

Eric Gibson (former Trial Attorney, Public Integrity Section)
Assistant United States Attorney, Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
(215) 861-8200

J.P. Cooney

Deputy Chief, Public Integrity Section, United States Department of Justice
Bond Building, 12th Floor
1400 New York Avenue, NW
Washington, DC 20530
(202) 514-1412

Mr. Pedraza's counsel

Larry Eastepp
5300 Memorial Drive, Suite 1000
Houston, TX 77007
(717) 255-3388

8. *United States v. Williams*, 2006 CF3 025277 (D.C. Super. Ct.) (Judge Dixon).

Between 2006 and 2007, while an Assistant United States Attorney in the Sex Offense/Domestic Violence Section, I served as sole counsel for the United States in the criminal investigation and prosecution of Mr. Williams, who fired a 9mm pistol into the air, and then, at gunpoint, forced his former girlfriend (and her daughter) to drive into the District of Columbia while he pointed the pistol at her, repeatedly threatened to kill her, choked her, and fled. In addition, while incarcerated pending trial, Mr. Williams attempted to obstruct the government's investigation by trying to deter the victim from testifying truthfully. On December 13, 2006, he pleaded guilty to one count of assault with a deadly weapon, one count of possession of an unregistered firearm, and one count of attempted obstruction of justice. He was subsequently sentenced to 54 months in prison. As sole counsel, I handled all phases of the investigation and prosecution, working with police officers from Metropolitan Police Department.

Mr. Williams' counsel

Dennis Galarowicz
800 Seventh Street, NW, Suite 201
Washington, DC 20001
(202) 232-3200

9. *Perry, et al. v. Wyeth-Ayerst Laboratories Co., et al.*, No. 99-0089, Circuit Court of Jefferson County (Miss.) (Judge Pickard).

While an associate at Arnold & Porter, I was a junior member of a team of lawyers that defended American Home Products Corporation, later known as Wyeth, and its subsidiaries, in mass tort lawsuits across the country related to its marketing and sale of diet drugs. This lawsuit sought damages for seven individual Mississippi plaintiffs. In October 2000, the case went to trial, during which the parties reached a settlement that included the plaintiffs' claims. As a junior member of the trial team, I helped negotiate agreements concerning the authenticity, admissibility, and use of documents, conducted legal research, drafted motions and briefs, helped prepare witnesses to testify, and helped develop opening and closing statements.

Co-counsel

Anand Agneshwar
Arnold & Porter Kaye Scholer
250 West 55th Street
New York, NY 10019
(212) 836-8000

Robert L. Johnson III
1187 Martin L. King Street
P.O. Box 1678
Natchez, MS 39121
(601) 442-9371

Defendant Bankston Rexall's counsel

Luke Dove
1020 Highland Colony Parkway, Suite 412
Ridgeland, MS 39157
(601) 352-0999

Plaintiffs' counsel

Issac K. Byrd
427 East Fortification Street
Jackson, MS 39202
(601) 354-1210

Michael Williams
Williams Love O'Leary & Powers
9755 SW Barnes Road #450
Portland, OR 97225
(503) 295-2924

10. *Vadino, et al. v. American Home Products Corp., et al.*, No. MID-L-425-98, Superior Court, Middlesex County (N.J.) (Judge Corodemus).

While an associate at Arnold & Porter, I was a junior member of a team of lawyers that defended American Home Products Corporation, later known as Wyeth, and its subsidiaries, in mass tort lawsuits across the country related to its marketing and sale of diet drugs. This case was a class action lawsuit that sought medical monitoring and damages for unfair and deceptive trade practices in New Jersey. In August 1999, the case went to trial, and in October, the parties reached a national settlement that included the plaintiffs' claims. As a junior member of the trial team, I helped negotiate agreements concerning the authenticity, admissibility, and use of documents, conducted legal research, drafted motions and briefs, helped prepare witnesses to testify, and helped develop opening and closing statements.

Co-counsel

Peter Grossi and Robert Weiner
Arnold & Porter Kaye Scholer
601 Massachusetts Ave, NW
Washington, DC 20001
(202) 942-5000

Anand Agneshwar

Arnold & Porter Kaye Scholer
250 West 55th Street
New York, NY 10019
(212) 836-8000

Plaintiffs' counsel

Sol H. Weiss
Anapol Weiss
One Logan Square
130 North 18th Street, #1600
Philadelphia, PA 19103
(215) 735-2098

Esther E. Berezofsky
Williams Cuker Berezofsky
515 Market Street, #1300
Philadelphia, PA 19102
(215) 557-0099

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.)

During my time as a prosecutor, I spent significant time on investigations that did not result in criminal charges being brought, for various reasons. These investigations involved, for example, violent crimes for which the identity of the perpetrator could not be discovered, or potential violations of public corruption laws for which there was insufficient evidence of criminal intent.

In the positions that I have held since 2013, I advise Chairman Grassley on national security, crime, and drug control and prevention issues, strategy, and legislation; supervise junior staff, detailees, and interns; and coordinate with staff for other members of the Senate and House of Representatives. During the last Congress, I planned and executed twelve hearings on a broad range of topics for Chairman Grassley. I was also Chairman Grassley's lead staffer for several bills that were marked up or otherwise cleared by the Senate Judiciary Committee on a bipartisan basis and were signed into law by President Obama. These bills include, for example, S. 665, the Rafael Ramos and Wenjian Liu National Blue Alert Act of 2015 (Pub. L. No. 114-12); S.32, the Transnational Drug Trafficking Act of 2015 (Pub. L. No. 114-154); H.R. 1428, the Judicial Redress Act of 2015 (Pub. L. No. 114-126); and S. 524, the Comprehensive Addiction and Recovery Act of 2016 (Pub. L. No. 114-198), landmark legislation that addressed the ongoing national opioid crisis.

I have never 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 courses.

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

Other than my participation in the Federal Government's Thrift Savings Program and the Federal Employees Retirement System, I do not have any arrangements for deferred income or future benefits from previous business relationships.

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 do not have any plans, commitments, or agreements to pursue outside employment, with or without compensation, if confirmed to serve on the court.

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 Financial Disclosure Report.

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.

My wife currently serves in Mayor Muriel Bowser's Administration as the Chief Operating Officer for the District of Columbia's Department of Human Services, which provides federal benefit eligibility determination and enrollment services for D.C. residents, as well as services for residents experiencing homelessness. It is possible that a matter related to that department could come before the United States District Court for the District of Columbia. If I am confirmed, and if that situation ever presents itself while she serves in that position, or relates to a period of time when she served, I would self-recuse from it to avoid any potential conflict of interest or appearance of impropriety.

In July 2017, my brother, a Colonel in U.S. Marines Corps, will assume the position of program manager for the V-22 Osprey joint program, through which the U.S. Marine Corps, Navy, Air Force Special Operations Command and Japan's Ground Self-Defense Force purchase, support, and maintain the V-22 Osprey tiltrotor military aircraft. It is possible, although unlikely, that a matter related to that program could come before the United States District Court for the District of Columbia. If I am confirmed, and if that situation ever presents itself while he serves in that position, or relates to a period of time when he served, I would self-recuse from it to avoid any potential conflict of interest or appearance of impropriety.

In addition, if confirmed, I would self-recuse from all cases in which I was involved during my tenure at the Department of Justice, and any cases relating to any specific matters that I handled in my current positions for Chairman Grassley.

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

I would refer to the Code of Conduct for United States Judges, the Ethics Reform Act of 1989, 28 U.S.C. § 455, as well as any other applicable canons, rules, and statutes. I also would notify the parties of the potential conflict and seek their input, and consult with other judges, if needed. I would take all of these factors into account in determining the appropriate action, including possible recusal.

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.

Because I have been in public service for the majority of my career, my pro bono activities have been restricted. Nonetheless, I have sought out numerous opportunities to serve the disadvantaged, where possible.

As a third-year law student, I participated in Georgetown University Law Center's Criminal Justice Clinic, through which I represented indigent defendants in criminal cases in D.C. Superior Court, under the supervision of clinic faculty members and fellows. In addition, while in private practice, I was selected to serve as a Loaned Associate to the Legal Aid Society of the District of Columbia for six months. In that position, my full-time job was to represent low-income residents of Washington, D.C., in civil litigation involving public benefits, landlord-tenant disputes, and family law.

In my current position, I have also had the opportunity to work on legislation that benefits the disadvantaged. For example, I was the Chairman's lead staffer handling S. 524, the Comprehensive Addiction and Recovery Act, which was marked up by the Senate Judiciary Committee last year and was eventually passed by Congress and signed into law by President Obama. Among other things, that legislation reauthorized a series of programs designed to aid populations most vulnerable to substance abuse and addiction, including pregnant and post-partum women, veterans, and infants born with substance abuse problems.

Finally, during my career I have made financial contributions on a regular basis to various organizations that serve the disadvantaged in Washington, D.C., including Georgetown University Law Center's Criminal Justice Clinic, the Legal Aid Society of the District of Columbia, and the D.C. Bar's Pro Bono Center.

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 February 2017, I expressed interest to the White House Counsel's Office in serving as a judge on the United States District Court for the District of Columbia. On March 3, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington D.C. On April 12, I interviewed with the White House Counsel's Office in Washington, D.C.

I was asked by the Department of Justice to complete nomination forms, and, since April 2017, I have been in contact with Department officials regarding these forms.

- 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.