

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Thompson Michael Dietz

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

Judge, United States Court of Federal Claims

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: CohnReznick LLP
4 Becker Farm Road
Roseland, New Jersey 07068

Residence: Verona, New Jersey 07044

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

1979; New Orleans, Louisiana

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.

2003 – 2005, Tulane University Law School, J.D., 2005
2002 – 2003, Loyola University New Orleans College of Law; no degree conferred
1997 – 2001, Clemson University, B.A., 2001

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.

2012 – present
CohnReznick LLP
4 Becker Farm Road
Roseland, New Jersey 07068
Associate Counsel

2011 – 2012
Reznick Group, P.C.
(combined with CohnReznick LLP in 2012)
7501 Wisconsin Avenue, Suite 400E
Bethesda, Maryland 20814
Contracts Manager

2006 – 2011
General Dynamics Land Systems
14041 Worth Avenue
Woodbridge, Virginia 22192
Senior Contracts Representative

2005 – 2006
Legal Source
2020 K Street NW #700
Washington, DC 20006
Attorney

2004
Hailey, McNamara, L.L.P.
1 Galleria Boulevard, #1400
Metairie, Louisiana 70001
Summer Law Clerk

2003
The Honorable Jay C. Zainey
United States District Court for the Eastern District of Louisiana
500 Poydras Street
Room C455
New Orleans, Louisiana 70130
Extern

2002, 2004
Adams Hoefler Holwadel LLC
400 Poydras Street, Suite 2450
New Orleans, Louisiana 70130
File Clerk

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 the selective service in September 1997.

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.

Selected to serve on CohnReznick Innovation Team (2016)

Recipient of United States Marine Corps, Certificate of Commendation (2007)

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.

None

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.

New Jersey, admitted as in-house counsel 2014

District of Columbia, admitted 2007

Maryland, admitted 2005

I am presently an inactive member of the District of Columbia Bar. Otherwise, there have been no lapses in membership.

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

None

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.

National Contract Management Association (2011 to 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.

None

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.

None

- 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.

None

- 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.

January 2019: Presenter, HIPAA Compliance and Best Practices. This presentation was delivered to employees of CohnReznick LLP for internal training purposes. The subject matter consisted of an introduction on the Health Insurance Portability and Accountability Act. It also covered Business Associate Agreements and best practices for handling Protected Health Information. The address where the training was presented is 1301 Avenue of the Americas, New York, New York 10019.

October 2018: Presenter, Code of Business and Ethics for Government Contracts. This presentation was delivered to employees of CohnReznick LLP for internal training purposes. The subject matter consisted of an introduction on government contracting principles, compliance requirements, contract administration and performance, and consequences of non-compliance. The address where the training was presented is 4 Becker Farm Road, Roseland, New Jersey 07068.

October 2015 and October 2017: Presenter, Basics of Federal Government Procurement and Code of Business and Ethics for Government Contracts. This presentation was delivered to employees of CohnReznick LLP for internal training purposes. The subject matter consisted of an introduction on government contracting, the government procurement life cycle, contract types and cost principles, compliance requirements, contract administration and performance, and consequences of non-compliance. The address where the training was presented is 7501 Wisconsin Avenue Bethesda, Maryland 20814.

2010 (estimated): Presenter, Understanding the International Traffic in Arms Regulations. This presentation was delivered to employees of General Dynamics Land Systems for internal training purposes. The subject matter consisted of an overview of the International Traffic in Arms Regulations. The address where the training was presented is 14041 Worth Avenue, Woodbridge, Virginia 22192.

- 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.

None

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

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these, approximately what percent were:

jury trials:	_____%
bench trials:	_____% [total 100%]
civil proceedings:	_____%
criminal proceedings:	_____% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held a public 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 held any memberships or offices in a political party or election committee.

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;

I have not served as a clerk for a judge.

- 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.

2005 – 2006
Legal Source
2020 K Street NW #700
Washington, DC 20006
Temporary Attorney

2006 – 2011
General Dynamics Land Systems
14041 Worth Avenue
Woodbridge, Virginia 22192
Senior Contracts Representative

2011 – 2012
Reznick Group, P.C.
(combined with CohnReznick LLP in 2012)
7501 Wisconsin Avenue, Suite 400E
Bethesda, Maryland 20814
Contracts Manager

2012 – present
CohnReznick LLP
4 Becker Farm Road
Roseland, New Jersey 07068
Associate Counsel

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

I have not served as a mediator or arbitrator.

b. Describe:

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

My practice at Legal Source consisted of large-scale analysis of documents and other evidence in connection with Foreign Corrupt Practices Act (FCPA) litigation. This was my first position upon graduation from law school in 2005.

From 2006 to 2011, I was employed by General Dynamics Land Systems where I was heavily involved in all phases of federal government contracting, primarily in connection with United States Marine Corps programs. I was responsible for negotiation and management of federal government contracts relating to a significant military system design and development program and had a lead role in all government contract matters, including interpretation and application of the laws and regulations governing federal government contracts.

I joined Reznick Group in 2011, a national accounting firm with a substantial government practice. My practice expanded to include state and local government contracts, along with various other federal government agencies. I also handled a significant amount of contract drafting and negotiation with respect to private and public sector clients, as well as regulatory and compliance matters affecting public accounting firms. Reznick Group combined with J.H. Cohn in 2012 to create CohnReznick LLP.

At CohnReznick LLP, I provide counsel to the firm's management, partners and business units on a variety of matters. I am lead counsel on all government contracting issues, data security and privacy, and conflicts of interest (including those arising in the government contracting context). With respect to government contracts, I regularly provide counsel regarding government solicitations and proposals and negotiation and management of government contracts at the local, state, and federal levels. After having the benefit of almost a decade in the accounting industry, I have developed an understanding of accounting and financial principles and regularly provide counsel with respect to the laws, regulations, and standards governing public accounting firms. I also handle and provide counsel with respect to all aspects of commercial contracts in connection with the firm's extensive operations, including client contracts, vendor agreements, confidentiality agreements, and release letters. My practice in contracts spans from individual level contracts to extensive master service agreements for Fortune 100 companies. With respect to data security and privacy matters, I lead the firm's privacy committee and provide counsel with respect to compliance with various regulatory schemes governing data security and privacy.

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

My client throughout my legal career has been the legal entity by which I was employed as in-house counsel. The areas in which I have specialized include government and commercial contracts, regulations and standards governing public accounting firms, data security and privacy, and conflicts of interest.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

My legal practice has not been in litigation or required appearances in court.

- i. Indicate the percentage of your practice in:

- 1. federal courts: _____%
- 2. state courts of record: _____%
- 3. other courts: _____%
- 4. administrative agencies: _____%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: _____%
- 2. criminal proceedings: _____%

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

I have not tried a case during my law practice.

- i. What percentage of these trials were:

- 1. jury: _____%
- 2. non-jury: _____%

- 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.

I have not personally litigated matters. As in-house counsel, my legal practice has consisted of providing legal counsel to the legal entity with which I was employed as in-house counsel. I have served as lead in-house counsel in relation to disputes under federal and state government contracts and provided support with respect to internal preparation for litigation matters.

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.)

While at General Dynamics Land Systems, I served as a lead negotiator of a significant system design and development contract and assumed a lead role in the management of the resultant contract. In my position, I engaged in extensive negotiations with various contracting officers and program officials representing the United States Marine Corps. The subject matter of the negotiations and resultant contract involved complex engineering and technical elements. The negotiations extended for several months and resulted in a contract award.

At CohnReznick, I am regularly called upon to lead negotiations on large and small commercial and public sector contracts for a wide spectrum of services and other business relationships. Such negotiations often involve multiple internal and external parties with adverse interests and complex contractual terms governing liability, regulatory requirements, and dispute resolution. In addition to providing counsel with respect to contract negotiation and formation, I assist with resolution of contractual disputes that arise from time to time and drafting settlement agreements with the objective of avoiding litigation.

I also serve as lead counsel for all matters relating to CohnReznick's government and public sector group. Such matters involve government procurement activities by government agencies at the federal level, as well as in state and local jurisdictions across

the United States. I provide counsel to the firm's management and partners with respect to all phases of the government contracts life cycle, including solicitations, proposals, and contract negotiation and management.

I have not performed any lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any 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.

I may receive a monthly deferred vested benefit as part of a retirement plan at General Dynamics Land Systems. This deferred benefit may be received at the age of 65.

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).

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

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.

I do not anticipate encountering conflicts of interest arising from my family

members, personal relationships, or financial arrangements. It is possible that a former employer may be or become a party to a matter before the United States Court of Federal Claims. In the event such a conflict were to arise, I would resolve any potential conflicts in accordance with 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other laws, rules, and practices governing conflicts of interest, including such rules and practices of the United States Court of Federal Claims.

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

If confirmed, I will resolve any potential conflicts that arise in accordance with 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other laws, rules, and practices governing conflicts of interest, including the rules and practices of the United States Court of Federal Claims. I would review the parties involved and matters to be adjudicated and determine whether recusal is necessary or appropriate under the circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have occasionally provided pro bono legal services to clients referred through the Community Law Center and Maryland Volunteer Lawyers Service. I provided on-call legal services to a non-profit organization dedicated to maximizing the independence and productivity of individuals with disabilities. Additionally, I assisted a non-profit organization focused on serving underprivileged youth with drafting by-laws and obtaining Section 501(c)(3) tax exempt status.

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.

I communicated with Senator Bill Cassidy's office regarding an opening on the United States Court of Federal Claims in October 2019. I provided a resume to Senator Cassidy's office and interviewed with Senator Cassidy in November

2019. Senator Cassidy submitted a letter of recommendation to the White House Counsel's office on November 12, 2019. In March 2020, I interviewed with White House Counsel's Office. In late April 2020, I received a phone call from White House Counsel's Office notifying me that I had been selected as a preliminary candidate for nomination to the United States Court of Federal Claims. I have since been in regular contact with White House Counsel's Office and the Department of Justice Office of Legal Policy.

- 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.