

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Vernon Speede Broderick

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

United States District Judge for the Southern District of New York

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.

Weil, Gotshal & Manges LLC  
767 Fifth Avenue  
New York, New York 10153

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

1963; New York, New York

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

1985 – 1988, Harvard Law School; J.D., 1988

1981 – 1985, Yale University; B.A., 1985

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.

2002 – present  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153

Partner (2005 – present)  
Counsel (2002 – 2004)

1994 – 2002  
United States Attorney's Office for the Southern District of New York  
One St. Andrew's Plaza  
New York, New York 10004  
Assistant United States Attorney

Summer 1987, 1988 – 1993  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153  
Associate (1988 – 1993)  
Summer Associate (Summer 1987)

Fall 1987 – Spring 1988  
Board of Student Advisors  
Harvard Law School  
1585 Massachusetts Avenue  
Cambridge, Massachusetts 02138  
Member

Summer 1986  
Law Office of Henry Putzel, III  
565 Fifth Avenue  
New York, New York 10017  
Summer Associate/Intern

Other Affiliations (uncompensated):

2003 – present  
Commission to Combat Police Corruption  
17 Battery Place, Suite 327  
New York, New York 10004  
Commissioner

2005 – present  
LatinoJustice PRLDEF (formerly known as the Puerto Rican Legal Defense and Education Fund)  
99 Hudson Street, 14th Floor  
New York, New York 10013  
Board Member

2006 – present  
Justice Resource Center

122 Amsterdam Avenue, Room 504A  
New York, New York 10023  
Chair of Board (2011 – present)  
Board Member (2006 – present)

2007 – present  
Fund for Modern Courts  
351 West 54th Street  
New York, New York 10019  
Board Member

2012 – present  
City Bar Fund  
City Bar Justice Center  
42 West 44th Street  
New York, New York 10036  
Board Member

January – August 2011  
New York State Commission on Public Integrity  
(now the Joint Commission on Public Ethics)  
540 Broadway  
Albany, New York 12207  
Commissioner

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 timely registered for selective service.

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

The Best Lawyers in America: “Best Lawyer” in the specialty of Criminal Defense:  
White Collar (2010, 2011, 2012 and 2013)

Weil, Gotshal & Manges LLP, Pro Bono Service Award (2006, 2007, 2008, 2009, 2010,  
2011 and 2012)

Legal Aid Society, recognition for Outstanding Pro Bono Service (2006, 2007)

United States Department of Justice, Director’s Award for Superior Performance as an  
Assistant United States Attorney (1997, 1998)

Yale University, Calhoun College, Cogswell Award (1985)

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 (1989 – present)

Association of the Bar of the City of New York (1989 – present)

White Collar Crime Committee (2010 – present)

Criminal Law Committee (2005 – 2008)

Committee on the Judiciary (2000 – 2003)

Federal Bar Council (2008 – present)

Judicial Improvements Committee of the Southern District of New York

Advisory Committee (2011 – present)

National Association of Criminal Defense Lawyers (2004 – 2009, 2010 – present)

National Bar Association (2007 – 2008)

New York Council of Defense Lawyers (2005 – present)

New York County Lawyers' Association (2005 – present)

Task Force on the Housing Court (2006-2007)

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 York, 1989

Connecticut, 1989 (inactive)

There has not been a lapse in my 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.

United States Court of Appeals for the Second Circuit, 1996

United States District Court for the Eastern District of New York, 1991

United States District Court for the Southern District of New York, 1991

New York State, Appellate Division, First Department, 1989

There have been no lapses in membership.

11. **Memberships:**

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

City Bar Fund

Board Member (2012 – present)

Commission to Combat Police Corruption

Commissioner (2003 – present)

Fund for Modern Courts

Board Member (2007 – present)

Justice Resource Center

Chair of Board (2011 – present)

Board Member (2006 – present)

LatinoJustice PRLDEF

Board Member (2005 – present)

New York State Commission on Public Integrity

Commissioner (January – August 2011)

Yale Club of New York City (2002 – present)

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

The Yale Club of New York City did not allow women members until 1969, many years prior to my membership. To the best of my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated

on the basis of race, sex, religion, or national origin, either through formal membership 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.

Client Alert, Weil Alerts at Weil, Gotshal & Manges LLP, SEC Follows DOJ in Limiting the Use of Waiver of Attorney-Client and Work Product Privileges as a Requirement of Cooperation (Nov. 7, 2008). Copy supplied.

Client Alert, Weil Alerts at Weil, Gotshal & Manges LLP, White Collar Alert (July 11, 2008). Copy supplied.

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

I have been a member of the White Collar Crime Committee of the Association of the Bar of the City of New York since December 2010. During that time, the Committee participated in the preparation of several amicus briefs. I have not had direct involvement in the preparation of these briefs. However, as a member of the Committee I voted to approve the drafting of a brief in *United States v. Mandell*, 2012 WL 4485141. The Committee also voted to approve the drafting of the brief in *Gabelli v. Securities and Exchange Commission*, 2012 WL 5862844, but I abstained from that vote because I was still undergoing the nomination process.

I have been a member of the City of New York Commission to Combat Police Corruption since 2003. During that time, the Commission issued a number of reports. Although I did not personally prepare these reports, I did generally review and approve such reports as a member of the Commission:

Annual Report of the Commission, 2004 – 2012. Copies supplied.

Monitoring Study: A Review of Investigations Conducted by the NYPD's Borough and Bureau Investigative Units, January 2009. Copy supplied.

A Follow-Up Review of The New York City Police Department's Performance Monitoring Unit, April 2006. Copy supplied.

Review of the Background Screening Process of Civilian Employees, August 2005. Copy supplied.

Review of the Background Screening Process of New Recruits, 2005. Copy supplied.

Internal Affairs Bureau Recruitment and Retention, 2005. Copy supplied.

I have been a member of the Advisory Group to the Judicial Improvements Committee of the Southern District of New York since 2011. During that time, the Committee issued the following report: Pilot Project Regarding Case Management Techniques for Complex Civil Cases, October 2011. Copy supplied.

I was a member of the New York State Commission on Public Integrity from January to August 2011. During that time, the Commission issued the following materials:

Three Advisory Opinions dated June 28, 2011 and February 15, 2011. Copies supplied.

Four Decisions and Notices of Civil Assessment, February 15, 2011. Copies supplied.

2010 Annual Report, May 2011. Copy supplied.

Since 2005, I have been a member of the New York County Lawyers' Association. During that time, I participated in a Task Force and Working Group related to the Housing Court. The Association issued the following materials related to the Housing Court :

Report on Resources in the Housing Court, February 5, 2007. Copy supplied.

Protocols for Judges in the Settlement and Trial of Cases Involving Unrepresented Litigants in Housing Court, December 4, 2006. Copy supplied.

Report on Right to Counsel in Housing Court, December 4, 2006. Copy supplied.

The New York City Housing Court in the 21<sup>st</sup> Century: Can It Better Address The Problems Before It?, October 2005. I participated in "Working Group VI: Social Services and Volunteer Programs in the Court." Copy supplied.

From approximately September 2005 through June 2008, I was a member of the Criminal Law Committee of the Association of the Bar of the City of New York. The Committee met once every month or every other month to discuss various issues related to criminal law. During this time, my area of practice mainly related to federal white collar criminal investigations, federal regulatory matters and civil litigation, while other members represented other areas of practice. Although the Committee issued various reports, briefs, and letters, either itself or in conjunction with other committees, when these materials did not concern my area of practice, I would not have weighed in on them. I did not play a role in the preparation of these documents, and I do not recall the process by which reports were drafted or approved by the Committee. From reviewing my records, it appears that at times, draft materials may have been emailed or discussed at meetings, and although I am not certain I read those materials or attended those meetings, in the interest of complete disclosure, I have listed and provided the following reports, briefs, and letters: Report on Legislation by the Committee on Criminal Law concerning a bill to amend Criminal Procedure Law and the Executive Law to permit conditional sealing of certain drug offenses (November 2008); Letter to Senators Patrick J. Leahy and Arlen Specter concerning proposed Attorney-Client Privileged Protection Act of 2007 (May 25, 2007); Statement on Civil Commitment of Sex Offenders: Comments on the newly adopted Sex Offender Management and Treatment Act (Senate Bill S3318 and Assembly Bill A6162) (March 17, 2007); Letter to Governor Eliot Spitzer concerning Governor's Program Bill #29 (approximately May 2007); *Padilla v. Hanft*, No. 05-553, brief for the Brennan Center for Justice at NYU School of Law and the Bar of the City of New York as *amici curiae* supporting petitioner (approximately October 2005); Statement on Civil Commitment of Sex Offenders: Senate Bill S6325 and Assembly Bill A09282 (January 19, 2006); *Padilla v. Hanft*, No. 05-6396, brief for the Bar of the City Of New York as *amicus curiae* supporting petitioner (4th Circuit, December 21, 2005); *Hamdan v. Rumsfeld*, No. 05-184, brief for the Bar of the City of New York as *amicus curiae* supporting petitioner (September 2005); Letter to Representatives F. James Sensenbrenner, Jr. and John Conyers, Jr. concerning Section Twelve of H.R. 1528 (April 19, 2005).

From approximately July 2000 to June 2003, I was a member of the New York City Bar Association's Judiciary Committee. As a member of the Committee, I assisted in preparing reports on judicial candidates. These reports were confidential and to my knowledge were not published.

- 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.

Presentation of Juan Cartagena, President and General Counsel, LatinoJustice PLRDEF to Commission on Judicial Nomination, New York City Bar Association (June 19, 2012). Although, as a Board Member, my name appeared



on the LatinoJustice PRLDEF letterhead, I had no role in drafting or approving the statement. I only list it here in an effort to construe this question as broadly as possible. Copy supplied.

Minutes of the Commission Meeting Public Session, Public Integrity Commission (Apr. 14, 2011). Copy supplied.

Minutes of the Commission Meeting Public Session, Public Integrity Commission (Feb. 15, 2011). Copy supplied.

Letter from Cesar A. Perales, President and General Counsel to LatinoJustice PRLDEF, to Governor Luis G. Fortuno concerning the “Law Prohibiting Public and Private Entities From Retaining, Storing, or Holding Certified Copies of Birth Certificates” (Mar. 11, 2010). Although, as a Board Member, my name appeared on the LatinoJustice PRLDEF letterhead, I had no role in drafting or approving the letter. I only list it here in an effort to construe this question as broadly as possible. Copy supplied.

Letter from Cesar A. Perales, President and General Counsel to LatinoJustice PRLDEF, to Shanetta Y. Cutlar, Chief, Special Litigation Section, Department of Justice, Civil Rights Division concerning opening an investigation into the Suffolk County Police Department (May 21, 2009). Although, as a Board Member, my name appeared on the LatinoJustice PRLDEF letterhead, I had no role in drafting or approving the letter. I only list it here in an effort to construe this question as broadly as possible. Copy supplied.

Letter from Foster Maer et al., to Mayor Louis Barletta, City of Hazleton, Pennsylvania concerning the “Illegal Immigration Relief Act” (July 11, 2006). Although, as a Board Member, my name appeared on the LatinoJustice PRLDEF letterhead, I had no role in drafting or approving the letter. I only list it here in an effort to construe this question as broadly as possible. Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best efforts to identify the speeches or talks that I have delivered. To answer this question, I have searched my files and papers and conducted an internet search for responsive materials and information. I have tried to compile as complete a list as possible, but there may be other speeches or

talks that I have been unable to recall or identify, and I have spoken occasionally on panels at conferences and generally did not retain records of those events. It has not been my general practice to write out my comments verbatim in advance or to maintain notes of my remarks I may have prepared in advance of events.

March 27, 2013: Panelist, Harvard Association For Law And Business: Public-to-Private Sector Transition, New York, New York. The panel discussion provided law students with insight into transitioning between working in the private and public sector. I have no notes, transcript, or recording. Harvard Association For Law And Business, 1563 Massachusetts Avenue, Cambridge, MA 02138.

February 18, 2013: Participant, Federal Bar Council presentation: “10(b) or Not 10(b) – That is the Question,” Curacao, Dutch Caribbean. The presentation consisted of various vignettes related to recent securities cases. At the conclusion of each vignette the audience was asked a series of questions and voted on what answer was the correct answer. I have no notes, transcript, or recording. Federal Bar Council, 123 Main Street, Suite L100, White Plains, New York 10601.

May 31, 2012: Speaker, Annual Not-For-Profit Board Governance Symposium for Partners and Clients, New York, New York. Video supplied.

May 22, 2012: Panelist, Federal Bar Council panel discussion: “Diversity: How to Become an Equity Partner at a Law Firm,” New York, New York. The program included a discussion of paths to becoming a partner, the skill set needed to become a partner, the business of law, discrimination and micro-inequities and the formation and maintenance of business relationships. I have no notes, transcript, or recording. Federal Bar Council, 123 Main Street, Suite L100, White Plains, New York 10601.

November 2011: Co-moderator, National Association of Corporate Directors – Peer Exchange: “Compliance Risk in an Era of Heightened FCPA Enforcement & SEC Whistleblower Bounties,” New York, New York. Roundtable discussion concerning the current regulatory environment related to the enforcement of the FCPA by the Department of Justice and the SEC and the impact of whistleblower bounties on corporate compliance programs. I co-moderated the discussion with Thomas Frongillo, Esq. I have no notes, transcript, or recording. National Association of Corporate Directors, 2001 Pennsylvania Avenue, N.W., Suite 500, Washington, DC 20006.

May 17, 2011: Panelist, Not-for-Profit Board Membership Symposium 2011: “Governing Not-For-Profits in Challenging Times,” and “Not-For-Profit Entities Confronting Today’s Challenges: Navigating Through Financial Difficulties,” New York, New York. Video supplied.

April 14, 2011: Panelist, ABA Section of Litigation & Criminal Justice Section CLE Conference: "Post-Skilling: The Perils to Industry of Vague Criminal Statutes," Miami, Florida. The panel discussed recent criminal cases where the government sought to enforce statutes that were either vague on their face or through use of a novel legal theory. I have no notes, transcript, or recording. ABA Chicago Headquarters, 321 North Clark Street, Chicago, Illinois 60654.

October 2, 2010: Associate Justice in Moot Court, Office of the Appellate Defender: "First Monday in October," New York, New York. Video supplied.

May 28, 2009: Panelist, Not-for-Profit Board Membership Symposium 2009: "Governing Not-For-Profits in Challenging Times" and "Counseling Not-For-Profit Entities in the Current Economic Climate: 'Just Tell Me What I Need To Do,'" New York, New York. Video supplied.

September 23, 2008: Panelist, Harvard Business School Club of New York Social Enterprise Summit: "New Directions in Non-Profit Leadership - Board Oversight and Fiduciary Responsibility," New York, New York. The panel concerned a discussion of governance of not-for-profit organizations, including Board fiscal and fiduciary responsibilities, employee management, employee malfeasance and current issues impacting not-for-profit organizations. I have no notes, transcript, or recording. Harvard Business School Club of New York, 305 Fifth Avenue, New York, New York 10118.

May 7, 2008: Panelist, Not-for-Profit Board Membership Symposium 2008: "How to Be an Effective Not-for-Profit Board Member, Good Governance in the Not-for-Profit, Foundation and Charitable Communities" and "Best Practices in Not-for-Profit Governance – Setting the Stage for Success," New York, New York. The panel concerned a discussion of governance of not-for-profit organizations, including Board fiscal and fiduciary responsibilities, employee management, employee malfeasance and current issues impacting not-for-profit organizations. I have no notes, transcript, or recording. Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153.

February 22, 2008: Panelist, National Bar Association seminar: "Avoiding and Responding to Government Initiated Investigations," New Orleans, Louisiana. CLE seminar at the National Bar Association – Commercial Law Section 2008 Corporate Counsel Conference. The panel discussed counseling clients so as to assist them in avoiding being investigated by government authorities and providing advice about responding to government investigations. I have no notes, transcript, or recording. National Bar Association, 1225 11th Street, N.W., Washington, DC 20001.

June 11, 2007: Panelist, Practicing Attorneys for Law Students Program, Inc. ("PALS"): "Thriving As A Summer Associate Panel Discussion," New York, New York. The panel discussion provided summer associates with career

development tips to help them maximize their summer associate experience. Among other things the panel discussed the best practices for doing excellent work, handling summer evaluations, proper methods of obtaining feedback and developing relationships and contacts that will last beyond the summer. I have no notes, transcript, or recording. PALS, 42 West 44th Street, New York, New York 10036.

May 15, 2007: Panelist, Not-for-Profit Board Membership Symposium 2007: "How to Be an Effective Not-for-Profit Board Member" and "How do things go wrong? What to watch out for? What to do as problems emerge?," New York, New York. The panel concerned a discussion of governance of not-for-profit organizations, including Board fiscal and fiduciary responsibilities, employee management, employee malfeasance and current issues impacting not-for-profit organizations. I have no notes, transcript, or recording. Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153.

July 28, 2006: Lecturer, Sponsors for Educational Opportunity Career Program, New York, New York. I gave a presentation to future law students about the practice of white collar law at law firms. I have no notes, transcript, or recording. Sponsors for Educational Opportunity, 55 Exchange Place, New York, New York 10005.

June 1, 2006: Panelist, Not-for-Profit Board Membership Symposium 2006: "How to Be an Effective Not-for-Profit Board Member" and "How do things go wrong? What to watch out for? What to do as problems emerge?," New York, New York. The panel concerned a discussion of governance of not-for-profit organizations, including Board fiscal and fiduciary responsibilities, employee management, employee malfeasance and current issues impacting not-for-profit organizations. I have no notes, transcript, or recording. Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153.

August 2, 2003: Lecturer, Asian Bar Association presentations: "Basic Trial Skills," New York, New York. I was one of several lecturers and lectured on how to conduct a cross examination. I have no notes, transcript, or recording. Asian Bar Association Grand Central Station, PO Box 3656, New York, New York 10163.

October 24, 2001: Panelist, Federal Bar Council panel discussion: "Effective Use of Demonstrative Evidence at Trial," New York, New York. Draft outline/notes supplied.

Sometime between January 1999 and July 2002: Lecturer, Yale Club of New York lecture on RICO/violent gang prosecutions, New York, New York. Outline supplied.

March 29, 2001: Speaker, Association of the Bar of the City of New York: CLE Seminar on Demonstrative Evidence, New York, New York. I discussed how to use demonstrative exhibits during jury trials. I have no notes, transcript, or recording. Association of the Bar of the City of New York, 42 West 44th Street, New York, New York 10036.

February 7, 2001: Panelist, Columbia University School of Law: Panel on Criminal Law for Externship: Federal Court Clerk seminar, New York, New York. I was part of a panel that discussed the practice of criminal law. I have no notes, transcript, or recording. Columbia University School of Law, 435 West 116th Street, New York, New York 10027.

- 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.

News Release, *International Moot Court in The Hague A World First*, City of the Hague, February 12, 2009. Copy supplied.

*One Firm, Many Faces*, 2009 Weil, Gotshal & Manges LLP Diversity brochure. Copy supplied.

*The Abrams Report*, MSNBC, December 4, 2003. Transcript supplied.

David Glenn, *Former Teacher Quits School for Better-Paying Job*, Westchester County Business Journal, July 28, 2003. Copy supplied.

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

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_

- i. Of these, approximately what percent were:

jury trials: \_\_\_\_\_%  
bench trials: \_\_\_\_\_% [total 100%]

civil proceedings: \_\_\_\_\_%  
criminal proceedings: \_\_\_\_\_% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
  - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
  - e. Provide a list of all cases in which certiorari was requested or granted.
  - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
  - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;

- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

I was appointed to be a Commissioner on the Commission to Combat Police Corruption by Mayor Michael Bloomberg on September 2, 2003, and I continue to serve in that capacity.

I was appointed to be a Commissioner on the New York State Commission on Public Integrity by Governor Andrew Cuomo in January 2011. My commission ended in August 2011.

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

I have never held office in or rendered services to any political party or election committees.

Volunteer, Richard J. Davis campaign for New York County District Attorney (2008). I served as the alternate signer of checks when the campaign's Treasurer was unavailable. Mr. Davis dropped out of the race for District Attorney in 2008 before the election.

**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 did not serve as a clerk to a judge.

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

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1988 – 1993 & 2002 – present  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153  
Partner (2005 – present)  
Counsel (2002 – 2004)  
Associate (1988 – 1993)

1994 – 2002  
United States Attorney's Office for the Southern District of New York  
One St. Andrew's Plaza  
New York, New York 10004  
Chief, Violent Gangs Unit (1999 – 2002)  
Assistant United States Attorney (1994 – 2002)

- 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 never served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

Upon graduation from law school until December 1993, I worked as an associate at Weil in New York City. During this time I was involved in all aspects of large commercial disputes involving, among other substantive areas, breach of contract, products liability, patent and bankruptcy. Specifically, my responsibilities included, among other tasks, research, drafting of pleadings, legal memoranda and discovery demands, document review, conducting depositions and supervising junior associates and paralegals. Although the majority of the work I did during my time as an associate at Weil involved civil litigation, I participated in at least two criminal matters as an associate.



From January 1994 until July 2002, I worked as an Assistant United States Attorney in the Southern District of New York. During that time, my work consisted entirely of federal criminal prosecution work. I worked as an AUSA in the General Crimes Unit for approximately a year, during which time I handled matters that were relatively smaller in scale and dollar amount if a fraud was committed. For a period of several months while I was in General Crimes I was assigned to the White Plains office. The nature/character of my work remained the same during this time period. When I returned to the Manhattan office, I became a member of the Narcotics Unit, where I handled federal drug cases, including cases involving the use of wiretaps and search warrants. I remained in the Narcotics Unit for more than a year before becoming a member of the Violent Gangs Unit. As a member of the Violent Gangs Unit, I used various federal statutes, including RICO and federal narcotics statutes, to prosecute street gangs that operated in Manhattan and the Bronx. I was a member of the Violent Gangs Unit for several years and was Chief of the Unit from January 1999 until my departure from the U.S. Attorney's Office in July of 2002.

In July 2002, I returned to private practice as Counsel at Weil. During my time as Counsel and then as a partner at Weil, I concentrated my practice on white collar criminal investigations and prosecutions, regulatory investigations and proceedings, and business litigation. I have been a member of the White Collar Defense & Investigations Group, Securities Litigation Group and the Complex Commercial Litigation Group. I have represented corporations and individuals in white collar criminal matters involving alleged environmental law violations, securities fraud, RICO, money laundering, bribery, and mail and wire fraud. I have also conducted internal investigations for corporations. My practice has also included representing clients in civil business litigation, some of which have been parallel or related proceedings filed in connection with criminal and regulatory matters. I have handled civil cases involving, among other issues, breach of fiduciary duty, bankruptcy and securities fraud.

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

As a litigation associate at Weil, most of my clients were corporations and other large business entities in a variety of fields, including finance, banking and manufacturing. However, during this time I worked on at least two white collar criminal matters representing individuals.

As an Assistant United States Attorney in the Southern District of New York, my client was the United States.

As Counsel and partner at Weil, my typical clients include corporations in civil litigation, regulatory matters or criminal investigations. My clients have also included current or former corporate executives/employees who are witnesses, subjects or targets of criminal investigations or the subject of regulatory investigations.

- 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.

I have spent my entire legal career as a litigator and prosecutor. During my time as an associate, Counsel and partner at Weil, I was typically part of a larger team of attorneys and paralegals working on matters pending in state and federal courts. As an associate, I appeared in court occasionally. As a prosecutor, I was in court frequently handling all facets of federal criminal prosecutions. As Counsel and partner at Weil, I appear in court on a more frequent basis than when I was an associate but not as much as when I was a prosecutor.

- i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 90% |
| 2. state courts of record:  | 8%  |
| 3. other courts:            | 1%  |
| 4. administrative agencies: | 1%. |

- ii. Indicate the percentage of your practice in:

- |                          |      |
|--------------------------|------|
| 1. civil proceedings:    | 50%. |
| 2. criminal proceedings: | 50%. |

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

I have tried approximately 11 jury cases to verdict.

As a prosecutor, I tried six cases where I was either lead or co-counsel and three or four cases where I was a second seat to a more junior prosecutor.

In private practice, I have had one criminal jury trial where I was part of a team of three attorneys. In private practice, I was a second seat in a Section 1983 prisoner's rights case. Weil handled the case on a pro bono basis and I supervised the associates who worked on the case, including during the jury trial.

- i. What percentage of these trials were:

- |              |      |
|--------------|------|
| 1. jury:     | 100% |
| 2. non-jury: | 0%   |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

*Keith v. State of Ohio*, No. 09-1052. Brief for the Innocence Network as *amicus curiae* supporting petitioner, available at 2010 WL 2771702.

*Eschenbach v. United States*, No. 07-1287. Petition for a writ of certiorari and reply brief for the individual petitioners, available at 2008 WL 1780098, 2008 WL 2305778.

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. West*, 94 Cr. 373 (LLS), U.S. District Court, Southern District of New York, Judge Louis L. Stanton

The indictment charged West with attempted armed bank robbery and using and carrying a firearm during and in relation to the attempted bank robbery. The proof at trial demonstrated that West actively participated in the attempted bank robbery by forcing his way into the bank with an accomplice. Both West and his accomplice were armed. While his accomplice remained at the entrance of the bank, West demanded money and access to the locked tellers' area. When bank employees did not comply quickly enough, West fired the hand gun he was carrying into the ceiling. West and his accomplice then fled the bank to a getaway car that was waiting for them near the bank.

Trial commenced on November 9, 1994, and ended on November 14, 1994, when the jury convicted West on both counts. I prosecuted the case on behalf of the government and handled the case from intake through appeal. I handled all of the witnesses during the trial. Former AUSA Michael Sommer served as my second

seat during the trial. On March 13, 1995, Judge Stanton sentenced West to a term of 108-months incarceration.

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2. *United States v. Cortez and Azucar*, 95 Cr. 275 (RPP), U.S. District Court, Southern District of New York, Judge Robert P. Patterson, Jr.

The defendants went to trial on the charge that they conspired to distribute and possess with intent to distribute cocaine. The evidence at trial established that Azucar and Cortez conspired to transport fifteen kilograms of cocaine from California to New York. The evidence showed that on March 12, 1995, Azucar and Cortez boarded an Amtrak train in Los Angeles, bound for Pennsylvania Station in New York City with a stop in Chicago to change trains. Azucar and Cortez checked three black bags, which contained approximately fifteen kilograms of cocaine. While en route, law enforcement authorities discovered the cocaine laden bags, and seized the cocaine and sent it to a DEA laboratory. The bags were flown to New York to meet the arriving train, the real cocaine was replaced with sham packages with a similar appearance, and the bags were placed in the baggage claim area at Penn Station with the other arriving baggage. Azucar and Cortez claimed the bags, and were arrested as they left the station.

Trial commenced on August 3, 1995. At trial, both Azucar and Cortez claimed that they did not know that there was cocaine in the bags. However, the government presented compelling evidence that established that Azucar and Cortez conspired to transport the bags with knowledge of their contents. On August 10, 1995, the jury convicted Azucar and Cortez of conspiring to distribute and possess with intent to distribute cocaine. I prosecuted the case on behalf of the government. I handled all of the witnesses during the trial. Former AUSA Hector Gonzalez served as my second seat during the trial.

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3. *United States v. Brown and Johnson*, 95 Cr. 427 (BDP), U.S. District Court, Southern District of New York, Judge Barrington D. Parker, Jr.

The indictment charged Johnson and Brown with conspiracy to commit an armed robbery of a post office, aiding and abetting the attempted robbery of a post office and aiding and abetting the use and carrying of a firearm during and in relation to the attempted robbery of a post office. Brown pled guilty prior to trial.

The evidence at trial established that Johnson, together with others, planned and participated in an attempted armed robbery of the Yonkers Main Post Office on September 5, 1994. Johnson and Brown, both of whom were former employees of the Post Office, formulated the plans for the robbery. On the night of the robbery, they drove two accomplices to the Post Office and waited in the getaway car while the accomplices entered the Post Office. The accomplices were armed with a gun and a knife. Unbeknownst to the accomplices, a postal employee escaped and alerted the Yonkers Police Department to the robbery. The accomplices were arrested as they attempted to flee the Post Office with currency and checks. Johnson and Brown, who had remained outside the Post Office, eluded apprehension that night, but were subsequently arrested.

The trial against Johnson began on February 6, 1996 and ended on February 15, 1996. The accomplices each pled guilty and testified as cooperators during the trial. The jury convicted Johnson on all three counts. I prosecuted the case on behalf of the government and handled the case from intake through appeal. I was lead counsel on the case and former AUSA John Hillebrecht tried the case with me.

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4. *United States v. Ocasio, et al.*, 95 Cr. 942 (DAB), U.S. District Court,  
Southern District of New York, Judge Deborah A. Batts

The indictment charged Ocasio and 21 co-defendants with various racketeering crimes in connection with a racketeering enterprise referred to in the Indictment as the “Bryant Boys.” Ocasio’s co-defendants all pled guilty prior to trial, with the exception of his brother who was a fugitive at the time of the trial.

The evidence at trial proved that from the mid-1980s through the mid-1990s, Ocasio was one of the leaders of the Bryant Boys. The Bryant Boys engaged in murder and other acts of violence, as well as narcotics trafficking. Ocasio’s racketeering activity included five murders, three attempted murders, four murder conspiracies, and conspiracy to distribute and possess with intent to distribute massive amounts of crack and heroin.

Trial commenced on January 28, 1997, and ended on April 7, 1997, when Ocasio was convicted on all thirteen counts. I prosecuted the case on behalf of the government along with AUSA David R. Lewis and former AUSA Robin Baker. I gave the government’s opening statement and handled many of the witnesses, including many police witnesses and a cooperator. We were each recruited to try the case because the prosecutor who had indicted the case was engaged in another trial and could not handle Ocasio’s trial. Ocasio was sentenced to life imprisonment.

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5. *United States v. Velasquez, et al.*, S9 96 Cr. 942 (JFK), U.S. District Court,  
Southern District of New York, Judge John F. Keenan

The indictment charged Rosario and 19 co-defendants with various racketeering crimes in connection with their membership in and association with a racketeering enterprise, the Velasquez Organization. Rosario was charged with murder, attempted murder, conspiracy to commit murder and using and carrying a firearm during and in relation to a murder.

The evidence at trial demonstrated that between the late-1980s and early-1990s, Rosario was a member of the Velasquez Organization. The Velasquez Organization engaged in acts of violence, including murder and narcotics trafficking. Rosario acted as an enforcer for the Velasquez Organization, collecting debts owed to members of the Organization and arranging, with the help of his own associates, to carry out murders on behalf of the Organization. Rosario continued to engage in racketeering activity after he was incarcerated on New York State charges in September 1990, from a prison cell at the correctional facility on Rikers Island and, subsequently, at various prisons located in upstate New York. Rosario's racketeering activity included one murder and three murder conspiracies.

Trial commenced on December 2, 1997 and ended on January 15, 1998, when Rosario was convicted on all five counts. I prosecuted the case on behalf of the government and was involved in various pretrial matters. I gave the government's closing argument and handled the examination of numerous witnesses. I tried the case with former AUSA Hector Gonzalez and ADA Thomas Kapp. Rosario was sentenced to life imprisonment.

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6. *United States v. Restrepo, et al.*, S1 01 Cr. 1113 (SAS), U.S. District Court, Southern District of New York, Judge Shira A. Scheindlin

The indictment charged Restrepo with various crimes, including the distribution of narcotics, armed robbery, attempted murder, murder and felony murder. The Government's proof at trial established that from at least 1995 until August 1999, Restrepo was a member of a violent robbery crew (the "Organization") that routinely stalked and robbed jewelers and other legitimate businesses, as well as drug dealers at gunpoint in New York, New Jersey, and elsewhere. The crew members also regularly committed home invasions, often of suspected drug dealers. Throughout the entire period of the Organization's existence, Restrepo was one of the leaders of the Organization: he determined who to rob and directed the actions of the other members during the robberies. In addition to numerous robberies, Restrepo murdered a retired New York City Police Detective, who was killed during the course of a robbery of a meat company in the Bronx after he attempted to thwart the robbery, killing one of the robbers in the process. After this murder, Restrepo and numerous co-conspirators fled from the United States. Restrepo and others were later arrested in Colombia and extradited to the United States. After most of his co-defendants pleaded guilty, Restrepo proceeded to trial in February 2002.

Trial commenced against Restrepo on February 19, 2002 and ended on March 25, 2002, when he was convicted on all four counts for which he was extradited and tried. I prosecuted the case on behalf of the government. I handled the examination of most of the police witnesses, and I gave the government's rebuttal summation. I tried the case with former AUSAs Ronnie Abrams and Helen Cantwell. Restrepo was sentenced to life imprisonment.

Co-counsel:

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United States District Judge  
United States District Court  
Southern District of New York  
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7. *United States v. Isernio, et al.*, S2 01 Cr. 1168 (JS), U.S. District Court, Eastern District of New York, Judge Joanna Seybert

The indictment charged Isernio and six co-defendants with conspiracy to defraud Nassau County, mail fraud and money laundering conspiracy. At the time of the indictment, Isernio was the Chief Executive Officer of Benefit Plan Administrators (“BPA”), a third party administrator of health care plans. The indictment charged Isernio with, among other things, depriving the County of the honest services of McDonald, the former Chief Deputy County Executive, who had been in charge of the committee that recommended the awarding of two health benefits contracts to BPA by secretly initiating a series of bribes to McDonald.

I tried the case with my former partner John R. Wing and Martin Geagan, an associate. Mr. Wing was lead counsel during the trial. The trial commenced against our client in January 2003 and ended in April 2003. After deliberating for approximately 8 days, the jury was unable to reach a verdict and Judge Seybert declared a mistrial.

In a separate case, Isernio was convicted on January 21, 2004 of filing false tax returns and structuring currency transactions. I did not participate in this trial. On January 27, 2004, Isernio pled guilty to conspiring to bribe McDonald and money laundering. He was sentenced on both convictions to 87-months imprisonment.

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8. *United States v. W.R. Grace, et al.*, CR 05-07-M-DWM, U.S. District Court, District of Montana, Judge Donald W. Molloy

On February 7, 2005, a federal grand jury returned an indictment charging W.R. Grace and seven of its executives with, among other things, conspiracy to violate the Clean Air Act, knowing endangerment under the Clean Air Act and conspiracy to defraud the United States. Weil represented Bettacchi, a former senior vice president of W.R. Grace and president of its Construction Products Division. I participated in all of the pretrial proceedings but did not attend the trial.

During the trial, Weil played a key role in the coordinated defense effort, including discrediting several of the government's major witnesses through cross-examination and demonstrating that the prosecution had failed to disclose essential information regarding a key government witness. I participated in the drafting of the motion to dismiss the indictment on the ground of prosecutorial misconduct. The court conducted a hearing outside the presence of the jury on the government misconduct pertaining to this witness. After the hearing, the court

determined that the prosecution had violated the constitutional rights of the defendants, violated the Federal Rules of Criminal Procedure, and violated previous orders of the court. As a result, the court issued an instruction to the jury striking the witness's testimony against Bettacchi in its entirety. Additionally, the court instructed the jury that it should consider any of the witness's remaining testimony with skepticism and prevented the prosecution from conducting a redirect examination of the witness.

On May 8, 2009, after hearing testimony that spanned eleven weeks, the jury acquitted Bettacchi and all of the other defendants on all counts.

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9. *In re Adelphia Communications Corp., et al.*, Chapter 11, Case No.: 02-41729  
(REG), U.S. Bankruptcy Court, Southern District of New York, Judge Robert E.  
Gerber

Weil represented holders and/or investment advisors to certain holders of notes and debentures issued by Adelphia Communications Corporation in connection with Adelphia's chapter 11 bankruptcy. Our clients opposed the plan of reorganization. I participated in the discovery prior to the confirmation hearing and in the confirmation hearing itself. With regard to the discovery, I took the deposition of several witnesses, helped prepare witnesses for their depositions and assisted with document discovery from our clients.

The confirmation hearing lasted nine trial days and concluded on December 19, 2006. The Bankruptcy Court required the parties to simultaneously exchange direct testimony by declaration. I assisted in the preparation of various declarations, prepared certain witnesses for cross examination and cross examined one of the experts. In early January 2007, the Bankruptcy Court confirmed the bankruptcy plan. I assisted in the appeal to the District Court and the Second Circuit. On April 2, 2007, the District Court dismissed our clients' appeal as equitably moot due to the substantial consummation of the bankruptcy plan.

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Counsel for Other Parties:

Weil was opposing the bankruptcy confirmation plan and there were numerous attorneys representing dozens of parties on the other side. However, I have listed the counsel for the Debtors and Debtors in Possession and the Official Committee of Unsecured Creditors below.

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10. *Thomas H. Lee Equity Fund V, L.P., et al. v. Mayer, Brown, Rowe & Maw LLP*, 07 Civ. 6767 (JSR), U.S. District Court, Southern District of New York, Judge Jed S. Rakoff



The complaint filed against Mayer Brown by private equity firm Thomas H. Lee (“THL”) stems from a fraud perpetrated by Bennett, the CEO of Refco Group Ltd. (“Refco”), and others, including Collins, a former Mayer Brown partner. Refco suffered significant losses in the late 1990s. Rather than deal with the losses in an appropriate and legal manner, Refco routinely transferred the losses off of its balance sheet to an unconsolidated but related-party, Refco Group Holdings, Inc., which was owned by Bennett and former Refco president Grant. In 2004, when Bennett and others decided to sell a majority interest in Refco to THL, Collins and Mayer Brown were Refco’s counsel in the leveraged buyout to THL. Weil represented THL in connection with the leveraged buyout.

Bennett, Refco’s former CFO Trosten, and the former President and CEO of Refco Securities Maggio, each pleaded guilty to criminal charges for their role in the fraud, including their deception of THL. Maggio and Trosten cooperated with the government. Collins, Refco’s long-time outside counsel at Mayer Brown, was convicted in 2009. His conviction was overturned by the Second Circuit in January 2012. After a retrial, Collins was convicted in November 2012.

As a result of the fraud numerous civil law suits were filed, including THL’s lawsuit against Mayer Brown. These lawsuits, including THL’s lawsuit against Mayer Brown, were consolidated initially before Judge Lynch and then Judge Rakoff. I was one of the partners at Weil responsible for managing THL’s lawsuit against Mayer Brown. I participated in discovery and motion practice. The litigation settled in March 2010. I was also one of the attorneys who represented various Weil and THL witnesses who were called to testify by the government during the criminal trials of Grant and Collins.

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have not performed any lobbying activities.

Weil represents Lehman Brothers Holdings Inc. and other Lehman entities in bankruptcy. I represented Lehman in a variety of matters, including in connection with investigations conducted by the U.S. Attorney's Offices for the Southern District of New York, Eastern District of New York and District of New Jersey, the New York Attorney General's Office, the SEC and the New York County District Attorney's Office. In connection with these investigations, I participated in the production of documents, interfaced with prosecutors, agents and investigators, and participated in witness interviews. I performed similar tasks related to the court appointed bankruptcy examiner's investigation.

I currently represent an individual in connection with the criminal investigation being conducted by the U.S. Attorney's Office for the Southern District of New York. The investigation relates to alleged incidents of unintended acceleration of Toyota vehicles. I also represent this individual in connection with a parallel civil investigation being conducted by the SEC.

In addition to the Lehman and Adelphia bankruptcies discussed above, I have also worked on bankruptcy litigation matters related to the Global Crossing and Lennox bankruptcies.

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 do not expect to receive any deferred income, stock, options or other benefits from previous business relationships, professional services, firm memberships, former employers, clients or customers.

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.

If confirmed, I do not have any plans, commitments or agreements to pursue outside employment, with or without compensation, during my service with the court.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

If confirmed, I would recuse myself from any matter being handled by Weil, Gotshal & Manges. I would continue to recuse myself from such matters until there were no longer any potential conflicts-of-interest. Even after that time, however, I would advise the parties that I had been a partner at Weil when Weil appears before me. In addition, cases involving former clients could present potential conflicts-of-interest. In the event of such a potential conflict-of-interest, I would advise the parties of the potential conflict and seek their input, and refer

to the Code of Conduct for United States Judges and other relevant Canons and/or statutory provisions. Lastly, I would evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary.

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

In the event of such a potential conflict-of-interest, I would advise the parties in the matter before me of the potential conflict and seek their input, and refer to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges and other relevant Canons and/or statutory provisions.

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 worked on numerous pro bono matters since returning to Weil in July 2002. In addition to handling pro bono matters myself, I have supervised associates representing pro bono clients. Below are representative examples of the pro bono matters in which I have participated.

*Mercado v. Woodward, et al.*, 06-CV-5820 (PKC), U.S. District Court, Southern District of New York, Judge P. Kevin Castel

I supervised a team of five associates who worked on the Mercado case from the filing of the complaint through the trial and eventual settlement. Mercado was an inmate at the Fishkill Correctional Facility in upstate New York when he was beaten by five corrections officers in March 2004. Weil undertook representation of Mercado in early 2006, and continued to represent him throughout all phases of the litigation and trial. I reviewed most of the written work prepared by the associates, including memoranda of law, jury addresses, and witness examinations. I was present during the trial to provide guidance and advice.

*People v. Seeber*, Indictment M-083-2000V, Saratoga County Court, Judge Jerry J. Scarano

Weil represented Seeber along with co-counsel Ben Ostrer and the Saratoga County Public Defender John Ciulla. Seeber pled guilty to felony murder after she and her boyfriend were accused of robbing and killing her step-grandmother. She was in high school at the time and had just turned 18. She consistently maintained (in a pre-arrest confession, in a police confession, and in testimony at the trial of the boyfriend) that she was outside of the home when her boyfriend duct taped the mouth of the grandmother

and strangled her. However, forensic fiber evidence contradicted her version of events. As a result, the Public Defender advised her to plead guilty to felony murder with the understanding that she would cooperate and testify against her boyfriend. She testified at the boyfriend's trial and was cross examined concerning the fiber evidence. The boyfriend was acquitted. Seeber received a sentence of 20 years to life.

Almost a decade after her guilty plea, a NY Inspector General probe of the state forensics lab discovered that the scientist who had performed the tests on the fiber evidence that caused Seeber to plead guilty was incompetent and routinely fabricated reports regarding fiber evidence. Weil, along with co-counsel, filed a motion to vacate Seeber's plea and sentence. I handled the hearing on the motion to vacate with Mr. Ostrer. After the hearing that motion was granted.

The DA appealed the decision to the Appellate Division and I argued the case in the Third Department. On April 26, 2012, the Third Department issued a Memorandum and Order affirming the decision of the County Court. Seeber subsequently pled guilty and received a sentence that resulted in her release from prison in July 2012.

#### Innocence Project/Morton:

I have participated in various projects for the Innocence Project, including supervising, along with one of my partners, several associates who worked on various research projects for the Innocence Project in connection with its representation of Morton. I participated in meetings to discuss research projects and other work and reviewed the work product of the associates prior to it being sent to the Innocence Project.

With regard to the Morton matter, Weil assisted lawyers from the Innocence Project in filing a 140-page Report requesting that a former Williamson County (Texas) Assistant District Attorney be investigated for his role in concealing exculpatory evidence from Morton and his attorney. Morton was wrongfully convicted in 1987 of murdering his wife and served nearly 25 years in prison. After being exonerated, Morton requested that a Court of Inquiry be convened to determine whether the former ADA broke state laws or ethics rules. The judge presiding over Morton's exoneration proceedings recommended that a Court of Inquiry be convened, and appointed an attorney as special prosecutor/attorney pro tem.

#### Asylum representation/Sangay:

I supervised several associates in connection with Weil's representation of Sangay, a Tibetan Buddhist persecuted and imprisoned by the Chinese authorities for his religious and political beliefs, in obtaining political asylum in August of 2002. Although Sangay was granted asylum, his wife and children remained in China. Weil continued to represent Sangay in an effort to reunite him with his family. Although it took several years, Weil was ultimately successful, and Sangay's wife and three children were granted permanent visas and arrived in New York in July 2006.

26. **Selection Process:**

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

In early 2012, I was contacted by a member of Senator Charles Schumer's Screening Panel, who asked if I would be interested in applying for a position on the District Court in the Southern District of New York. In approximately March 2012, I spoke with a member of Senator Schumer's staff about my interest, and on May 7, 2012, I submitted my completed questionnaire to the Chairman of Senator Schumer's Screening Panel. I was interviewed by the Panel on May 30, 2012. On October 18, 2012, I was interviewed by Senator Schumer. On November 21, 2012, Senator Schumer recommended me to President Obama to serve on the District Court for the Southern District of New York. Since then, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On January 14, 2013, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On April 15, 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, Vernon Broderick, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

April 16, 2013  
(DATE)

Vernon Broderick  
(NAME)

Lynda d. Henderson  
(NOTARY)  
**LYNDA D. HENDERSON**  
Notary Public, State of New York  
No. 03-4858945  
Qualified in Bronx County  
Commission Expires May 12, 2014