

January 6, 2014

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on September 25, 2013, to be a United States District Judge for the District of Maryland. Incorporating the additional information below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

**Questions 6 and 16(a):**

My temporary detail to the United States Department of State is scheduled to end on January 10, 2014. I will return to the United States Department of Homeland Security on January 13, 2014.

**Question 11(a):**

In November 2013, I became a member of the Harvard Club of Washington, D.C.

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,



Theodore D. Chuang

cc: The Honorable Chuck Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Theodore David Chuang

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

United States District Judge for the District of Maryland

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.

Office: United States Department of Homeland Security  
Office of the General Counsel  
Washington, D.C. 20528

Residence: Bethesda, Maryland

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

1969; Media, Pennsylvania

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.

1991 – 1994, Harvard Law School; J.D. (*magna cum laude*), 1994

1987 – 1991, Harvard College; B.A. (*summa cum laude*), 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.

2009 – present  
United States Department of Homeland Security  
Office of the General Counsel

Washington, D.C. 20528  
Deputy General Counsel (2011 – present)  
Counselor on detail to United States Department of State (2013 – present)  
Associate General Counsel (2009 – 2011)

2009  
House Committee on Energy and Commerce  
2322A Rayburn House Office Building  
Washington, D.C. 20515  
Chief Investigative Counsel

2007 – 2009  
House Committee on Oversight and Government Reform  
2471 Rayburn House Office Building  
Washington, D.C. 20515  
Deputy Chief Investigative Counsel

2004 – 2007, June – July 1993  
Wilmer Cutler Pickering Hale and Dorr LLP  
1875 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
Counsel (2004 – 2007)  
Summer Associate (June – July 1993)

1998 – 2004  
United States Attorney's Office for the District of Massachusetts  
One Courthouse Way, Suite 9200  
Boston, MA 02210  
Assistant United States Attorney, Criminal Division

1995 – 1998  
United States Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
Trial Attorney, Housing and Civil Enforcement Section

1994 – 1995  
United States Court of Appeals for the Ninth Circuit  
Chambers of Judge Dorothy W. Nelson  
125 South Grand Avenue, Suite 303  
Pasadena, CA 91105  
Law Clerk to Judge Dorothy W. Nelson

July – August 1994  
United States Department of State

Office of the Legal Adviser  
2201 C Street, N.W.  
Washington, D.C. 20520  
Law Intern

May – July 1994  
United States Department of Justice  
Office of the Solicitor General  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
Law Intern

Spring 1994  
Norfolk County District Attorney's Office  
360 Washington Street  
Brookline, MA 02445  
Student Prosecutor

July – August 1993  
Linklaters & Paines (now Linklaters LLP)  
One Silk Street  
London, United Kingdom EC2Y 8HQ  
Summer Law Clerk

Spring 1993  
United States Attorney's Office  
J.W. McCormack Post Office & Courthouse  
Boston, MA 02109  
Law Extern

Fall 1992 – Spring 1993  
Professor Laurence H. Tribe  
Harvard Law School  
Cambridge, MA 02138  
Research Assistant

Summer 1992  
Baker & McKenzie LLP  
Two Embarcadero Center, 11th Floor  
San Francisco, California 94111  
Summer Associate

Other affiliations (uncompensated):

2012 – present  
District of Columbia Bar

1101 K Street, N.W., Suite 200  
Washington, D.C. 20005  
Board of Governors

2005 – present  
Asian Pacific American Legal Resource Center  
1012 14th Street, N.W., Suite 450  
Washington, D.C. 20005  
Board of Directors (2005 – present)  
Chair of the Board (2007 – 2009)

2009  
Montgomery County District 16 Democratic Club  
(no physical address)  
Executive Board (Vice President)

2009  
Coalition of Asian Pacific American Democrats of Maryland  
(no physical address)  
Board of Directors

2003  
Massachusetts Bar Association  
20 West Street  
Boston, MA 02111  
House of Delegates

1999 – 2003  
Asian American Lawyers Association of Massachusetts  
c/o The Boston Bar Association  
16 Beacon Street  
Boston, MA 02108  
President (2002 – 2003)  
Secretary (2000 – 2002)  
Board of Directors (1999 – 2000)

2002 – 2003  
Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association  
294 Washington Street, Suite 443  
Boston, MA 02108  
Board of Directors

2001 – 2002  
Asian Pacific American Agenda Coalition  
(no physical address)

Boston, MA  
Board of Directors

1999 – 2001  
Massachusetts Law Reform Institute  
99 Chauncy Street  
Boston, MA 02111  
Board of Trustees

1996 – 1998  
Asian Pacific American Bar Association of the Greater Washington, D.C. Area  
P.O. Box 27223  
Washington, D.C. 20038  
President-Elect (1997 – 1998)  
Treasurer (1996 – 1997)

1996 – 1997  
Conference on Asian Pacific American Leadership  
P.O. Box 65073  
Washington, D.C. 20035  
Board of Directors

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

I have not served in the military. I registered for selective service at age 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.

United States Coast Guard Public Service Commendation (2011)

United States Department of Justice Special Achievement Award (1997)

Harvard Law Review, Editor (1992 – 1994)

Harvard Law School Ames Moot Court Competition, Boykin C. Wright Memorial Prize (Best Brief, Final Round) (1993)

Harvard Law School Ames Moot Court Competition, Finalist (1993)

Endicott Peabody Saltonstall Prize: Awarded to top Harvard College senior attending Harvard Law School (1991)

Phi Beta Kappa (1991)

John Harvard Scholarship (1989 – 1991)

Time Magazine College Achievement Award: Awarded to 20 college juniors nationwide (1990)

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.

American Bar Association

Asian American Lawyers Association of Massachusetts

President (2002 – 2003)

Secretary (2000 – 2002)

Board of Directors (1999 – 2000)

Representative to the 2003 NAPABA Northeast Regional Conference Planning Committee (2003)

Chair, 2000 NAPABA Northeast Regional Conference Planning Committee (2000)

Asian Pacific American Bar Association of Maryland

Asian Pacific American Bar Association of the Greater Washington, D.C. Area

President-Elect (1997 – 1998)

Treasurer (1996 – 1997)

Pro Bono Committee Chair (1996 – 1997)

Boston Bar Association

Criminal Law Section Steering Committee and Publications Co-Chair (1999 – 2003)

District of Columbia Bar

Board of Governors (2012 – present)

Nominations Committee (2005 – 2006)

Maryland State Bar Association

Massachusetts Bar Association

Member, House of Delegates (2003)

National Asian Pacific American Bar Association

Women's Bar Association of the District of Columbia

**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, January 3, 2012  
District of Columbia, April 24, 1997  
Massachusetts, March 30, 1995 (inactive)

There have been no lapses of membership, although my District of Columbia bar membership was inactive from approximately 1998 to 2004, and my Massachusetts bar membership is currently inactive.

- 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 First Circuit, 1999  
United States Court of Appeals for the Tenth Circuit, 2006  
United States District Court for the District of Massachusetts, 2003  
District of Columbia Court of Appeals, 1997  
Maryland Court of Appeals, 2012  
Massachusetts Supreme Judicial Court, 1995

There have been no lapses of 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.

Asian Pacific American Agenda Coalition  
Board of Directors (2001 – 2002)  
Member (2000 – 2002)

Asian Pacific American Legal Resource Center  
Board of Directors (2005 – present)  
Chair of the Board (2007 – 2009)

Burning Tree Elementary School Parent Teacher Association (2006 – present)



Conference on Asian Pacific American Leadership  
Board of Directors (1996 – 1997)

Department of Homeland Security Asian American Pacific Islander Network  
(2011 – present)

Eastern Middle School Parent Teacher Association (2012 – present)

Harvard Club of Washington, D.C. Schools Committee  
Interviewer (1996 – 1997, 2005 – 2006, 2012 – present)

Harvard College Class of 1991 Reunion Committee (2000 – 2001)

Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association  
Board of Directors (2002 – 2003)

Massachusetts Law Reform Institute  
Board of Trustees (1999 – 2001)

National Parks Conservation Association (1997 – 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.

To the best of my knowledge, none of the organizations listed in 11a 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.

President's Message, *Asian American Lawyers Association of Massachusetts: A Year in Review*, 31 MASS. LAW. WKLY., Dec. 9, 2002. Copy supplied.

*President's Message*, AALAM NEWS, May 2002. Copy supplied.

*Justice Lu Reflects on His First Six Months on the Bench*, AALAM NEWS, Nov. 2001. Copy supplied.

*Section Hosts Brown Bag Lunch on Sexually Dangerous Person Statute*, BOS. BAR ASS'N CRIM. L. SEC. NEWSLETTER, Mar. 2001. Copy supplied.

*Judges Take Center Stage*, BOS. BAR ASS'N CRIM. L. SEC. NEWSLETTER, Jan. 2000. Copy supplied.

*Brown Bag Lunch: Polygraph Evidence*, BOS. BAR ASS'N CRIM. L. SEC. NEWSLETTER, Jan. 2000. Copy supplied.

*Judges Profile, Hon. Dorothy W. Nelson*, FED. LAW., Aug. 1999. Copy supplied.

Note, *The Birthright Citizenship Amendment: A Threat to Equality*, 107 HARV. L. REV. 1026 (1994). Copy supplied.

Recent Case, *People v. Bullock*, 485 N.W.2d 866 (1992), 106 HARV. L. REV. 1230 (1993). Copy supplied.

*The Hoop God*, HARVARD CRIMSON, Feb. 26, 1990.

*None Were Guilty of a Rally*, HARVARD CRIMSON, Feb. 5, 1990.

*Daddy? What Were Sports in The 80s Like?*, HARVARD CRIMSON, Dec. 15, 1989.

*Cagers Play "Easier" Blue Devils*, HARVARD CRIMSON, Dec. 9, 1989.

*Cagers Overrule Judges, 52-46*, HARVARD CRIMSON, Dec. 5, 1989.

*Locating Long-Lost Athletes Like Larry*, HARVARD CRIMSON, Nov. 8, 1989.

*This Year, Someone's Gotta Win*, HARVARD CRIMSON, Oct. 3, 1989.

*Still One Goal to Go*, HARVARD CRIMSON, June 8, 1989.

*Just One Day of Perfection*, HARVARD CRIMSON, Apr. 4, 1989.

*W. Swimming Wins Fourth Ivy Title*, HARVARD CRIMSON, Feb. 21, 1989.

*James' 26 Points Leads Cagers Over Yale*, HARVARD CRIMSON, Feb. 11, 1989.

*Title Hunt: Aquawomen Down Princeton*, HARVARD CRIMSON, Feb. 6, 1989.

*Ickey Who?*, HARVARD CRIMSON, Jan. 23, 1989.

*Bird Will Fly Again*, HARVARD CRIMSON, Dec. 14, 1988.

*Relax Bruce; Boston Says 'Don't Do It,'* HARVARD CRIMSON, Dec. 6, 1988.

*Aquawomen Edged by Bulldogs*, HARVARD CRIMSON, Dec. 5, 1988.

*Aquawomen Race to Second*, HARVARD CRIMSON, Dec. 3, 1988.

*Aquawomen Grab Two Triumphs, Overpower Columbia, Kenyon*, HARVARD CRIMSON, Nov. 28, 1988.

*Quincy House Serves as Poll*, HARVARD CRIMSON, Mar. 9, 1988.

*Men Spikers Fall Hard*, HARVARD CRIMSON, Feb. 8, 1988.

*Harvard Olympic Bobsledder Charges He Was Cut Unfairly*, HARVARD CRIMSON, Feb. 8, 1988.

*Proctor Light Renews Spirit in Freshman Dorm Sports*, HARVARD CRIMSON, Jan. 29, 1988.

*Harvard Phi Beta Kappa Inductees Announced*, HARVARD CRIMSON, Dec. 7, 1987.

*Lashman Brings Political Savvy to Board*, HARVARD CRIMSON, Dec. 1, 1987.

*M. Fencers Foil Upstart Bruins; Women Win Too*, HARVARD CRIMSON, Nov. 25, 1987.

*VES Students Slaughter Birds*, HARVARD CRIMSON, Nov. 6, 1987.

While serving as Secretary of the Asian American Lawyers Association of Massachusetts from April 2000 to April 2002, my duties included compiling articles and content for the organization's newsletter. Although I did not draft the articles contained in the newsletter (except for those that were attributed to me), I may have edited some of the text. Thus, I am providing copies of the following newsletters which I could locate for which I performed this role:

AALAM News, March 2002

AALAM News, January 2002

AALAM News, November 2001

AALAM News, May/June 2001

AALAM News, March/April 2001

AALAM News, February 2001

AALAM News, January 2001

AALAM News, December 2000  
AALAM News, November 2000  
AALAM News, October 2000  
AALAM News, August/September 2000  
AALAM News, July 2000  
AALAM News, June 2000

Although it is possible that I wrote other short articles reporting on bar events or activities for bar association newsletters, I do not recall or have copies of any additional articles.

- 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.

To the best of my recollection, I have not prepared or contributed to the preparation of any such reports, memoranda, or policy statements. As a member of the D.C. Bar Board of Governors, I have voted to approve the issuance of the following reports or policy statements prepared by other individuals or entities within the D.C. Bar:

D.C. Bar Report of the Family Law Task Force (2013). Copy supplied.

D.C. Bar Resolution Authorizing the Board of Governors and Bar Officers To Make Public Statements Concerning Funding of District of Columbia Courts (2012) (voted to renew this resolution in 2013). Copy supplied.

D.C. Bar Resolution Authorizing the Board of Governors and Bar Officers To Make Public Statements Concerning Funding of Civil Legal Services as Proposed by the Access to Justice Commission (2012) (voted to renew this resolution in 2013). Copy supplied.

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

None.

- 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 at a number of professional events and law student career events and have listed below all of the events I have identified based on my recollection and my review of available files, but it remains possible that there are other events at which I gave remarks. I am unaware of any transcripts, recordings, or verbatim accounts of my remarks at the listed events. I have searched for and have attached available copies of outlines, draft remarks, talking points, or notes that I used in conjunction with these events, as noted below.

May 23, 2013: Panelist, "Transportation Security Administration Asian American and Pacific Islander Heritage Month Program," Transportation Security Administration, Arlington, Virginia. Notes supplied.

May 21, 2013: Panelist, "AAPI Mentorship Session: Legal Profession and Issues," White House Initiative on Asian Americans and Pacific Islanders, Washington, D.C. Notes supplied.

Feb. 2, 2013: Panelist, "Embracing, Reconciling, and Exploring the Modern Asian Identity," University of Pennsylvania Law School, 12th Annual Asian Pacific American Law Students Association Conference, Philadelphia, Pennsylvania. Outline supplied.

Aug. 20, 2012: Speaker, "White House and DHS Initiatives on Diversity in Federal Employment," National Asian Peace Officers Association and National Asian American Law Enforcement Commanders National Convention, Chicago, Illinois. Draft remarks supplied.

Aug. 8, 2012: Panelist, "A Career Panel on Opportunities in the Federal Workplace," White House Initiative on Asian Americans and Pacific Islanders and the U.S. Department of Housing and Urban Development, Washington, D.C. Talking points supplied.

June 7, 2012: Panelist, "Issues of Importance to Korean Americans," White House Briefing for Korean American Leaders, Washington, D.C. Talking points supplied.

Apr. 11, 2012: Speaker, "For the Public Good: Opportunities in the Federal Government," Cornell Law School, Asian Pacific American Law Students Association and Public Interest Union, Ithaca, New York. Outline supplied.

Nov. 18, 2011: Panelist, "Birthright Citizenship and the 14th Amendment: Facts,

Consequences, and Policy Considerations,” National Asian Pacific American Bar Association (NAPABA) National Convention, Atlanta, Georgia. Talking points supplied.

May 16, 2011: Panelist, “Leadership, Diversity, Empowerment, and Beyond,” U.S. Citizenship and Immigration Services Asian American and Pacific Islander Heritage Month Celebration, Washington, D.C. Notes supplied.

Oct. 5, 2010: Panelist, “Legal Landscapes: Government Panel,” Harvard Law School, Cambridge, Massachusetts. My recollection is that this was a career panel in which I discussed my public sector legal experiences and transitioning between the public and private sectors. I have no notes, transcripts, or recordings. The sponsor of the event was Harvard Law School, Office of Public Interest Advising, 1563 Massachusetts Avenue, Cambridge, MA 02138.

Sept. 2008: Panelist, “Committee Operations Seminar for Members of Parliament,” U.S. House of Representatives, Democracy Assistance Commission, Washington, D.C. Notes supplied.

Aug. 13, 2007: Panelist, “Addressing Organizational Conflicts of Interest and the New Wave of Government Oversight,” American Bar Association Annual Meeting, Public Contract Law Section, San Francisco, California. Outline submitted for conference materials supplied.

May 1, 2007: Panelist, “Congressional Investigations: The Challenge of Responding Effectively,” Fairfax County Chamber of Commerce, Government Contracts Council, McLean, Virginia. Talking points and press coverage supplied.

Feb. 20, 2007: Instructor, “Witness Preparation and Direct Examination,” D.C. Bar Continuing Legal Education Program Essential Trial Skills Series, Washington, D.C. This one-evening CLE session consisted of providing instruction and practical advice to attorneys on preparing witnesses for direct examination and conducting direct examination in court. I have no notes, transcripts, or recordings. The event was sponsored by the District of Columbia Bar, 1101 K Street, N.W., Washington, D.C. 20005.

Nov. 11, 2006: Panelist, “White Collar Crime: Corporate Fraud Investigations and Prosecutions,” NAPABA National Convention, Philadelphia, Pennsylvania. Outline supplied.

Mar. 18, 2006: Panelist, “Corporate Responsibility after Sarbanes-Oxley,” NAPABA Southeast Regional Conference, Washington, D.C. Notes supplied.

Dec. 5, 2003: Presenter, “2003 AALAM Community Service Award to Long Nguyen,” Harry H. Dow Memorial Legal Assistance Fund Annual Dinner,

Boston, Massachusetts. My recollection is that this was a brief presentation at which I described the biography and accomplishments of an award recipient. I have no notes, transcripts, or recordings. The event was sponsored by the Harry H. Dow Memorial Legal Assistance Fund, P.O. Box 6204, Boston, Massachusetts 02114.

Sept. 24, 2003: Panelist, "Practicing Law in Massachusetts: Career Paths and Insights," Asian American Lawyers Association of Massachusetts Kickoff Reception, Boston, Massachusetts. My recollection is that this was a career panel for junior attorneys and law students at which I discussed my experiences as an Assistant U.S. Attorney. I have no notes, transcripts, or recordings. The sponsor of the event was the Asian American Lawyers Association of Massachusetts, c/o The Boston Bar Association, 16 Beacon Street, Boston, Massachusetts 02108.

May 3, 2003: Panelist, "New Developments in Anti-Terrorism and the Law," NAPABA Northeast Regional Conference, Hartford, Connecticut. My recollection is that this panel consisted of a discussion of recent legislation and cases relating to anti-terrorism activities. I have no notes, transcripts, or recordings. The sponsor of the event was the National Asian Pacific American Bar Association, 1612 K Street, N.W., Washington, D.C. 20006.

April 30, 2003: President's Remarks at the Asian American Lawyers Association of Massachusetts (AALAM) Anniversary Banquet, Boston, Massachusetts. My recollection is that I provided a summary of AALAM's activities over the past year. I have no notes, transcripts, or recordings. The sponsor of the event was the Asian American Lawyers Association of Massachusetts, c/o The Boston Bar Association, 16 Beacon Street, Boston, Massachusetts 02108.

Dec. 12, 2002: Moderator, "The Federal Bench" (Panel of Federal Judges Advising on Criminal Law Practice), Boston Bar Association, Criminal Law Section, Annual Bench/Bar Conference, Boston, Massachusetts. Notes supplied.

Dec. 6, 2002: Presenter, "2002 AALAM Community Service Award to Paul W. Lee," Harry H. Dow Memorial Legal Assistance Fund Annual Dinner, Boston, Massachusetts. My recollection is that this was a brief presentation at which I described the biography and accomplishments of an award recipient. I have no notes, transcripts, or recordings, but press coverage is supplied. The event was sponsored by the Harry H. Dow Memorial Legal Assistance Fund, P.O. Box 6204, Boston, Massachusetts 02114.

Oct. 2, 2002: Remarks on behalf of the Asian American Lawyers Association of Massachusetts (AALAM), Joint Minority Bar Reception, Boston, Massachusetts. My recollection is that I described AALAM, its upcoming programs and initiatives, and my personal experiences as an attorney and law student. I have no notes, transcripts, or recordings. The event was co-sponsored by the Asian American Lawyers Association of Massachusetts, the Massachusetts Black

Lawyers Association, the Massachusetts Black Women Attorneys, and the Massachusetts Association of Hispanic Attorneys, c/o The Boston Bar Association, 16 Beacon Street, Boston, Massachusetts 02108.

Sept. 19, 2002: Introductory Remarks at Asian American Lawyers Association of Massachusetts (AALAM) General Meeting, Boston, Massachusetts. My recollection is that this was a brief description of AALAM and its recent activities. I have no notes, transcripts, or recordings. The sponsor of the event was the Asian American Lawyers Association of Massachusetts, c/o The Boston Bar Association, 16 Beacon Street, Boston, Massachusetts 02108.

July 24, 2002: Welcoming Remarks at Asian American Lawyers Association of Massachusetts (AALAM) Summer Intern Lunch, Boston, Massachusetts. My recollection is that this was a brief description of AALAM and the benefits of practicing in Boston. I have no notes, transcripts, or recordings. The sponsor of the event was the Asian American Lawyers Association of Massachusetts, c/o The Boston Bar Association, 16 Beacon Street, Boston, Massachusetts 02108.

2002 (approximate date): Panelist, "Office of Public Interest Advising Career Panel," Harvard Law School, Cambridge, Massachusetts. My recollection is that this was a career panel in which I discussed my experiences as an Assistant U.S. Attorney. I have no notes, transcripts, or recordings. The sponsor of the event was Harvard Law School, Office of Public Interest Advising, 1563 Massachusetts Avenue, Cambridge, MA 02138.

Nov. 14, 2001: Moderator, "The Federal Bench" (Panel of Federal Judges Advising on Criminal Law Practice), Boston Bar Association, Criminal Law Section, Annual Bench/Bar Conference, Boston, Massachusetts. 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.

*Our Voices, Our Story*, Congressional Black Caucus Foundation Annual Report (2009). Copy supplied.

Press Release, Asian Pac. Am. Legal Res. Ctr., Asian Pacific American Legal Resource Center Names Myron Dean Quon Executive Director (Apr. 28, 2008). Copy supplied.

*Two Affiliated Bars Gain Seats on House of Delegates*, LAW. J., May 2003. Copy supplied.

*AALAM Director Named to Mass. Judicial Nominating Commission*, AALAM NEWS, Mar. 2003. Copy supplied.



*After Controversy, Mass. Bar Opens Itself to Changes*, BOSTON BUSINESS JOURNAL, Aug. 12, 2002. Copy supplied.

*Lawyer Ditches Hajji Sebagala*, NEW VISION, July 12, 1999. Copy supplied.

*Sebagala to Refund US Bank*, NEW VISION, Dec. 8, 1998. Copy supplied.

*U.S. Jury Finds Kampala Mayor Guilty of Fraud*, REUTERS NEWS, Dec. 4, 1998. Copy supplied.

*Fraud Trial of Ugandan Mayor Opens in US*, AGENCE FRANCE PRESSE, Nov. 3, 1998. Copy supplied.

*Sebagala's Appeal Stalls*, NEW VISION, Aug. 19, 1998. Copy supplied.

*Record Numbers Run for Council*, HARVARD CRIMSON, Oct. 8, 1987. 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 served as a judge.

- 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.

Town Meeting Member, Lexington Town Meeting, Lexington, MA: Elected March 1989 and re-elected March 1992 (served 1989 – 1994). I served as one of 189 elected members of the town's non-partisan legislative body charged with appropriating funds for operating and capital budgets, approving general and zoning by-laws, and approving town by-laws and other town government matters.

I have not had unsuccessful candidacies for elective 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.

Executive Committee (Vice President), Montgomery County District 16 Democratic Club, Montgomery County, Maryland (2009). I helped plan membership events with elected officials and other speakers.

Board of Directors, Coalition of Asian Pacific American Democrats of Maryland (2009). I helped plan events at which elected officials and Asian American community leaders discussed issues of interest to the Asian American community.

Precinct Chair, Montgomery County Democratic Party, Montgomery County, Maryland (2008). I organized volunteers to staff a polling place information table on Election Day.

Volunteer, Obama for America Presidential Campaign (2008). I served on the Steering Committee of the Maryland Asian Pacific Americans for Obama, helping plan Asian American outreach efforts; on the organizing committee for a National Asian Pacific American Fundraiser, attending planning meetings and inviting personal contacts to attend the event; and as a field volunteer, conducting polling place legal monitoring, canvassing, phonebanking, and voter registration.

Host Committee, Ben Cardin for Senate Fundraiser, Potomac, Maryland (2006). I invited personal contacts to attend a fundraising event.

Delegate, Massachusetts Democratic State Convention (2002). I served as a delegate to the Massachusetts Democratic State Convention.

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 August 1994 to August 1995, I served as a law clerk to Judge Dorothy W. Nelson, Circuit Judge of the United States Court of the Appeals for the Ninth Circuit.

- 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.

May – July 1994  
United States Department of Justice  
Office of the Solicitor General  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
Law Intern

July – August 1994  
United States Department of State  
Office of the Legal Adviser  
2201 C Street, N.W.  
Washington, D.C. 20520  
Law Intern

1994 – 1995  
United States Court of Appeals for the Ninth Circuit  
Chambers of Judge Dorothy W. Nelson  
125 South Grand Avenue, Suite 303  
Pasadena, CA 91105  
Law Clerk to Judge Dorothy W. Nelson

1995 – 1998

United States Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
Trial Attorney, Housing and Civil Enforcement Section

1998 – 2004

United States Attorney's Office for the District of Massachusetts  
One Courthouse Way, Suite 9200  
Boston, MA 02210  
Assistant United States Attorney, Criminal Division

2004 – 2007

Wilmer Cutler Pickering Hale and Dorr LLP  
1875 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
Counsel

2007 – 2009

House Committee on Oversight and Government Reform  
2471 Rayburn House Office Building  
Washington, D.C. 20515  
Deputy Chief Investigative Counsel

2009

House Committee on Energy and Commerce  
2322A Rayburn House Office Building  
Washington, D.C. 20515  
Chief Investigative Counsel

2009 – present

United States Department of Homeland Security  
Office of the General Counsel  
Washington, D.C. 20528  
Associate General Counsel (2009 – 2011)  
Deputy General Counsel (2011 – present)  
Counselor on detail to United States Department of State (2013 – present)

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

I have not served as a professional mediator or arbitrator. As a law student, I participated in the Harvard Mediation Program, through which I served as a co-mediator on a few cases arising in Massachusetts state

courts. I do not have records or a recollection of the specific matters mediated.

b. Describe:

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

From 1995 to 1998, when I served as a trial attorney at the United States Department of Justice, Civil Rights Division, I represented the United States as a plaintiff in civil litigation to enforce federal civil rights laws, particularly those relating to fair housing, access to public accommodations, fair lending, and housing rights for persons with disabilities. My activities included conducting investigations, conducting written discovery and depositions, drafting summary judgment motions, and drafting and negotiating consent decrees to settle cases for injunctive relief, damages, and civil penalties.

From 1998 to 2004, when I served as an Assistant United States Attorney at the United States Attorney's Office for the District of Massachusetts, I represented the United States as a federal prosecutor and conducted all phases of criminal prosecution, including grand jury investigations, motion practice, evidentiary hearings, jury trials, plea hearings, sentencing proceedings, and appeals in cases relating to violent crime, financial fraud, immigration crimes, and other federal offenses. My appellate activities included representing the United States in nine appeals (seven as appellee, two as appellant) before the United States Court of Appeals for the First Circuit by drafting the briefs and delivering oral argument in all five of those cases in which the court heard argument.

From 2004 to 2007, when I was a counsel at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, I was engaged in private litigation practice as a defense attorney representing individuals and corporations from the securities, financial, communications, and energy sectors in criminal and civil enforcement investigations and litigation, at both the trial and appellate levels. In criminal cases, I represented companies under grand jury investigation by overseeing teams of attorneys engaged in responding to subpoenas and requests for documents, preparing witnesses, and negotiating resolutions to cases prior to indictment. I also represented defendants in indicted criminal cases, including preparing witnesses, drafting briefs on pre-trial motions, and drafting appellate briefs. In civil cases, I oversaw teams of attorneys engaged in responding to document requests, prepared witnesses for and defended depositions or on-the-record testimony in civil enforcement actions, and negotiated discovery issues and settlement with opposing counsel. In both civil and criminal cases, I

conducted internal investigations to assess potential criminal and civil exposure and to obtain facts to support negotiations to resolve the cases.

From 2007 to 2009, when I served as Deputy Chief Investigative Counsel for the House Committee on Oversight and Government Reform and as Chief Investigative Counsel for the House Committee on Energy and Commerce, I supervised and conducted congressional oversight investigations of federal government agencies and corporations in the national security, financial, and health sectors. Although not formal litigation, the investigations were similar to litigation in that they employed litigation tools, such as document requests, interrogatories, and depositions and often culminated in a formal congressional hearing including witness testimony.

Since I became Associate General Counsel and later Deputy General Counsel at the United States Department of Homeland Security, the majority of my responsibilities have consisted of providing legal advice in a counseling capacity relating to administrative law, labor and employment law, government contracts law, fiscal and appropriations law, intelligence and national security law, and criminal procedure. I have also supervised administrative litigation and overseen federal court litigation conducted by the Department of Justice on behalf of DHS relating to labor and employment law, the Federal Tort Claims Act, government contracts, and certain national security and law enforcement matters. I have also served on a temporary detail to the United States Department of State to provide legal advice and support on congressional investigations and significant litigation.

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

When I served as a trial attorney at the United States Department of Justice, Civil Rights Division, I represented the United States as a plaintiff in civil litigation. My areas of specialization were federal civil litigation and federal civil rights law.

As an Assistant United States Attorney at the United States Attorney's Office for the District of Massachusetts, I represented the United States in criminal prosecutions. My area of specialization was federal criminal law and procedure at the trial and appellate levels.

As a counsel at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, I was engaged in private litigation practice representing individuals and corporations from the securities, financial, communications, and energy sectors in criminal and civil enforcement investigations and litigation. My areas of specialization included criminal defense,

government investigations, and federal civil litigation at the trial and appellate levels.

As the Deputy Chief Investigative Counsel for the House Committee on Oversight and Government Reform and as Chief Investigative Counsel for the House Committee on Energy and Commerce, I represented congressional committees in the conduct of congressional oversight investigations of federal government agencies and corporations in the national security, financial, and health sectors. My area of specialization was congressional investigations practice.

As Deputy General Counsel and Associate General Counsel at the United States Department of Homeland Security, I have represented the United States Department of Homeland Security and the United States Department of State (on detail) as in-house counsel. My areas of specialization have included administrative law, labor and employment law, government contracts law, fiscal and appropriations law, intelligence and national security law, criminal procedure, and federal court and administrative litigation.

- 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.

Throughout most of my career, I have engaged in litigation, either directly or by supervising or overseeing other counsel. When I was a trial attorney at the United States Department of Justice, Civil Rights Division from 1995 to 1998, my practice was 100% litigation, and I appeared in court occasionally. When I was an Assistant United States Attorney from 1998 to 2004, my practice was 100% litigation, and I appeared in court frequently. When I was in private practice from 2004 to 2007, my practice was 100% litigation, and I appeared in court occasionally.

When I was counsel to congressional committees from 2007 to 2009, my practice was not formal litigation, but consisted of the conduct of investigations similar to litigation in that they required the use of litigation tools such as document requests, interrogatories, and depositions and often culminated in a formal congressional hearing including witness testimony.

At the United States Department of Homeland Security since 2009, approximately 20% of my practice has been supervision or oversight of litigation. I have not appeared in court but have supervised and overseen the work of attorneys who did appear in court. I have estimated the percentages of my practice below based on my entire career in litigation.



i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 90% |
| 2. state courts of record:  | 1%  |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 9%  |

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.

I have tried eight cases to verdict before the United States District Court, which included a total of approximately 95 jury trial days. Of these trials, I was the sole counsel for two trials and chief counsel for two trials. In all of the trials I conducted with other counsel, whether as chief counsel or not, I delivered either the opening statement or closing argument and had responsibility for an approximately equal share of witness examination and other trial activities. I also have tried one case to verdict before a state district court. I was a student prosecutor authorized to represent the state and was the sole counsel, but as required by rule was accompanied by an Assistant District Attorney advisor. All of the eight United States district court trials were criminal jury trials. The one state district court trial was a criminal non-jury trial.

i. What percentage of these trials were:

- |              |      |
|--------------|------|
| 1. jury:     | 89 % |
| 2. non-jury: | 11 % |

- 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. Merlino et al.*, Crim. No. 99-10098-RGS (D. Mass. Mar. 24, 1999); 204 F. Supp. 2d 83 (D. Mass. 2002); 592 F.3d 22 (1st Cir. 2010).

In this case, four defendants were charged in a six-count indictment with attempted Hobbs Act robbery, conspiracy, use of an explosive and firearms in relation to a crime of violence, and felon-in-possession of an explosive and firearms, arising from a scheme to rob an armored car facility of over \$50 million in cash through the use of firearms, an assault rifle, and a hand grenade. I represented the United States and was the lead prosecutor for the trial and shared trial responsibilities with my co-counsel. During a 16-day jury trial, I examined or cross-examined approximately half of the witnesses, including the main cooperating witness whose testimony spanned all or part of seven trial days and included the introduction of substantial evidence from tape recordings. I also delivered the closing argument and shared responsibility for all other aspects of the trial, including jury selection and briefing and argument on motions. After trial, all four defendants were convicted on all counts and received sentences of 51, 47, 38, and 13 years' imprisonment. I did not participate in the appeal cited above, which upheld the original conviction.

Date of Representation: Trial: September 24, 2001 – October 24, 2001

Court: U.S. District Court, District of Massachusetts

Judge: Hon. Richard G. Stearns

Co-Counsel: Hon. James F. Lang  
(former Assistant U.S. Attorney)  
Associate Justice  
Massachusetts Superior Court  
Three Pemberton Square, 13th Floor  
Boston, MA 02108  
(617) 788-8130  
(978) 242-1931

Opposing Counsel: Martin D. Boudreau, Esq. (defendant C. Merlino)  
(deceased)

Robert M. Goldstein, Esq. (defendant Turner)  
The Goldstein Law Firm  
20 Park Plaza, Suite 1000  
Boston, MA 02116  
(617) 742-9015

William J. Cintolo, Esq. (defendant Rossetti)  
Cosgrove, Eisenberg & Kiley, P.C.  
One International Place, Suite 1820  
Boston, MA 02110-2600  
(617) 439-7775

E. Peter Parker, Esq. (defendant W. Merlino)  
151 Merrimac Street  
Boston, MA 02114  
(617) 742-9099

2. *United States v. Sebagala*, Crim. No. 98-10186-RCL (D. Mass Sept. 30, 1998); 256 F.3d 59 (1st Cir. 2001).

In this case, the defendant was the mayor of the capital city of Uganda and was charged in a ten-count indictment with bank fraud, transportation of altered securities, and making false statements to the United States government arising out of a scheme to fraudulently alter checks and traveler's checks originating in Africa and present them to a bank in the United States. The evidence at trial revealed that some of the proceeds of the crime were used to fund the defendant's political campaign. I was the sole prosecutor on the case from the original criminal complaint through indictment, trial, and appeal. During a 20-day jury trial, I handled all trial responsibilities on behalf of the United States, including jury selection, opening statement, examination and cross-examination of all witnesses, including two expert witnesses and several foreign witnesses, briefing and arguing all motions, and closing argument. After trial, the defendant was convicted on all counts and sentenced to 15 months' imprisonment. I also briefed and argued the appeal before the United States Court of Appeals for the First Circuit, which affirmed the conviction.

Date of Representation: Trial: November 2, 1998 – December 4, 1998

Courts: U.S. District Court, District of Massachusetts  
U.S. Court of Appeals for the First Circuit

District Judge: Hon. Reginald C. Lindsay

Opposing Counsel: Paul V. Kelly, Esq.  
Jackson Lewis, LLP  
75 Park Plaza, Fourth Floor

Boston, MA 02116  
(617) 367-0025

3. *United States v. Donnelly, Bailey et al.*, Crim. No. 00-10431-RCL, 405 F.3d 102 (1st Cir. 2005).

In this case, seven Suffolk County jail officers were charged in a 15-count indictment with deprivation of constitutional rights, conspiracy, perjury, and obstruction of justice arising out of a series of beatings of detainees at the Nashua Street Jail in Boston. I served as a member of a three-attorney trial team and prepared for a trial of all seven defendants. Immediately prior to trial, three defendants (Donnelly, Nuzzo, Massucco) pleaded guilty to all charges. At the 18-day trial of three remaining defendants, I delivered the opening statement, examined or cross-examined approximately one-third of the witnesses, including a defendant and one of the main cooperating witnesses, and shared equally in all other aspects of the trial, including jury selection and briefing and arguing of motions. Defendant Bailey was convicted and sentenced to 41 months' imprisonment; the other two defendants (Bethune, Benson) were acquitted.

Dates of Representation: Trial: March 3 – 31, 2003

Court: U.S. District Court, District of Massachusetts

Judge: Hon. Reginald C. Lindsay

Co-Counsel: Ted Merritt  
Assistant U.S. Attorney, District of Massachusetts  
U.S. Attorney's Office  
One Courthouse Way  
Boston, MA 02210  
(617) 748-3100

Lisa Krigsten, Esq.  
(former U.S. Department of Justice trial attorney)  
Dentons US LLP  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
(816) 460-2554

Opposing Counsel: Evan Slavitt, Esq. (defendant Bailey)  
AVX Corporation  
One Avx Blvd  
Fountain Inn, SC 29644  
(864) 967-2150

Douglas I. Louison, Esq. (defendant Benson)  
Louison, Costello, Condon & Pfaff, LLP  
101 Summer Street, Fourth Floor  
Boston, MA 02110  
(617) 439-0305

Stephen C. Pfaff, Esq. (defendant Bethune)  
Louison, Costello, Condon & Pfaff, LLP  
101 Summer Street, Fourth Floor  
Boston, MA 02110  
(617) 439-0305

4. *United States v. Sutherland*, Crim. No. 00-10431-GAO (D. Mass. May 15, 2001).

This case consisted of an eight-day jury trial of defendant Sutherland, a Suffolk County jail officer, who was originally charged along with the Donnelly/Bailey defendants with deprivation of constitutional rights, conspiracy, and obstruction of justice, but had his case severed from that of the other defendants. I was one of two prosecutors representing the United States. I examined approximately half of the witnesses, delivered the closing argument, and shared equally in all other aspects of the trial, including jury selection and briefing and arguing of motions. The defendant was convicted of one count of obstruction of justice and was acquitted of the remaining counts. He was sentenced to ten months' imprisonment.

Dates of Representation:	Trial: October 14 – 28, 2003
Court:	U.S. District Court, District of Massachusetts
Judge:	Hon. George A. O'Toole, Jr.
Co-Counsel:	Ted Merritt Assistant U.S. Attorney U.S. Attorney's Office, District of Massachusetts One Courthouse Way Boston, MA 02210 (617) 748-3100
Opposing Counsel:	J.W. Carney, Jr., Esq. Carney & Bassil 20 Park Plaza, Suite 1405 Boston, MA 02116 (617) 963-0534

5. *United States v. Ziskind*, Crim. No. 02-10016-DPW (D. Mass. Jan. 16, 2002), 367 F.Supp.2d 4 (D. Mass. 2005), 491 F.3d 10 (1st Cir. 2007).

In this case, the defendant was charged in a three-count indictment with theft of interstate shipments and conspiracy arising from a scheme in which an organized crime figure recruited a group of UPS truck drivers to steal packages containing semiconductors, memory chips, and other computer-related products and provide them to the defendant for resale through his electronics business. I joined the case prior to trial and was one of two prosecutors representing the United States. During the nine-day trial, I examined approximately half of the witnesses, including an immunized witness, delivered the closing argument, and shared equally in all other aspects of the trial, including jury selection and briefing and arguing motions. The defendant was convicted on all counts and sentenced to 63 months' imprisonment. I did not participate in the post-trial motion or appeal cited above, the latter of which affirmed the conviction.

Date of Representation:	Trial: January 27 – February 12, 2003
Court:	U.S. District Court, District of Massachusetts
Judge:	Hon. Douglas P. Woodlock
Co-Counsel:	Fred M. Wyshak, Jr. Assistant U.S. Attorney U.S. Attorney's Office, District of Massachusetts One Courthouse Way Boston, MA 02210 (617) 748-3100
Opposing Counsel:	William J. Cintolo, Esq. Cosgrove, Eisenberg & Kiley, P.C. One International Place, Suite 1820 Boston, MA 02110-2600 (617) 439-7775

6. *United States v. Simons et al.*, Crim. No. 97-10334-GAO (D. Mass. 1997); 225 F.3d 54 (1st Cir. 2000).

In this case, seven defendants were charged in a 33-count indictment with interstate transportation of stolen property, conspiracy, structuring of financial transactions, money laundering, making false statements to the U.S. government, and criminal forfeiture arising out of scheme to steal approximately \$17 million worth of Microsoft Office software discs and other computer software and data storage devices from a distributor's warehouse and re-sell them through a separate business. Prior to trial, five of the defendants pleaded guilty. During a two-week jury trial of the two remaining defendants, I was one of two prosecutors

representing the United States. I delivered the opening statement, examined approximately half of the witnesses, and shared equally in all other aspects of the trial, including jury selection and briefing and arguing of motions. Defendant M. Simons was convicted on all seven counts in which she was charged and sentenced to 33 months' imprisonment. Defendant Coviello was convicted on the single count in which he was charged and was sentenced to 30 months' imprisonment. I did not participate in the appeal cited above, which affirmed the conviction.

Dates of Representation:	Trial: March 1 – 19, 1999
Court:	U.S. District Court, District of Massachusetts
Judge:	Hon. George A. O'Toole, Jr.
Co-Counsel:	Ben T. Clements, Esq. (former Assistant U.S. Attorney) Clements & Pineault, LLP 24 Federal Street, Third Floor Boston, MA 02110 (857) 445-0133
Opposing Counsel:	Robert L. Shekatoff, Esq. (defendant M. Simons) One McKinley Square Boston, MA 02109 (617) 367-3449  Robert D. Lewin, Esq. (defendant Coviello) One Salem Street Malden, MA 02148 (781) 322-2228

7. *United States v. Hughes*, Crim. No. 99-10405-REK (D. Mass. Dec. 8, 1999); 95 F. Supp. 2d 49 (D. Mass. 2000); 131 F. Supp. 2d 64 (D. Mass. 2001); 279 F.3d 86 (1st Cir. 2002).

In this case, the defendant was charged in a six-count indictment with making false statements in connection with the purchase of firearms and illegal possession of firearms by a drug user or addict arising from the purchase of a total of 11 firearms over the course of three visits to a gun dealer. I represented the United States in all phases of this prosecution, including a suppression hearing that led to the suppression of evidence and a subsequent interlocutory appeal to the United States Court of Appeals for the First Circuit, which I briefed and argued, that resulted in the reversal of the suppression ruling. During an eight-day jury trial, I was the lead prosecutor and shared trial responsibilities with another Assistant U.S. Attorney. I examined approximately half of the witnesses, including an

expert witness, delivered the closing argument and rebuttal argument, and shared equally in all other aspects of the trial, including jury selection and briefing and arguing of motions. The defendant was convicted on all counts and sentenced to 18 months' imprisonment.

Dates of Representation:	Indictment: December 8, 1999 Trial: June 17 – 26, 2002
Courts:	U.S. District Court, District of Massachusetts U.S. Court of Appeals for the First Circuit
District Judge:	Hon. Robert E. Keeton
Co-Counsel:	Hon. Denise Jefferson Casper (former Assistant U.S. Attorney) United States District Judge U.S. District Court Moakley United States Courthouse One Courthouse Way Boston, MA 02210 (617) 748-4829
Opposing Counsel:	Miriam Conrad, Esq. Federal Public Defender 51 Sleeper Street, Fifth Floor Boston, MA 02210 (617) 223-8061

8. *United States v. Freeman*, Crim. No. 00-10020-RWZ (D. Mass. Jan. 19, 2000).

In this case, the defendant was charged with illegal possession of a firearm by a convicted felon arising from a police chase of the defendant at an apartment complex. I represented the United States in all phases of this prosecution from indictment to sentencing. During the three-day jury trial, I conducted jury selection, delivered the opening statement and closing argument, and examined all of the witnesses. The defendant was convicted and sentenced to a mandatory minimum of 180 months' imprisonment as an Armed Career Criminal. Subsequently, the defendant arranged for one of his predicate state convictions to be vacated and filed a petition under 28 U.S.C. 2255 to vacate the sentence, resulting in the re-sentencing of the defendant.

Dates of Representation:	Indictment: January 19, 2000 Trial: July 17 – 19, 2000 2255 Proceeding: Dec. 2002 – Jan. 2003
Court:	U.S. District Court, District of Massachusetts



Judge: Hon. Rya W. Zobel

Opposing Counsel: James Dilday, Esq.  
The Law Offices of James S. Dilday, P.C.  
27 School Street, Suite 400  
Boston, MA 02108  
(617) 227-3470

9. *United States v. Bashorun and Junaid*, Crim. No. 97-10318- NG (D. Mass. Dec. 3, 1997); 225 F.3d 9 (1st Cir. 2000).

In this case, two defendants were charged in an 11-count indictment with possession of heroin with intent to distribute, conspiracy, use of a communications facility to facilitate a controlled substance offense, and immigration fraud arising from a scheme to import heroin from Thailand by Express Mail. I joined the case in April 1998 as co-counsel to represent the United States in a six-day evidentiary hearing on a motion to suppress evidence and participated in the drafting of the post-hearing pleadings. After the motion was denied, I prepared the case for trial by preparing to examine approximately half of the witnesses, including an expert witness, and drafting pre-trial motions and submissions. Shortly before trial, the defendants pleaded guilty but reserved their rights to appeal the district court's denial of the motion to suppress. The defendants were sentenced to 63 months' imprisonment (defendant Bashorun) and 12 months' probation (defendant Junaid). On appeal, I served as counsel of record for both appeals (one filed by each defendant), drafted the government's briefs, and delivered oral argument in the one appeal in which the court heard argument. The U.S. Court of Appeals affirmed in both appeals.

Dates of Representation: March 1998 – September 2000

Courts: U.S. District Court, District of Massachusetts  
U.S. Court of Appeals for the First Circuit

District Judge: Hon. Nancy Gertner

Co-Counsel: Michael Ricciuti, Esq.  
K&L Gates  
State Street Financial Center  
One Lincoln Street  
Boston, MA 02111  
(617) 951-9094

Opposing Counsel: Hon. Peter B. Krupp (defendant Bashorun)  
Associate Justice  
Massachusetts Superior Court

Three Pemberton Square, 13th Floor  
Boston, MA 02108  
(617) 788-8130

Karnig Boyajian, Esq. (defendant Junaid)  
One Gateway Center, Suite 315  
Newton, MA 02458  
(617) 332-2222

10. *United States v. Moore*, Crim. No. 98-10140-GAO (D. Mass. Apr. 29, 1998); 235 F.3d 700 (1st Cir. 2000); 286 F.3d 47 (1st Cir. 2002).

In this case, the defendant was charged in a one-count indictment with illegal possession of ammunition by a convicted felon. I represented the United States as sole counsel for all proceedings from indictment through appeal. During an evidentiary hearing on July 20, 1999, I examined all witnesses and presented oral argument. After the district court granted the motion to suppress, the government filed an interlocutory appeal to the United States Court of Appeals for the First Circuit. I briefed and argued the appeal, which resulted in the reversal of the district court's suppression ruling. The defendant then pleaded guilty, and I represented the United States at the plea hearing and sentencing hearing, at which the defendant was sentenced to a mandatory minimum 180 months' imprisonment as an Armed Career Criminal. On a subsequent appeal to the First Circuit related to sentencing, I was counsel of record for the United States and briefed the appeal. The United States Court of Appeals affirmed the sentence.

Dates of Representation: April 29, 1998 – March 18, 2002

Courts: U.S. District Court, District of Massachusetts  
U.S. Court of Appeals for the First Circuit

District Judge: Hon. George A. O'Toole, Jr.

Opposing Counsel: E. Peter Parker, Esq.  
151 Merrimac Street  
Boston, MA 02114  
(617) 742-9099

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.)

Beyond the trial and litigation activities described above in response to questions 16 and 17, I have engaged in the following significant legal activities that did not consist of direct representation in litigation:

From 2007 to 2009, during my service as Chief Investigative Counsel of the House Committee on Energy and Commerce and Deputy Chief Investigative Counsel of the House Committee on Oversight and Government Reform, I supervised and conducted congressional oversight investigations of federal government agencies and corporations in the national security, financial, and health sectors. Although not formal litigation, the investigations were similar to litigation in that they employed litigation tools such as document requests, interrogatories, and depositions and often culminated in a formal congressional hearing including witness testimony and examination of witnesses by members of Congress. For such hearings, I briefed the Chairman and other members of the Committee on the results of the investigation and prepared proposed questions to be asked of the witnesses. As Chief Investigative Counsel, I had supervisory responsibility over a team of approximately 12 to 15 attorneys and investigators.

Since 2009, as Deputy General Counsel and Associate General Counsel at the United States Department of Homeland Security, I have provided, and supervised the provision of, legal advice in a counseling capacity to senior DHS officials on issues relating to administrative law, labor and employment law, government contracts law, fiscal and appropriations law, intelligence and national security law, and criminal procedure. The counseling related to issues such as counterterrorism, border security, immigration enforcement and administration, cybersecurity, and national disaster responses to events such as the BP/Deepwater Horizon oil spill. In these roles, I also oversaw litigation matters relating to employment law, government contracts, the Federal Tort Claims Act, and certain criminal procedure matters. As part of my litigation responsibilities, I served as the DHS lead on the federal government team supporting the BP/Deepwater Horizon litigation. As Associate General Counsel, I had supervisory responsibility over a team of 30 to 35 attorneys, including five supervisors who reported directly to me. As Deputy General Counsel, I had supervisory responsibility over the chief counsel of four Divisions and Components comprising a combined total of approximately 275 attorneys.

I have not registered as a lobbyist and have not performed lobbying activities during the course of my career.

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.

None.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business

relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

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

No.

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 Statement of Net Worth.

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 would recuse in any litigation in which I had played a role. In particular, a case involving the United States Department of Homeland Security as a party might present a conflict of interest. I would examine whether the case arises from facts with which I had personal or supervisory involvement, or whether participation would violate relevant ethics and professional responsibility rules, and would recuse in such instances. Although I do not foresee any other likely conflicts of interest, I would also examine every case for any conflict or appearance of conflict arising out of any personal relationships.

- 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 follow 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable ethics, rules, or statutes, to determine whether I should be recused.

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.

Since 2005 and continuing to the present, I have served on the Board of Directors of the Asian Pacific American Legal Resource Center (APALRC), a non-profit legal services organization that serves low-income, limited English proficient Asian Americans and immigrants in Maryland, Washington, D.C., and Virginia. The APALRC provides legal representation and referral services in cases involving domestic violence, family law, immigration law, employment law, and a variety of other areas. As a member of the Board of Directors, I help to oversee the management, programs, and finances of the organization. For two years, from 2007 to 2009, I served as Chair of the Board of Directors. In addition to the duties of a Director, I was the principal point of contact for the Executive Director and led a search for a new Executive Director when a vacancy arose, set the agenda for and chaired all Board meetings, set the agenda for and chaired Executive Committee meetings, and represented the organization at various internal and external events and meetings.

From approximately 2002 to 2003, as President of the Asian American Lawyers Association of Massachusetts (AALAM), I oversaw and promoted a project of the organization's Community Service Committee to provide a *pro bono* legal workshop in Boston's Chinatown at which AALAM attorneys provided general information about immigration law, employment law, and other areas of law that may affect the lives of area residents.

From 2002 to 2003, I served on the Board of Directors of Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association (now the Lawyers' Committee for Civil Rights and Economic Justice), a nonprofit, nonpartisan legal organization that provides pro bono legal representation to victims of discrimination based on race or national origin.

From 1999 to 2001, I served on the Board of Trustees of the Massachusetts Law Reform Institute, a non-profit legal services organization whose mission is to advance economic, racial and social justice in Massachusetts through legal action, education and advocacy.

From approximately 1996 to 1997, I served as the Pro Bono Committee Chair of the Asian Pacific American Bar Association of the Greater Washington, D.C. Area (APABA). In that role, I led efforts to study means by which APABA could host a program through which its members could engage in pro bono activities.

**26. Selection Process:**

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

On or about March 8, 2013, in response to a public notice soliciting applications for the position of United States District Judge for the District of Maryland, I submitted an application to the Office of Senator Barbara A. Mikulski. On March 18, 2013, I was interviewed in Baltimore, Maryland by a Review Committee of Maryland attorneys established by Senator Mikulski and Senator Ben Cardin, which then recommended me to the Senators. On May 6, 2013, I was interviewed in Washington, D.C. by Senator Mikulski and Senator Cardin. On June 10, 2013, Senator Mikulski informed me that she was recommending me to the President for nomination. Since June 11, 2013, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On July 17, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On September 25, 2013, the President 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.

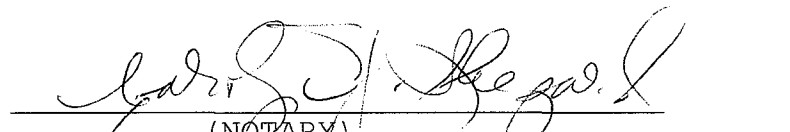
No.

AFFIDAVIT

I, Theodore David Chuang, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

September 26, 2013  
(DATE)

  
Theodore David Chuang

  
(NOTARY)  
DISTRICT OF COLUMBIA  
MY COMMISSION EXPIRES ON:  
SEPT. 30, 2016.

