

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

William Pelham Barr

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

Attorney General of the United States

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.

Kirkland & Ellis, LLP
655 15th Street, NW
Washington, D.C. 20005

McLean, Virginia

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

May 23, 1950
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.

George Washington University Law School, 1973 – 1977, J.D. received 1977

Columbia University, 1971 – 1973, M.A. received 1973

Columbia College, 1967 – 1971, A.B. received 1971

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

2009, 2017 – Present
Kirkland & Ellis, LLP
655 15th Street, NW
Washington, D.C. 20005
Of Counsel

2011 – Present
Home Address
Self-Employed Consultant

2000 – 2008
Verizon Communications
1 Verizon Way
Basking Ridge, New Jersey 07920
Executive Vice President and General Counsel

1994 – 2000
GTE Corporation
One Stamford Forum
201 Tresser Boulevard
Stamford, Connecticut 06901
Senior Vice President and General Counsel

1993 – 1994
Shaw, Pittman, Potts & Trowbridge (now Pillsbury Winthrop Shaw Pittman)
2300 N Street, NW
Washington, D.C. 20037
Partner

1989 – 1993
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Attorney General of the United States (1991 – 1993)
Deputy Attorney General of the United States (1990 – 1991)
Assistant Attorney General, Office of Legal Counsel (1989 – 1990)

1983 – 1989
Shaw, Pittman, Potts & Trowbridge (now Pillsbury Winthrop Shaw Pittman)
2300 N Street, NW
Washington, D.C. 20037
Partner (1985 – 1989)
Associate (1983 – 1984)

1982 – 1983
The White House

1600 Pennsylvania Avenue, NW
Washington, D.C. 20500
Senior Policy Advisor/Deputy Assistant Director, Office of Policy Development

1978 – 1982
Shaw, Pittman, Potts & Trowbridge (now Pillsbury Winthrop Shaw Pittman)
2300 N Street, NW
Washington, D.C. 20037
Associate

1977 – 1978
U.S. Court of Appeals for the D.C. Circuit
E. Barrett Prettyman U.S. Courthouse and William B. Bryant Annex
333 Constitution Avenue, NW
Washington, D.C. 20001
Law Clerk to the Honorable Malcolm Richard Wilkey

1971 – 1977
Central Intelligence Agency
Washington, D.C.
Office of Legislative Counsel (1975 – 1977)
Intelligence Directorate (1973 – 1975)
Summer Intern Program (1971 – 1972)

Other Affiliations* (Uncompensated Unless Otherwise Indicated):

2018 – Present
President's Intelligence Advisory Board
New Executive Office Building
725 17th Street, NW
Washington, D.C. 20502
Consultant

2017 – Present
Director's External Advisory Board
Central Intelligence Agency
1000 Colonial Farm Road
McLean, Virginia 22101
Member

2016 – 2018
Och-Ziff Capital Management Group, LLC
9 West 57th Street, 39th Floor
New York, New York 10019
Director (Compensated)

2014 – 2017
Catholic Information Center
1501 K Street, NW
Washington, D.C. 20005
Director

2009 – Present
Dominion Energy, Inc.
120 Tredegar Street
Richmond, Virginia 23219
Director (Compensated)

2009 – 2018
Time Warner, Inc.
1 Time Warner Center
New York, New York 10019
Director (Compensated)

2008 – 2013
Holcim (US) Inc. and Aggregate Industries Management, Inc.
24 Crosby Drive
Bedford, Massachusetts 01730
Director, Holcim (US) (2008 – 2013 (Approximate)) (Compensated)
Director, Aggregate Industries Management, Inc. (2010 – 2013 (Approximate))
(Compensated)

2004 – 2009
The Ethics and Public Policy Center
1730 M Street, NW
Washington, D.C. 20036
Director

1994 – 2016
Selected Funds
c/o Davis Selected Advisers
620 5th Avenue
New York, New York 10020
Director (Compensated)

1994 – 2015
Becket Fund for Religious Liberty
1200 New Hampshire Avenue, NW
Washington, D.C. 20036
Director

1986 – 1988

Dalkeith Corporation (a subsidiary of Scottish Widows Fund Assurance Society)
1146 19th Street, NW
Washington, D.C. 20036
Director, Vice President, and Treasurer

1986 – 1988
1146 19th Street, NW (a subsidiary of Scottish Widows Fund Assurance Society)
Washington, D.C. 20036
Director, Vice President, and Treasurer

1984 – 1989
2300 N Street Associates
2300 N Street, NW
Washington, D.C. 20037
Real Estate Partner (Compensated)

* In connection with my law practice at Shaw, Pittman, Potts & Trowbridge (now Pillsbury Winthrop Shaw Pittman), when the firm was asked to set up a new corporation for a client, I would occasionally be listed as an incorporating director/officer for purposes of filing incorporation papers but would be replaced by the permanent director/officer. These affiliations are not listed above except where I continued to serve on the board beyond my role for filing incorporation papers, as was the case with Dalkeith Corporation and 1146 19th Street Corporation.

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 U.S. Military. I was born in 1950 and was not required to register 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.

George Washington University Law School Stockton Guard Alumni Award (2017)

Horace Mann Distinguished Achievement Award (2011)

Honorary Degree, Mercy College (2000 (Approximate))

John Jay Award, Columbia College (1998)

George Washington University Distinguished Alumni Achievement Award (1994)

Catholic Lawyers Guild of New York, St. Thomas More Award (1992 (Approximate))

Honorary Doctorate, George Washington University (1992)

International Brotherhood of Police Officers Distinguished Service Award (1992)

Order of the Coif, George Washington University Law School (1977)

J.D. with Highest Honors, George Washington University Law School (1977)

National Defense Foreign Language Fellowship (Mandarin Chinese) (1967)

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

Member (1978 – unknown)

Americans for Victory Over Terrorism

Senior Advisor (2002 – unknown)

Central Intelligence Agency Director's External Advisory Board

Member (2017 – Present)

Council on Crime in America

Member (1995 – 1996 (Approximate))

Economic Crime Council

Chairman (1990 – 1991 (Approximate))

Organized Crime Drug Enforcement Task Forces Executive Review Board

Chairman (1990 – 1991 (Approximate))

Federalist Society

Convention Planning Committee (1987)

First Freedom Coalition

Co-Founder (1993 – 1994)

Governor's Commission on Parole Abolition and Sentencing Reform

Co-Chair (1994)

The International Conference Series on the Foundations and the Future of Democracy
(Democracy Conference Series)

Honorary Vice Chair (2007)

National Center for State Courts
General Counsel Committee (1999 – 2005 (Approximate))

National Institute of Justice
Peer Reviewer (1986 – 1988)

National Legal Center for the Public Interest
Legal Advisory Council (Dates Unknown)

National Security Council Deputies' Committee
Member (1989 – 1991 (Approximate))

Organized Crime Council
Chairman (1990 – 1991 (Approximate))

President's Intelligence Advisory Board
Consultant (2018 – Present)

University of Virginia, Miller Center of Public Affairs, National Commission on
Federal Election Reform
Member (2001)

University of Virginia, Miller Center of Public Affairs, National Commission on the
Separation of Powers
Member (1997)
Commissioner (1998)

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.

Virginia, 1977

District of Columbia, 1978

New York, 2002

New Jersey, 2007

There have been no lapses in membership. My New Jersey bar membership ended in 2009 when I ceased serving as in-house counsel for Verizon Communications.

- 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.

Virginia Supreme Court, 1977

District of Columbia Court of Appeals, 1978

U.S. Court of Appeals for the District of Columbia Circuit, 1978

U.S. District Court for the District of Columbia, 1978

U.S. Court of Appeals for the Federal Circuit, 1988

U.S. Supreme Court, 1992

U.S. Court of Appeals for the Third Circuit, 1994

U.S. Court of Appeals for the Eighth Circuit, 1996

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.

American Red Cross
Board of Governors (1998)

Army Navy Club (2014 – Present)

Becket Fund for Religious Liberty
Board of Advisors (1994 – 2015)

Carnegie Club at Skibo Castle (2004 – Present)

Catholic Information Center
Board of Directors (2014 – 2017)

College of William & Mary Board of Visitors
Member (1997 – 2005)

Vice Rector (1999 – 2001)

Davis Selected Advisers
Board of Directors (1994 – 2016)

Dominion Energy, Inc.
Board of Directors (2009 – Present)

The Ethics and Public Policy Center
Board of Directors (2004 – 2009)

George Washington University Law School Board of Advisors (1993 – 1995
(Approximate))

Chairman, Law School's Centuries Campaign (Dates Unknown)
National Chairman, Law School Annual Fund (2005)
Emeritus Member (1995 – 2015 (Approximate))

Holcim (US) Inc. and Aggregate Industries Management, Inc.
Board of Directors, Holcim (US) (2008 – 2013)
Board of Directors, Aggregate Industries Management, Inc. (2010 – 2013
(Approximate))
Member, Audit Committee, Holcim (US) (2008 – 2013)
Member, Audit Committee, Aggregate Industries Management, Inc. (2010
– 2013 (Approximate))

Inner City Scholarship Fund
Board of Trustees (2005 – 2008)

Knights of Columbus
Member (1984 – Present)
Supreme Board Member (1995 – 1998)

Och-Ziff Capital Management Group, LLC
Director (2016 – 2018)
Chairman, Committee on Corporate Responsibility and Compliance (2016
– 2018)

Prospect Hall Shooting Club (2008 – Present (Approximate))

Time Warner, Inc.
Board of Directors (2009 – 2018)

Union League Club of New York City (2007 – 2012)

United States Piping Foundation
Board Member (2017 – 2018)

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminate 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 Knights of Columbus is a Catholic fraternal organization limited to men, although there is a corresponding organization for women. 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 requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

See Appendix 12a.

- 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.

See Appendix 12b.

- 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.

See Appendix 12c.

- 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.

See Appendix 12d.

- 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.

See Appendix 12e.

13. 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.

The White House, Office of Policy Development
Senior Policy Advisor/Deputy Assistant Director, 1982 – 1983, Appointed by President Ronald Reagan

Department of Justice, Office of Legal Counsel
Assistant Attorney General, 1989 – 1990, Appointed by President George H. W. Bush

Department of Justice
Deputy Attorney General of the United States, 1990 – 1991, Appointed by President George H. W. Bush

Department of Justice
Attorney General of the United States, 1991 – 1993, Appointed by President George H. W. Bush

Virginia Commission on Abolishing Parole
Co-Chairman, 1994, Appointed by Governor George Allen

College of William & Mary Board of Visitors
Member, 1997 – 2001, Appointed by Governor George Allen
Vice Rector, 1999 – 2001, Appointed by Governor George Allen
Member, 2001 – 2005, Appointed by Governor Jim Gilmore

I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

Catholics for Romney
National Advisory Committee, 2012

Reaganites for Romney
Member, 2011

Romney Advisory Committee on Law Enforcement
Member, 2011 – 2012

McCain 2008 Justice Advisory Panel
Co-Chair, 2008

National Catholics for McCain Committee
Member, 2008

Bush for President
Vice Presidential Candidate Screening Team, 1988

D.C. Lawyers for Reagan-Bush
Vice Chairman, 1984

14. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 1977 to 1978, I served as a law clerk to the Honorable Malcolm R. Wilkey of the U.S. Court of Appeals for the D.C. Circuit.

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

2011 – Present
Home Address
Self-Employed Consultant

- 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.

1978 – 1982

Shaw, Pittman, Potts & Trowbridge (now Pillsbury Winthrop Shaw Pittman)
2300 N Street, NW
Washington, D.C. 20037
Associate

1982 – 1983

The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500
Senior Policy Advisor/Deputy Assistant Director, Office of Policy Development

1983 – 1989

Shaw, Pittman, Potts & Trowbridge (now Pillsbury Winthrop Shaw Pittman)
2300 N Street, NW
Washington, D.C. 20037
Associate (1983 – 1984)
Partner (1985 – 1989)

1989 – 1993

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Assistant Attorney General, Office of Legal Counsel (1989 – 1990)
Deputy Attorney General of the United States (1990 – 1991)
Attorney General of the United States (1991 – 1993)

1993 – 1994

Shaw, Pittman, Potts & Trowbridge (now Pillsbury Winthrop Shaw Pittman)
2300 N Street, NW
Washington, D.C. 20037
Partner

1994 – 2000

GTE Corporation
One Stamford Forum
201 Tresser Boulevard
Stamford, Connecticut 06901
Senior Vice President and General Counsel

2000 – 2008
Verizon Communications
1 Verizon Way
Basking Ridge, New Jersey 07920
Executive Vice President and General Counsel

2009, 2017 – Present
Kirkland & Ellis, LLP
655 15th Street, NW
Washington, D.C. 20005
Of 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.

From 1978 to 1982, I worked as an associate with the law firm of Shaw, Pittman, Potts & Trowbridge (now Pillsbury Winthrop Shaw Pittman). I functioned largely as a generalist, with about 70% of my time devoted to civil litigation and about 30% to other areas of the firm's practice. The litigation—all civil—was varied, although a significant part of it involved environmental cases. My litigation matters also included a broad range of commercial disputes, securities matters, and employment cases.

In 1982, I left Shaw, Pittman, Potts & Trowbridge to serve as Deputy Assistant Director for Legal Policy in the Office of Policy Development at the White House. My responsibilities included: preparing and coordinating briefing papers and decision memoranda for the Cabinet Council on Legal Policy; representing the White House on inter-agency working groups; and reviewing agency bill comments and testimony as part of the Office of Management and Budget process.

In 1983, I returned to Shaw, Pittman, Potts & Trowbridge. My practice was different than it was during my earlier period with the firm—I spent less time on litigation and more on administrative/regulatory matters before federal agencies. About one-third of my work involved litigation in federal court or administrative tribunals. My litigation work was all civil, with the exception of one large criminal matter representing the Henry J.

Kaiser Co. in connection with a grand jury investigation into possible violations of federal law in the construction of the William H. Zimmer nuclear power plant in Ohio. My non-litigation practice focused on administrative practice before a number of federal departments and agencies, including the Internal Revenue Service, Department of the Treasury, Department of the Interior, Department of Housing and Urban Development, Department of Education, and Office of Personnel Management.

From 1989 to 1993, I worked in the Department of Justice, serving first as an Assistant Attorney General in the Office of Legal Counsel (1989 to 1990). My principal responsibility in that position was providing legal advice and issuing legal opinions to Executive Branch departments. In 1990, I was confirmed as Deputy Attorney General of the United States. As Deputy Attorney General (1990 – 1991), my responsibilities became more managerial in nature, overseeing the day-to-day operations of the Department of Justice. I also participated as a member of the National Security Council Deputies' Committee. In 1991, I was confirmed as Attorney General of the United States and served in that role until 1993.

After my service in the Department of Justice, I rejoined Shaw, Pittman, Potts & Trowbridge, working from 1993 to 1994 as a partner, before joining GTE Corporation. During my tenure with Shaw, Pittman, Potts & Trowbridge, with the exception of a case I argued representing the Republic of the Philippines against Westinghouse Electric Co. (*Republic of Philippines v. Westinghouse Elec. Corp.*, 43 F.3d 65 (3rd Cir. 1994)), I did not litigate in court, and instead advised clients on litigation strategy and questions of law arising in litigation.

From 1994 to 2008, I served as the Senior Vice President and General Counsel of GTE Corporation and then its successor corporation, Verizon Communications. Approximately half of my work involved supervising the company's advocacy in regulatory proceedings before state public utilities commissions and the Federal Communications Commission. I managed and participated in a series of both administrative and federal court litigation challenging Federal Communications Commission regulations that required local phone companies to unbundle their networks and provide the unbundled elements at wholesale prices to competitors. I also developed and conducted litigation challenging the WorldCom and MCI merger, arguing the case before a competition panel of the European Commission. Apart from litigation and regulatory matters, approximately half my work at GTE Corporation and Verizon Communications consisted of supervising commercial and corporate work, including securities, M&A, employment, intellectual property, compliance, and corporate governance.

After I retired from Verizon Communications, I joined Kirkland & Ellis as Of Counsel in 2009, where I engaged in firm promotional activities. Following my time at Kirkland & Ellis, from 2009 to 2017, I served on several corporate boards.

In 2011, Kirkland & Ellis engaged me as a self-employed consultant to provide advice on the BP Gulf of Mexico oil spill. In early 2012, BP retained me to provide consulting services to the company directly on this matter. I stopped work on this project in the summer of 2012 due to a grave health crisis in my family. In 2014, the law firm of White & Case retained me as a consultant to assist the firm in providing advice to Credit Agricole with respect to a Department of Justice investigation. My involvement in this matter was limited and ended around 2015. In 2017, Caterpillar, Inc. requested me to represent the company in connection with a Department of Justice grand jury investigation. I rejoined Kirkland & Ellis on a non-exclusive basis to accept the Caterpillar, Inc. engagement. Recently, consistent with my agreement with Kirkland & Ellis, and approved by the firm, I have been retained by Cerberus Capital Management to advise on regulatory aspects of multiple potential private equity investments.

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

In private practice at Shaw, Pittman, Potts & Trowbridge and Kirkland & Ellis, the firms' clients were mainly national or large local corporations.

In government service, at the White House and the Department of Justice my clients have included public institutions, such as the President, the Office of the President, and the United States.

During my tenure at GTE Corporation and Verizon Communications, my clients were the companies.

In my role as a consultant, my clients are mainly national or large local corporations

- 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.

During my first period with Shaw, Pittman, Potts & Trowbridge as an associate (1978 to 1982), my appearances in federal cases were infrequent and were usually handled by the supervising partner. I occasionally appeared in state court cases, usually to argue motions. Most of the cases upon which I worked either were settled or disposed of on motion.

Upon returning to Shaw, Pittman, Potts & Trowbridge in 1983, after a stint in the Office of Policy Development at the White House, I took on fewer cases and assumed lead responsibility on my matters. My court appearances were more frequent, either in federal court or administrative tribunals.

After my service in the Department of Justice (1989 to 1993), I rejoined Shaw, Pittman, Potts & Trowbridge as a partner for approximately a year and a half. During this time, I argued a case representing the Republic of the Philippines against Westinghouse Electric Co. (*Republic of Philippines v. Westinghouse Elec. Corp.*, 43 F.3d 65 (3rd Cir. 1994)). Other than this, during this period, I did not litigate in court, but advised clients on litigation matters.

When I worked for GTE Corporation (1994 to 2000) and then its successor corporation, Verizon Communications (2000 to 2008), approximately half of my work involved supervising the company's advocacy in regulatory proceedings before state public utilities commissions and the Federal Communications Commission. I was heavily involved in drafting briefs and argued appellate level cases concerning Federal Communications Commission regulations. I also challenged the WorldCom and MCI merger before a competition panel of the European Commission.

- i. Indicate the percentage of your practice in:
 1. federal courts: 45% (approx.)
 2. state courts of record: 15% (approx.)
 3. other courts: 0%
 4. administrative agencies: 40% (approx.)

- ii. Indicate the percentage of your practice in:
 1. civil proceedings: 85% (approx.)
 2. criminal proceedings: 15% (approx.)

- 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.

At Shaw, Pittman, Potts & Trowbridge, I tried three matters to final decision as associate counsel. As chief counsel I have directly participated in trying several matters to final decision and briefed and argued various appellate cases.

- i. What percentage of these trials were:
 1. jury: 0%
 2. non-jury: 100%

- 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 argued three cases before the Supreme Court of the United States: *Brecht v. Abrahamson*, 507 U.S. 619 (1993); *AT&T Corp. v. Iowa Utilities Bd.*, 525 U.S. 366 (1999); and *Verizon Communications Inc. v. FCC*, 535 U.S. 467 (2002).

Citations to briefs, amicus or otherwise, and, any oral argument transcripts reflecting my practice before the Supreme Court of the United States are supplied in Appendix 14e.

15. **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. *Atchison, T. & S.F.Ry. Co. v. Alexander*, 480 F.Supp.980 (D.D.C. 1979), *aff'd in part, rev'd in part sub nom., Izaak Walton League of America v. Marsh*, 655 F.2d 346 (D.C. Cir.), *cert. denied*, 454 U.S. 1092 (1981) (District Judge: Richey) (Circuit Judges: Wright, Robb, and Penn)

Almost one-quarter of my time from October 1978 through July 1981 was devoted to defending against an action brought by 18 midwestern railroads and three environmental groups challenging, under the National Environmental Policy Act and the Administrative Procedure Act, a Corps of Engineers' decision to construct an expanded replacement facility for Lock & Dam 26 on the Mississippi River. We represented the defendant-intervener, Association for the Improvement of the Mississippi River ("AIMR"), an association of over 350 municipalities, businesses, farm and labor organizations, waterway carriers, and shippers that depend on waterway transportation. The case involved extremely complex technical and legal issues. Although the Corps was represented by the Department of Justice, AIMR played a leading role in all aspects of the case. I was responsible for legal research, developing factual and expert evidence, discovery, trial preparation, and drafting numerous motions, pre-trial and post-trial briefs, appellate briefs, and an opposition to a petition for certiorari. The trial

court found for the Corps and AIMR; the Court of Appeals upheld the trial court on all material points.

Principal Counsel:

Fred Disheroon
Deceased

Joseph V. Karaganis
Karaganis Law Office P.C.
414 North Orleans Street, Suite 810
Chicago, Illinois 60610
(212) 870-3500

2. *Murray v. Henry J. Kaiser Co.*, 84-ERA-4 (1984) (DOL ALJ: Rokentenetz)

From September 1983 through May 1984, I defended Henry J. Kaiser Co. (“HJK”), constructors of the William H. Zimmer nuclear power plant, against a “whistleblower” suit brought by a discharged employee under the Energy Reorganization Act. The case was highly sensitive because it was litigated during a pending grand jury investigation into alleged conduct by HJK in the construction of the nuclear power plant, including some of the allegations raised by the discharged employee. I was responsible for developing factual evidence, discovery, trial preparation, and drafting a pre-trial statement and post-trial brief. The case was tried before a Department of Labor administrative law judge in Cincinnati, Ohio. I personally tried half the case, with a Shaw, Pittman, Potts & Trowbridge partner trying the other half. The ALJ decided for HJK.

Principal Counsel:

Andrew B. Dennison
Current Contact Information Unknown

3. *Rapps v. United States, et al.*, Civil No. 78-0612 (D.D.C.) (Judge: Parker)

From October 1978 to March 1980, I defended a former high-level Consumer Product Safety Commission (“CPSC”) official (Dimcoff) in an action brought by another former CPSC official (Rapps) against the CPSC and several current and former CPSC officials for violations of constitutional, statutory, and common law rights. The other federal defendants were represented by the Department of Justice. The case, which involved numerous complex legal issues, settled on the eve of trial. I was responsible for the factual investigation, extensive legal research, conducting most discovery, and drafting numerous motions, including motions to dismiss, motions for summary judgment, and a pre-trial statement. During discovery, I successfully overcame a claim of newsman’s privilege by a journalist witness.

Principal Counsel:

Raymond Battocchi
Gabeler Battocchi and Powell PC
Madison Building
1320 Old Chain Bridge Road, Suite 200
McLean, Virginia 22101
(888) 399-8104

Lawrence Moloney
Current Contact Information Unknown

4. *Gutherz v. U.S. World & News Report*, 86 Civ. 2517 (GLG) (S.D.N.Y.)
(Judge: Goettel)

From February 1986 to March 1989, I was lead counsel defending U.S. News & World Report in a large, multi-plaintiff age discrimination suit under the Age Discrimination in Employment Act. The suit arose from the termination of half of U.S. News' advertising sales force after the magazine was taken over by a new owner. I conducted and defended extensive discovery, represented U.S. News & World Report in all court appearances, and drafted and argued a motion for summary judgment. The motion was denied.

Principal Counsel:

Judith Vladeck
Deceased

Anne Vladeck
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5. *Brecht v. Abrahamson*, 507 U.S. 619 (1993)

Certiorari was granted to review whether the *Chapman* harmless error standard applied on collateral review of *Doyle* violations. Todd Brecht was sentenced to life imprisonment after he was convicted of murder for shooting his brother-in-law. The state court of appeals overturned Brecht's conviction on the ground that the state's references to his post-Miranda silence violated due process under *Doyle*. The state supreme court reinstated the conviction finding that while the mention of post-Miranda silence was impermissible under *Doyle*, it was also harmless error under *Chapman*. Brecht sought a writ of habeas corpus, reasserting his *Doyle* claim. The district court set aside the conviction, and the

court of appeals reversed, holding that the *Chapman* harmless error standard did not apply in reviewing a *Doyle* error on federal habeas review. I argued the case before the Supreme Court on behalf of the United States as amicus curiae in support of Gordon A. Abrahamson, Superintendent of Dodge Correctional Institution. The Supreme Court affirmed the decision of the court of appeals, holding that the *Doyle* violation did not substantially influence the jury's verdict.

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6. *Republic of Philippines v. Westinghouse Elec. Corp.*, 43 F.3d 65 (3rd Cir. 1994) (Judges: Becker, Lewis, Pollak)

In 1988, the Republic of the Philippines and the National Power Corporation filed a complaint against a number of entities, including Westinghouse Electrical Corporation and Westinghouse International Projects Company (collectively "Westinghouse"), concerning the construction of a nuclear power plant in Bagac, Bataan. Following a lengthy trial, the jury returned a verdict for Westinghouse and the other entities on certain claims. The Republic of the Philippines sought to collaterally appeal the issues that had been adjudicated, but the district court adjudicated additional issues and ultimately issued an injunction against the Republic of the Philippines. It further directed that any settlement in the case must provide that the parties agree to the court's retention of jurisdiction. The Republic of the Philippines appealed. I argued the matter before the Third Circuit. The injunctive portions of the district court's order were vacated and the matter was remanded for a redetermination of sanctions.

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Glenn A. Mitchell
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7. *GTE Corp. and Bell Atlantic Corp.*, Docket No. 98-184 (F.C.C. 1998 – 2000)

From 1998 to 2000, I served as lead antitrust counsel to GTE Corporation in seeking regulatory approval from the Department of Justice and the Federal Communications Commission for the company's merger with Bell Atlantic. I also served as GTE Corporation's lead counsel when the parties to the merger and AT&T Corporation litigated certain regulatory issues before the Federal Communications Commission.

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8. *AT&T Corp. v. Iowa Utilities Bd.*, 525 U.S. 366 (1999)

From 1996 to 2002, I represented GTE Corporation and led an industry challenge to the Federal Communications Commission unbundling and pricing rules under the Telecommunications Act of 1996. This involved a suite of six court of appeals cases and two Supreme Court cases. I briefed and argued the following cases: *Iowa Utilities Bd. v. FCC*, 109 F. 3d 418 (8th Cir. 1996) (before Judges Bowman, Wollman and Hansen); *Iowa Utilities Bd. v. FCC*, 120 F. 3d 753 (8th Cir. 1997) (before Judges Bowman, Wollman and Hansen); *AT&T Corp. v. Iowa*

Utilities Bd., 525 U.S. 366 (1999); *Iowa Utilities Bd. v. FCC*, 219 F. 3d 744 (8th Cir. 2000) (before Judges Bowman, Wollman and Hansen); and *Verizon Communications Inc. v. FCC*, 535 U.S. 467 (2002). In addition, I argued *Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393 (5th Cir. 1999) (before Smith, Duhe, Garza), and briefed *US Telecom Ass'n v. FCC*, 290 F. 3d 415 (D.C. Cir. 2002) (before Judges Edwards, Randolph and Williams).

AT&T Corp. v. Iowa Utilities Bd., 525 U.S. 366 (1999) addressed, in consolidated cases, whether the Federal Communications Commission had authority to implement certain pricing and competition provisions set out in the 1996 Telecommunications Act, including an unbundling rule, setting forth the minimum number of network elements that local exchange carriers must make available to requesting providers. Local Exchange Carriers (“LECs”) and state commissions alleged that primary authority to implement local competition provisions belonged to the states rather than to the Federal Communications Commission. The Supreme Court held that notwithstanding the local nature of some of the LECs, the Federal Communications Commission had rulemaking authority to uphold the provisions in question. Citing the interconnectivity of LECs with regional and national carriers, the Supreme Court concluded the Federal Communications Commission could also reach LEC markets and regulate their business practices.

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9. *Verizon Communications Inc. v. FCC*, 535 U.S. 467 (2002)

The Telecommunications Act of 1996 entitled new companies seeking to enter local telephone service markets to lease elements of the incumbent carriers' local exchange networks and the Federal Communications Commission was authorized to prescribe methods for state utility commissions to use in setting rates for the sharing of those elements. Certiorari was granted to address whether, among other issues, the Federal Communications Commission could require state utility commissions to set the rates charged by the incumbents for leased elements on a forward-looking basis untied to the incumbents' investment. The Supreme Court held that the Federal Communications Commission prescribed methods were reasonably within the limits of statutory possibility.

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10. *WorldCom/MCI*, Commission Decision No. IV/M.1069 (1998)
(Commissioner: Miert)

As GTE General Counsel, I developed and brought an antitrust challenge in the European Commission against the proposed merger of MCI and WorldCom in 1998. I presented and argued the case before a competition panel of the European Commission, successfully obtaining the relief sought—divestiture of certain internet backbone assets.

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16. **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 Shaw, Pittman, Potts & Trowbridge (1983 – 1989), I worked on the following significant legal matters where I was the sole associate, supervised by one partner.

Zimmer Grand Jury Investigation (1983 – 1984). I spent the substantial part of a year successfully defending Henry J. Kaiser Co. in connection with a grand jury investigation into possible violations of federal law in the construction of the William H. Zimmer nuclear power plant in Ohio. I also handled a parallel Nuclear Regulatory Commission investigation and three related whistleblower cases.

National Air Transportation Association (1985). I represented the National Air Transportation Association in connection with proposed IRS regulations on the use of employer-provided aircraft.

National Automobile Dealers Association (1985 – 1989). I represented the National Automobile Dealers Association on a variety of tax issues. In 1985 and 1986 I prepared and submitted a series of formal comments on proposed IRS regulations regarding the taxation of auto salesmen's demonstrators.

Knights of Columbus (1984 – 1989). I represented the Knights of Columbus in connection with preserving the tax exemption for "fraternal benefit societies" under Section 501(c)(8). During 1985 and 1986, I prepared and submitted numerous comments. I also assisted the Knights of Columbus in prevailing before the Administration and House Ways & Means Committee to preserve an exemption in "Treasure II" and subsequent Tax Reform legislation.

Sallie Mae (1988). I represented Sallie Mae in connection with Department of Education regulations relating to due diligence requirements under the Guaranteed Student Loan Program.

Taiwan Power (1986 – 1988). I represented the government-owned utility of Taiwan in connection with its pre-sanction, long-term supply contracts for Namibian uranium. I unsuccessfully sought from the Treasury Department an interpretation of sanctions legislation that would allow for "in transit" processing of Taiwan Power's uranium.

Equitable of Iowa (1987 – 1988). I represented a Des Moines-based company in opposing a Urban Development Action Grant for the development of a major shopping mall on the outskirts of Des Moines. I prepared extensive submissions to the Department of Housing and Urban Development. The grant was not awarded.

While at GTE Corporation (1994 – 2000) and Verizon Communications (2000 – 2008), I

was substantially and directly involved in planning and executing the following four major transactions.

GTE Corporation's Acquisition of BBN Technologies (1997). This transaction in which GTE Corporation acquired BBN Technologies, an internet backbone company, was valued at approximately \$616 million.

GTE Corporation's Merger with Bell Atlantic (1998 – 2000). This \$64 billion transaction formed Verizon Communications. Following the merger, I was appointed Executive Vice President and General Counsel of Verizon Communications, serving as the company's chief legal officer and overseeing its federal and state regulatory functions.

Verizon Communication's Acquisition of MCI Communications (2006). This involved an \$8.5 billion transaction in which I supervised the legal and regulatory work to acquire MCI Communications through an intense bidding war against Qwest Communications.

Verizon Communication's Acquisition of Alltel (2007). I supervised the legal and regulatory aspects of Verizon Communication's acquisition of Alltel in a \$28 billion transaction.

As part of my responsibilities as General Counsel at GTE Corp. and Verizon Communications, I occasionally engaged in lobbying activities. From 2005 to 2006, I was registered in Virginia for Verizon Communications.

17. **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.

In the Fall of 1987, I assisted a Shaw, Pittman, Potts & Trowbridge colleague by teaching one of his Legal Research & Writing sections at the George Washington University Law School. I do not have a copy of the syllabus.

In the Spring of 2015, I co-taught a constitutional law seminar, Original Meaning Research, at the George Washington University Law School with Professor Gregory E. Maggs. A copy of the syllabus is supplied.

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

I have vested unexercised AT&T stock options valued at approximately \$270,000.

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

None.

20. **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).

The Office of Government Ethics will deliver my 278-E directly to the Senate Judiciary Committee.

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

Please see the attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

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

My daughter is a practicing lawyer and works for the Department of Justice in the Deputy Attorney General's Office. Both my son-in-laws are practicing lawyers—one works for the Department of Justice in the National Security Division and the other works in the U.S. Attorney's Office for the Eastern District of Virginia.

In the event of a potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations.

- 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 a potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations.

23. **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 work load, 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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

While at Shaw, Pittman, Potts & Trowbridge I engaged in approximately 111 hours of pro bono work between 1980 and 1987. In addition, the partnership made substantial contributions to support groups providing legal services to the indigent and those in need.

At GTE Corporation and Verizon Communications, I personally handled two pro bono matters. First, between 1997 and 2001, I spent approximately 80 hours organizing amici (including former Attorneys General) to support an FBI sniper in defending against criminal charges in connection with the Ruby Ridge incident in Idaho. I enlisted a law firm to work pro bono on the case and assisted in framing legal arguments advanced by the amici in the district court and the subsequent appeal to the Ninth Circuit. Second, from 1999 to approximately 2002, I represented a clerical employee with cerebral palsy who had been terminated from his job in a law school library. I represented him through the grievance process and he was reinstated. I also represented him in a subsequent dispute that ultimately led to his leaving the school. I spent over 50 hours on these matters.

During my tenure at Verizon Communications, I took on responsibility for supporting the company's historic relationship with the Archdiocese of New York. My particular charitable focus was, and remains, raising scholarship funds to pay the tuitions of inner-city children attending Catholic parochial schools in diocese. I joined the board of the Archdiocese's Inner-City Scholarship Fund and have spent considerable time fundraising.