

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Philip Rabner Sellinger

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

United States Attorney for the District of New Jersey

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office:

Greenberg Traurig, LLC
500 Campus Drive, Florham Park, NJ 07932

Residence:

Morristown, NJ 07960

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

1954; Boston, MA

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.

New York University School of Law, 1976-1979
J.D. – May 1979

University of Massachusetts, 1974-1976
B.A. – June 1976

Newton Junior College, Fall 1973
no degree

Antioch College, 1972-1973
no degree

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.

October 2002 – Present

Co-Managing Shareholder - New Jersey, 2002-2021

Co-Chair Global Litigation Department, 2013-2018

Executive Committee Member, approximately 2010-2016

Greenberg Traurig, LLP

500 Campus Drive, Florham Park, NJ 07932

Paid

January (estimated) 2018 – Present

Co-Chair

New Jersey Muslim-Jewish Advisory Council

165 East 56th Street

New York, NY 10022

Unpaid

June 2017 – Present

Board of Governors

New Jersey Board of Directors

American Jewish Committee

165 East 56th Street

New York NY 10022

Unpaid

January (estimated) 2013 – Present

Director

New Jersey Law and Education Empowerment Project

One Newark Center

Newark, NJ 07102

Unpaid

January (estimated) 2011 – Present

Director

New Jersey Performing Arts Center

One Center Street

Newark, NJ 07102
Unpaid

January 2005 (estimated) – Present
Director
Atlantic Legal Foundation
500 Mamaroneck Avenue, Suite 320
Harrison, NY 10528
Unpaid

September 2007 – August 2015 (estimated)
Director
Federal Bar Association – New Jersey
970 Broad Street
Newark, NJ 07102
Unpaid

January 2009 – December 2010 (estimated)
Director
New Jersey Network Foundation
No longer in operation
Unpaid

September 2005 (estimated) – November 2008
Chair
Lawyers Advisory Committee to New Jersey Federal Judiciary
United States District Court
50 Walnut Street
Newark, NJ 07102
Unpaid

October 1984 – October 2002
Co-Chair of Litigation Department, Management Committee member (estimated 1990s-2002)
Sills Cummis Radin Tischman and Gross
One Riverfront Plaza
Newark, NJ 07102
Paid

January 1997 – January 1999 (estimated)
Director
Morris 2000
No longer in operation
Unpaid

January 1995 – January 1997 (estimated)

Director
United Way of Morris County
222 Ridgedale Avenue
Cedar Knolls, NJ 07927
Unpaid

January 1990 – January 1993 (estimated)
Director
Historic Speedwell
333 Speedwell Avenue A
Morristown, NJ 07960
Unpaid

January 1990 – January 1993 (estimated)
Board Member
United States Olympic Committee, New Jersey Chapter
100 Deforest Avenue
East Hanover, NJ 07936
Unpaid

September 1990 – August 1991 (estimated)
Director
Young Lawyers Division
American Bar Association
321 North Clark Street
Chicago, IL 60654
Unpaid

September 1990 – August 1991 (estimated)
Chair
Young Lawyers Division
New Jersey State Bar Association
One Constitution Square
New Brunswick, NJ 08901
Unpaid

January 1990 – January 1993 (estimated)
Director
National Center for Preventive Law
No address. Organization no longer operational.
Unpaid

January 1990 – January 1993 (estimated)
Director
Commission on Standards for Corporate Compliance
No address. Organization no longer operational.

Unpaid

October 1981 – October 1984
Assistant United States Attorney, Criminal Division
United States Attorney's Office
970 Broad Street, Newark, NJ
Paid

November 1980 – September 1981
Associate
Donovan Leisure Newton & Irvine
30 Rockefeller Plaza, New York, NY
Paid

September 1980 – November 1980
Advance Team
President Jimmy Carter Re-Election Committee
Philadelphia, PA
Paid

November 1979 – September 1980
Law Clerk
United States District Court for the District of New Jersey
Honorable Anne E. Thompson
402 East State Street, Trenton, NJ
Paid

July 1978 – August 1978
Summer Associate
McCutchen Black Verleger & Shea
11601 Wilshire Drive
Los Angeles, CA
Paid

June 1978
Summer Associate
Jones Day Reavis & Pogue
901 Lakeside East
Cleveland, OH
Paid

June 1977 – August 1977
Intern
Commonwealth of Massachusetts
Department of Mental Health (I believe)
25 Staniford Street

Boston, MA
Unpaid

July 1976 – August 1976 (estimated)
Taxi Cab Driver
Red Cab
100 Saint Mary Street
Brookline, MA
Paid

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 am not subject to selective service registration requirements.

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.

Listed Band 1, Chambers USA Guide, 2007-2021
Listed Commercial Litigation, Insurance Law; Litigation - Environmental, The Best Lawyers in America, 2005-2021
Listed ROI Influencers: Power List, ROI-NJ, 2021
Listed New Jersey Super Lawyers, Super Lawyers magazine, 2006-2021
Listed Benchmark Litigation, 2019-2021
Listed Local Litigation Star, Benchmark Litigation, 2020-2021
Listed National Litigation Star, Benchmark Litigation, 2019
Listed Commercial Litigation, The Legal 500 United States, 2015-2020
Team Member, Regional Litigation Department of the Year – New Jersey Finalist, The American Lawyer, 2019
New Jersey Trailblazer Award, The New Jersey Law Journal, 2019
Team Member, Law Firm of the Year Banking & Finance - Litigation, U.S. News - Best Lawyers®, Best Law Firms Edition, 2017
Leader of Winning Team, Class Action Litigation Department of the Year, New Jersey Law Journal, 2016
Leader in Business Award, Morris County Chamber of Commerce, 2015
Honorary Doctor of Law Degree, Rabbinical College of America, 2014
Top 100 Lawyers in New Jersey, SuperLawyers, 2013
Team Member, Client Choice Award USA & Canada, United States: New Jersey, Lexology, 2013
Learned Hand Award, American Jewish Committee, 2011
Celeste Holm Humanitarian Award, Arts Horizon, 2010
Distinguished Legal Services Award, The Corporate Legal Times, approximately 1990

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Lawyers Advisory Committee to New Jersey Federal Judiciary
Chair (approximately September 2005 – November 2008)

Atlantic Legal Foundation
Board Member

American Bar Association
Board Member, Young Lawyers Division

Federal Bar Association – New Jersey
Board Member

New Jersey State Bar Association
Co-Chair, Class Action Committee (approximately September 2000 – August 2002)
Chair, Young Lawyers Division (approximately September 1990 – August 1991)

National Center for Preventive Law
Charter Fellow and Board Member

Commission on Standards for Corporate Compliance
Board Member

New Jersey Supreme Court Civil Practice Rules Committee

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, December 1980

New Jersey, June 1983

California, October 2003

There have been no lapses in membership.

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

Supreme Court of the United States (June 1985)
United States Court of Appeals for the First Circuit (February 2013)
United States Court of Appeals for the Second Circuit (May 2014)
United States Court of Appeals for the Third Circuit (March 2005)
United States Court of Appeals for the Ninth Circuit (December 2014)
United States Court of Appeals for the Tenth Circuit (December 2020)
United States Court of Appeals for the Eleventh Circuit (March 2015 – April 2021). Reason for Lapse – I did not renew my membership because my role before the Circuit Court had concluded.
United States District Court for the Eastern District of New York (April 1981)
United States District Court for the Southern District of New York (November 1981)
United States District Court for the District of New Jersey (September 1983)
United States District Court for the Central District of California (May 2013)
United States District Court for the District of Colorado (May 2016)

In addition, over the years, I have been temporarily admitted to various courts to represent a client for a single case on a *pro hac vice* basis.

Except as noted, 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.

Association Memberships:

American Jewish Committee (2014-Present)
 National Board of Governors (June 2017-Present)
 New Jersey Board of Directors (June 2017-Present)
 Strategic Planning Group (June 2018-Present)
New Jersey Law and Education Empowerment Project (approx. June 2013-Present)
 Board of Directors (approx. June 2013-Present)
New Jersey Performing Arts Center (approx. June 2011-Present)
 Board of Directors (approx. June 2011- Present)
AIPAC (approx. 2010-Present)
New Jersey Muslim-Jewish Advisory Council (approx. January 2018-Present)
 Co-Chair (approx. January 2018-Present)
No Labels (approx. 2009-2014)
New York University School of Law (2009-2011)

Weinfeld Fellow (2009-2011)
New Jersey Network Foundation (2009-2010)
Board of Directors (approx. January 2009-January 2010)
Morris 2000 (approx. January 1997-January 1999)
Board Member (approx. January 1997-January 1999)
United Way of Morris County (approx. January 1995-January 1997)
Board Member (approx. January 1995-January 1997)
United States Olympic Committee, New Jersey Chapter (approx. January 1990-
January 1993)
Board Member (approx. January 1990-January 1993)
Historic Speedwell (approx. January 1990-January 1993)
Board Member (approx. January 1990-January 1993)

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations 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.

I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published material, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Article, *Supreme Court Altering Class Action Landscape*, CORPORATE COUNSEL, July 5, 2013. Copy supplied.

Article, *CLASS APART; There's good news for your company in recent Supreme Court decisions*, CORPORATE COUNSEL, June 18, 2013. Copy supplied.

Article, Philip R. Sellinger, *Democracy Drowning in Dollars*, OBSERVER (July 16, 2012). Copy supplied

Article, Philip R. Sellinger, *Winter is Coming*, OBSERVER (Apr. 30, 2012). Copy supplied

Article, *Class Action Reform*, METROPOLITAN CORPORATE COUNSEL, 2002. No copy available.

Article, *Key Corporate Counsel Issues - Class Action Abuse and Junk Science*, METROPOLITAN CORPORATE COUNSEL, December 1, 2001. Copy supplied.

Article, *Business Interruption Insurance: A Safety Net for Companies Impacted by the World Trade Center Attacks*, METROPOLITAN CORPORATE COUNSEL, October 1, 2001. Copy supplied.

Article, *Making ADR Work in Large and Complex Cases*, METROPOLITAN CORPORATE COUNSEL, September 2000. No copy available.

Article, *Finding Intellectual Property Liability Coverage in the new Business Era - Part III*, METROPOLITAN CORPORATE COUNSEL, September 1, 2000. Copy supplied.

Article, *Finding Intellectual Property Liability Coverage in the new Business Era - Part II*, METROPOLITAN CORPORATE COUNSEL, August 1, 2000. Copy supplied.

Article, *Finding Intellectual Property Liability Coverage in the new Business Era - Part I*, METROPOLITAN CORPORATE COUNSEL, July 1, 2000. Copy supplied.

Article, *Recovering Y2K Remediation Costs Under Property Policies*, METROPOLITAN CORPORATE COUNSEL, December 1, 1999. Copy supplied.

Article, *Maximizing Insurance Coverage for year 2000 Exposure*, METROPOLITAN CORPORATE COUNSEL, August 1, 1998. Copy supplied.

Article, "Establishing Compliance Programs," METROPOLITAN CORPORATE COUNSEL, June 1998. Copy supplied.

Article, "New Jersey and New York Courts Hold Promise of Insurance Coverage for Employment-Related Claims," METROPOLITAN CORPORATE COUNSEL, November 1, 1997. Copy supplied.

Article, "Solving the London Market Puzzle," NEW JERSEY LAW JOURNAL, June 9, 1997. Copy supplied.

Article, *Managing Effectively Through Partnering and Teamwork*, METROPOLITAN CORPORATE COUNSEL, March 1, 1997. Copy supplied.

Article, *It's Never Too Late: New York Backs Away from Draconian Late Notice Rules*, METROPOLITAN CORPORATE COUNSEL, October 1996. Copy supplied.

Article, *Reducing Litigation Costs Through Partnering*, METROPOLITAN CORPORATE COUNSEL, May 1996. Copy supplied.

Article, *Litigation Partnering - A "Win-Win" Relationship*, METROPOLITAN CORPORATE COUNSEL, May 1996. Copy supplied.

Article, *Prosecuting Successful and Cost Effective Environmental Coverage Litigation*, METROPOLITAN CORPORATE COUNSEL, February 1996. Copy supplied.

Article, *Complex Litigation: Better Management Through Imaging*, NEW JERSEY LAW JOURNAL, March 27, 1995. Copy supplied.

Article, *Trip Plans Are Onerous and Complex*, NEW JERSEY LAW JOURNAL, April 11, 1994. Copy supplied.

Article, *Will Cleanup Laws' Amendments Affect Costs?* NEW JERSEY LAW JOURNAL, February 21, 1994. Copy supplied.

Article, *EPA's Plan to Reassure Lenders Doesn't Go Far Enough*, AMERICAN BANKER, January 22, 1992. Copy supplied.

Article, *Shielding Internal Investigations*, NEW JERSEY LAW JOURNAL, June 20, 1991. Copy supplied.

Article, *EPA's Proposed Rule on Lender Liability Under CERCLA: No Panacea for the Financial Services Industry*, ENVIRONMENTAL LAW REPORTER, 1991. Copy supplied.

Article, *Can Corporate Officers, Directors and Counsel be Jailed for Violations of Environmental Reporting Statutes?* NEW JERSEY CORPORATE COUNSEL ASSOCIATION, December 1989. Copy Supplied.

Article, *Preserving the Attorney-Client and Work-Product Privileges While Conducting Corporate Environmental Investigations*, ENVIRONMENTAL COMPLIANCE: ITS CRIMINAL AND CIVIL IMPLICATIONS TO CORPORATIONS, FINANCIAL INSTITUTIONS AND THEIR DIRECTORS AND OFFICERS, May 1987. Copy Supplied.

Article, *The Self-Evaluative Privilege and the Confidentiality of Environmental Audits*, Date Unknown. Copy supplied.

Letter to the Editor, *Resource in Peril*, U.S. NEWS & WORLD REPORT, April 8, 1985. Copy supplied.

Article, *Seniority and the Perpetuation of Past Discrimination*, ANNUAL SURVEY OF AMERICAN LAW, 1978-79. 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 done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Muslim-Jewish Advisory Council, Letter to Congress supporting the Jabara-Heyer NO HATE Act (2021). Copy Supplied

New Jersey Community of Conscience, New Jersey Community of Conscience Statement on the Jersey City Attack, *Insider NJ* (Dec. 13, 2019). Copy Supplied

New Jersey Muslim-Jewish Advisory Council, Statement on Confronting Antisemitism and Islamophobia in New Jersey, *Insider NJ* (Sept. 23, 2019). Copy Supplied

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

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Daniel J. Capra, Memorandum to Advisory Committee on Evidence Rules (Mar. 15, 2007). Copy supplied

Hearing Before the Advisory Committee on Evidence Rules, Fed. R. Evid. 502 (Jan. 29, 2007). Copy supplied

Philip R. Sellinger, Letter to Thomas McCabe regarding Federal Judicial Conference Rules Hearing on January 29, 2007 (Oct. 20, 2006). 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.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. I frequently speak without notes or speak from a handwritten outline. I did not retain the majority of the handwritten outlines and have attached all that I could find. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

Rabbinical College of America
Hilton Meadowlands
East Rutherford, NJ
December 15, 2014

I delivered an acceptance speech upon receiving an Honorary Doctor of Law Degree from the Rabbinical College of America. Copy supplied.

New Jersey Corporate Counsel Association (NJCCA)
Location Unknown
January 29, 2013

I spoke on a CLE Panel at the NJCCA Annual Dinner titled "Judicial Hellholes: How to Survive (and Succeed) as a Corporate Defendant." Copy of an article promoting the event is attached.

New Jersey Law Journal
Florham Park, NJ
June 6, 2012

I was a panelist at New Jersey Law Journal's New Partner Forum. The purpose of the program was to improve marketing skills of participants and to encourage networking. Copy of an article promoting the event is attached.

American Jewish Committee
Hilton Short Hill
Short Hills, NJ
April 7, 2011

I delivered an acceptance speech upon receiving the Learned Hand Award from the American Jewish Committee. Copy of my remarks, and an excerpt of my remarks published by The Metropolitan Corporate Counsel supplied.

Arts Horizons
1 Grand Avenue, Suite 7

Englewood, NJ
New York City, NY
October 25, 2010

I delivered an acceptance speech upon receiving the Celeste Holm Humanitarian Award from Arts Horizons at the Broadway Salutes Arts Horizons Gala. I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

New Jersey Institute for Continuing Legal Education (NJICLE)
Clarion Hotel
Edison, NJ
June 17, 2005

I participated in a panel discussion titled “The Future of Class Actions in New Jersey - Alive & Well?!” sponsored by NJICLE. Copy of an article promoting the panel supplied.

New Jersey Corporate Counsel Association (NJCCA)
New Brunswick Hyatt
Two Albany Street, New Brunswick, NJ
May 12, 2005

I participated in a panel discussion titled “Legal Express SuperCourse” sponsored by the NJCCA. Copy of an article promoting the event supplied.

The New Jersey Institute of Continuing Legal Education (NJICLE), the New Jersey Corporate Counsel Association (NJCCA), and the New Jersey State Bar Association Business Law Section
New Jersey Law Center
One Constitution Square
New Brunswick, NJ
March 3, 2005

I spoke on the panel titled “Corporate Ethics” at the 2005 Corporate Counsel Institute presented by NJICLE, NJCCA, and the New Jersey State Bar Association Business Law Section. Copy of an article promoting the event supplied.

Metropolitan Corporate Counsel
Location unknown
November 1, 2002

I moderated a panel titled “Civil Justice Reform Roundtable: Two Strategies For Dealing With Class Actions – Legislation And Prevention” for the Metropolitan Corporate Counsel. Copy supplied.

Executive Enterprise Institute
Willard-Continental Washington Hotel
Washington, D.C.
12 Skyline Dr
Hawthorne, NY 10532

June 27-28, 2002

I moderated a panel titled “First, The Basics - New Rules and Procedures for Class Actions” at the Class Action Litigation Summit, a conference of the Executive Enterprise Institute. I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

American Management Association
319 W 48th St,
New York, NY 10036
December 2000

I spoke on the topic “Persuading Entrenched Curmudgeon Partners to Embrace the Necessary New Practice Models and New Firm Structures” for the American Management Association. I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

New Jersey Corporate Counsel Association (NJCCA), The Metropolitan
Corporate Counsel and Sills Cummis
New Jersey offices of Sills Cummis
One Riverfront Plaza
Newark, NJ
October 18, 2000

I spoke at a “Meet-the-Author” program titled “Finding Intellectual Property Liability Coverage in the New Business Era.” The program was hosted by the NJCCA and co-sponsored by The Metropolitan Corporate Counsel and Sills Cummis. Copy of an article promoting the event supplied.

Greater New York Chapter of the American Corporate Counsel Association
(NYACCA), The Metropolitan Corporate Counsel, and Sills Cummis
New York City offices of Sills Cummis
New York, NY
September 14, 2000

I spoke at a “Meet-the-Author” program titled “Finding Intellectual Property Liability Coverage in the New Business Era.” The program was hosted by the NYACCA and co-sponsored by The Metropolitan Corporate Counsel and Sills Cummis. Copy of an article promoting the event supplied.

Greater New York Chapter of the American Corporate Counsel Association
(NYACCA)
Location unknown
June 12, 2000

I discussed litigation management at a seminar titled “Corporate Lawyering” under the sponsorship of the Greater New York Chapter of the American Corporate Counsel Association. Copy of a recap of my remarks supplied.

Fulcrum Information Services
535 Madison Ave
New York, NY

June 2000

I spoke on a panel titled, "Partnering 2000: Profiting from Client Collaboration," for Fulcrum Information Services. I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

New Jersey Corporate Counsel Association (NJCCA)

Hanover Marriott

Hanover, NJ

February 17, 2000

I spoke on a panel sponsored by New Jersey Corporate Counsel Association, addressing "Recovering Y2K Remediation Costs Under Property Policies." Copy of a recap of my remarks supplied.

Greater New York Chapter of the American Corporate Counsel Association (NYACCA)

New York City offices of Sills Cummis

New York, NY

February 17, 2000

I spoke on a panel sponsored by the NYACCA, addressing "Recovering Y2K Remediation Costs Under Property Policies." Copy of a recap of my remarks supplied.

American Corporate Counsel Association (ACCA)

1001 G Street NW

Suite 300W

Washington, D.C.

December 1999

I spoke on the topic "Convergence and Strategic Partnering: Key Concepts" for the ACCA. I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

American Corporate Counsel Association (ACCA)

Hyatt Regency Hotel

San Diego, CA

November 3-5, 1999

I spoke on a panel titled "Y2K: It's Still Not Too Late" at the ACCA Annual Meeting. Copy of an article promoting the event supplied.

New Jersey Corporate Counsel Association (NJCCA)

Hilton, Short Hills

Short Hills, NJ

October 1, 1998

I spoke on panel titled "Maximizing Insurance Coverage For Year 2000 Exposure" for the NJCCA. Copy of an article promoting the event supplied.

Greater New York Chapter of the American Corporate Counsel Association (NYACCA)

New York City offices of Sills Cummis
New York, NY
October 1, 1998

I spoke on panel titled “Maximizing Insurance Coverage For Year 2000 Exposure” for the NYACCA. Copy of an article promoting the event supplied.

Technology New Jersey
Princeton Hyatt Regency
Princeton, NJ
September 24, 1998

I spoke on a program titled "Y2K & The Telecommunications Industry: The Legal Issues." The program was hosted by Technology New Jersey. Copy of an article promoting the event supplied.

Practicing Law Institute
1177 Avenue of the Americas, 2nd Floor
New York, NY
June 1998

I spoke on a panel titled “Punish Employees Who Violate Company Compliance Standards” for the Practicing Law Institute. I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

The Metropolitan Corporate Counsel and Sills Cummis
Short Hills Hilton
Short Hills, NJ
December 10, 1997

I spoke at a “Meet-the-Author” programs focused on the applicability of insurance coverage to employment claims. The program was titled “New Jersey and New York Courts Hold Promise of Insurance Coverage for Employment-Related Claims” and was co-sponsored by The Metropolitan Corporate Counsel and Sills Cummis. Copy of an article promoting the event and copy of a recap of my remarks supplied.

The Metropolitan Corporate Counsel, Sills Cummis, and Greater New York Chapter of the American Corporate Counsel Association (NYACCA)
New York City offices of Sills Cummis
New York, NY
December 9, 1997

I spoke at a “Meet-the-Author” programs focused on the applicability of insurance coverage to employment claims. The program was titled “New Jersey and New York Courts Hold Promise of Insurance Coverage for Employment-Related Claims” and was co-sponsored by The Metropolitan Corporate Counsel, Sills Cummis, and NYACCA. Copy of an article promoting the event and copy of a recap of my remarks supplied.

New Jersey Corporate Counsel Association (NJCCA) and Sills Cummis
Parsippany Hilton

One Hilton Court, Parsippany, NJ
March 25, 1997

I spoke at a forum sponsored by the New Jersey Corporate Counsel Association and Sills Cummis. The Forum discussed how corporate counsel can enjoy the benefits of "partnering" with outside litigation counsel. Copy of an article promoting the program supplied.

Greater New York Chapter of the American Corporate Counsel Association (NYACCA) and Sills Cummis

New York City offices of Sills Cummis

New York, NY

May 1, 1996

I was on a panel titled "Business and Legal Trends in Corporate Compliance" sponsored by the NYACCA and Sills Cummis. Copy of an article promoting the program supplied.

Greater New York Chapter of the American Corporate Counsel Association (NYACCA)

New York City offices of Sills Cummis

New York, NY

March 26, 1996

I spoke on a panel titled, "Key Trends and Hot Issues in Environmental Insurance Coverage Litigation." The seminar was hosted by the Greater New York chapter of the Corporate Counsel Association. Copy of an article promoting the program supplied.

New Jersey Corporate Counsel Association (NJCCA)

Hanover Marriott

Whippany, NJ

February 13, 1996

I spoke on a panel titled "Key Trends and Hot Issues in Environmental Insurance Coverage Litigation." The seminar was hosted by the NJACCA. Copy of an article promoting the program supplied.

Greater New York Chapter of the American Corporate Counsel Association (NYACCA)

New York City offices of Sills Cummis

New York, NY

January 9, 1996

I spoke on a panel titled "Evaluating And Prosecuting Environmental Insurance Claims." The program was sponsored by the NYACCA. Copy of an article promoting the program supplied.

New Jersey Corporate Counsel Association (NJCCA)

1 Main St.

Far Hills, NJ

November 1995

I spoke on a panel titled “Key Trends and Hot Issues in Environmental Insurance Coverage Litigation” for the New Jersey Corporate Counsel Association. I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

New Jersey Corporate Counsel Association (NJCCA) and Sills Cummis
Headquarters Plaza
Morristown, NJ
August 10, 1995

I spoke on a panel titled, “Utilizing Alternative Dispute Resolution for Resolving Environmental Disputes” for NJCCA and Sills Cummis. Copy of an article promoting the program supplied.

Greater New York Chapter of the American Corporate Counsel Association (NYACCA)

New York City offices of Sills Cummis
712 Fifth Avenue, 17th floor
New York, NY
June 19, 1995

I spoke at a “Meet-the-Author” programs titled, “Protecting The Corporation Through A Compliance Program.” The program was co-sponsored by The Metropolitan Corporate Counsel, and by NYACCA. Copy of an article detailing a recap of the program supplied.

National Banking Conference of Loan Officers
Four Seasons Hotel
Washington, D.C.
April 27-28, 1995

I spoke on “Recent Developments on Environmental Liability Issues Concerning Financial Institutions” for the National Banking Conference of Loan Officers. Copy of an article promoting the program supplied.

New Jersey Corporate Counsel Association (NJCCA) and Sills Cummis
Parsippany Hilton
Parsippany, NJ
April 5, 1995

I spoke on a panel titled, “Protecting the Corporation From Ex Parte Contacts by the Justice Department and Opposing Parties Without the Knowledge of the General Counsel's Office.” The program was hosted by the NJCCA and Sills Cummis. Copy of an article promoting the program supplied.

National Center for Preventive Law and the American Law Institute-American Bar Association Committee on Professional Education
New Orleans Hilton Riverside
New Orleans, LA
March 2-3, 1995

I spoke on the topic “Issue of Privileges and Confidentiality in Connection with

Internal Corporate Audits” for the National Center for Preventive Law and the American Law Institute-American Bar Association Committee on Professional Education. Copy of an article promoting the program supplied.

American Law Institute – American Bar Association
4025 Chestnut Street
Philadelphia, PA
March 1995

I spoke on the topic “Organizing for Corporate Compliance Seminar” for the American Law Institute – American Bar Association. I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

Pennsylvania/New Jersey/Delaware Corporate Council
1 Main St.
Far Hills, NJ
March 1993

I spoke on the topic “Recent Developments Under Superfund” for the Pennsylvania/New Jersey/Delaware Corporate Council. I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

New Jersey Society of CPAs
105 Eisenhower Parkway, Suite 300
Roseland, NJ 07068
March 1993

I spoke on a panel titled, “Environmental Liability for Secured Lenders, Trustees and Fiduciaries: Is there a ‘Safe Harbor’” for the New Jersey Society of CPAs. I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

Organization Unknown
Location Unknown
September 1992

I spoke on the topic “Institute Shopping Centers: Practical Concerns in Leasing Shopping Center Space.” I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

American Bar Association
56 W 45th St
New York, NY ·
August 1992

I spoke on a panel titled, “Transportation and the Environment: Filling the Potholes While Avoiding the Pitfalls” for the American Bar Association. I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

New Jersey Corporate Counsel Association (NJCCA)

1 Main St.

Far Hills, NJ

March 1992

I spoke on the topic "Managing Corporate Environmental Problems" for the NJCCA. I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

Northwestern New Jersey Estate Planning Council

15 Godwin Avenue

P.O. Box 33

Midland Park, NJ

March 1992

I spoke on the topic "Liability of Corporate and Individual Fiduciaries and Beneficiaries: Environmental Issues in Trust and Estate Planning" for the Northwestern New Jersey Estate Planning Council. I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

Organization Unknown

Location Unknown

Date Unknown

I spoke on a seminar titled "Environmental Compliance: Its Criminal and Civil Implications to Corporations, Financial Institutions and their Directors and Officers." I spoke without notes or cannot locate them, and there was no press coverage or transcript of which I am aware.

American Bar Association

56 W 45th St

New York, NY

July 1985

I spoke at the American Bar Association convention regarding how negligent corporate officials could face a "wave" of lawsuits in the future. Copy of a recap of my remarks supplied.

University of Massachusetts

213 Whitmore Administration Building

University of Massachusetts

181 Presidents Drive

Amherst, MA

June 1976

I delivered a commencement speech at my University of Massachusetts graduation ceremony. I cannot locate notes and there was no press coverage or transcript of which I am aware.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these

interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all interviews given, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Interview with Philip R. Sellinger, "Clinton's New Jersey Supporters Stand Firm No 'remorse' As Dogfight with Trump Looks Likely," on northjersey.com (July 30, 2016), *republished in the* New Jersey Record (July 31, 2016). Copy supplied.

Interview with Philip R. Sellinger, "Morris County Democrats join forces to back Clinton at DNC," in the Daily Record (July 31, 2016). Copy supplied.

Interview with Philip R. Sellinger, "Litigators Say Approach, Not Market Rebound, Key to 2016," on Law.com (Online) and New Jersey Law Journal (Online) (January 8, 2016) *republished in* New Jersey Law Journal (January 11, 2016), *republished in* The Legal Intelligencer (January 20, 2016). Copy supplied.

Interview with Philip R. Sellinger, "Experienced and Efficient; Greenberg Traurig's class action team draws on its depth of experience; FINALIST: CLASS ACTION," on Law.com, (May 21, 2015) *republished on* New Jersey Law Journal (Online) (May 21, 2015) *and in* New Jersey Law Journal (May 25, 2015). Copy supplied.

Interview with Philip R. Sellinger, "Balancing the scales of what to charge," in NJBiz (November 12, 2012). Copy supplied.

Interview with Philip R. Sellinger, "Selling New York Lawyers on NJ," in NJBIZ (November 5, 2012). Copy supplied.

Interview with Philip R. Sellinger, on the radio (2012 after Democratic National Convention). No transcript available.

Interview with Philip R. Sellinger, "Improved Court Funding and Enhanced Judicial Compensation Needed," in the Metropolitan Corporate Counsel (April 1, 2008). Copy supplied.

Interview with Philip R. Sellinger, "ALF -- Helping Our Military Recruit the Best and the Brightest," in Metropolitan Corporate Counsel (November 12, 2006). Copy supplied.

Interview with Philip R. Sellinger, "A Rocky Start," in American Lawyer (December 31, 2005) *reprinted in* Inside Counsel (December 31, 2005). Copy supplied.

Interview with Philip R. Sellinger, "Class Action Litigation Makes Headway in Europe New Rules Bring Europe Closer to American System," in *Corporate Legal Counsel* (December 2005). Copy supplied.

Interview with Philip R. Sellinger, "Civil Justice Reform - Law Firms; Greenberg Traurig: Partnering with Corporate America For Civil Justice Reform," in *Metropolitan Corporate Counsel* (November 1, 2005). Copy supplied.

Interview with Philip R. Sellinger, "Middle-Market M and A Work Becomes a New Jersey Practice Niche," in *New Jersey Law Journal* (June 27, 2005). Copy supplied.

Interview with Philip R. Sellinger, "For 3rd straight year, bar chief calls Westfield firm home," in *The Star-Ledger* (February 18, 2005). Copy supplied.

Interview with Philip R. Sellinger, "Federal Judiciary Proposes Rules For E-Discovery Addressing Inadvertent Disclosure of Privileged Information," in the *Miami Daily Business Review* (September 14, 2004) *republished in the Broward Daily Business Review* (September 14, 2004) *and republished in The Palm Beach Daily Business Review* (September 14, 2004). Copy supplied.

Interview with Philip R. Sellinger, "Federal Courts Propose Rules For E-Discovery; Would Create Limited Safe Harbor for Failure to Supply Electronic Data," in the *New Jersey Law Journal* (September 6, 2004) *republished in The Legal Intelligencer* (September 8, 2004) *and republished in Connecticut Law Tribune* (September 13, 2004). Copy supplied.

Interview with Philip R. Sellinger, "Federal District Adopts New Rule on Discovery of Computerized Data; Lawyers Must Cull Electronic Data Early and Work Out Disclosure Details," in the *New Jersey Law Journal* (October 20, 2003). Copy supplied.

Interview with Philip R. Sellinger, "MSNBC Show: Scarborough Country 22:00," on MSNBC (May 1, 2003). Copy supplied.

Interview with Philip R. Sellinger, "MSNBC Show: Scarborough Country 22:00," on MSNBC (April 23, 2003). Copy supplied.

Interview, "Out of State Firms Keep on Nibbling; Sills Cummis Defector Heading Greenberg Traurig's N.J. Branch," in the *New Jersey Law Journal* (October 14, 2002). Copy supplied.

Interview with Philip R. Sellinger, "Business Interruption Claims Soar in Terrorist Aftermath," in *Lawyers Weekly USA*, (October 29, 2001). Copy supplied.

Interview with Philip R. Sellinger, "Making EDR Work in Large and Complex Cases," in *Metropolitan Corporate Counsel*, (September 1, 2000). Copy supplied.

Interview with Philip R. Sellinger, “Swatting That Millennium Bug with Litigation,” in *The New Jersey Lawyer*, (August 3, 1998). Copy supplied.

Interview with Philip R. Sellinger, “First Y2K Suit Test N.J. Tech Law,” in *The New Jersey Lawyer*, (July 27, 1998). Copy supplied.

Interview with Philip R. Sellinger, “The Kodak Model A Partnering Case Study,” in *Metropolitan Corporate Counsel*, (July 1998). Copy supplied.

Interview with Philip R. Sellinger, “Calvin Klein Accuses Pricecostco of Selling Counterfeit Apparel,” in *The Seattle Times* (June 5, 1996) *republished in The Record* (June 6, 1996). Copy supplied.

Interview with Philip R. Sellinger, “\$2.7 Million Breach of Contract – Trachtenberg v. Jersey City Rehabilitation Therapy Inc.,” in *The New Jersey Law Journal*, (July 31, 1995). Copy supplied.

Interview with Philip R. Sellinger, “Group Fights Motion to Remove In-house Counsel,” in *Corporate Legal Times* (September 1992). Copy supplied.

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.

I served as an elected Member of the Amherst Town Meeting, 1975-1976.

I was an unsuccessful candidate to be appointed New Jersey Attorney General, 2017.

- 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.

New Jersey State Democratic Committee, Elected Morris County Representative, approximately 2012-Present

2020 Democratic National Convention, Joe Biden Delegate

NJ Governor Philip Murphy Transition Committee, Criminal Justice Committee, 2017

2012 Democratic National Convention, Platform Committee Member

2008 Democratic National Convention, Hillary Clinton Delegate

President Jimmy Carter Re-Election Committee, Philadelphia, PA, Advance Team Member, Fall 1980

Additionally, I volunteered in the Presidential campaigns of Fred Harris, 1976, George McGovern, 1972, Eugene McCarthy 1968, Lyndon Johnson, 1964, and numerous local elections from 1964-1972

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;

I served as a Law Clerk to the Honorable Anne E. Thompson, United States District Judge for the District of New Jersey in 1979-1980.

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

I have not practiced alone.

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

November 1980 – September 1981
Associate
Donovan Leisure Newton & Irvine
30 Rockefeller Plaza, New York, NY

October 1981 – October 1984
Assistant United States Attorney
Assistant United States Attorney, Criminal Division, 1981-1984
United States Attorney's Office
970 Broad Street, Newark, NJ

October 1984 – October 2002
Co-Chair of Litigation Department, Management Committee member, approximately 1990s-2002
Sills Cummis Radin Tischman and Gross
One Riverfront Plaza, Newark, NJ 07102

October 2002 – Present

Co-Managing Shareholder- New Jersey, 2002 – 2021
Co- Chair Global Litigation Department, 2013 – 2018
Executive Committee Member, approximately 2010 – 2016
Greenberg Traurig, LLP
500 Campus Drive, Florham Park, NJ 07932

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

In 1979, I became a Law Clerk to Honorable Anne E. Thompson. I drafted bench memoranda and opinions for this federal district court judge on a range of issues, predominantly in civil but sometimes in criminal cases. The range of issues included many federal statutes, federal constitutional issues, state law issues, federal jurisdiction and rules of procedure and evidence.

In 1980, I became an Associate at Donovan Leisure Newton & Irvine where I handled a variety of litigation, mostly anti-trust litigation in federal courts around the country. The clients were generally large corporations.

In 1981, I became an Assistant United States Attorney in New Jersey. I served in the Criminal Division where I handled a variety of federal criminal cases. The majority of cases were international narcotics- related cases involving the importation of large quantities of heroin, cocaine and marijuana. I also handled cases under federal tax, RICO, Continuing Criminal Enterprise, hijacking and other criminal statutes. My client was the United States of America.

In 1984, I became a partner with Sills Cummis Radin Tischman Epstein & Gross where I handled a variety of litigation in federal and state courts, mostly in New Jersey. The cases were brought under the federal and state environmental statutes, federal and state criminal and civil securities and mail fraud statutes, class actions, and a wide range of common law theories. The cases involved federal and state rules of evidence and procedure. The clients included entrepreneurs, small businesses, mid-cap companies, a few large corporations, and Sills Cummis itself.

In 2002, I became a Shareholder at, and founded the New Jersey office of Greenberg Traurig. I have handled a wide variety of cases in federal and state courts throughout the country involving, a) federal statutes including, but not limited to: RICO, ERISA, Sherman Act and other antitrust statutes, Telephone Consumer Protection Act, Magnuson-Moss Warranty Act, Securities Exchange Act and related securities statutes, Fair Labor Standards Act, Superfund, Clean Water Act, Toxic Substances Control Act, Clean Air Act, Resource Conservation and Recovery Act, Fair Debt Collection Practices Act, Fair Credit Reporting Act, and Computer Fraud and Abuse Act, b) federal constitutional issues, including, but not limited to, equal protection, due process, first amendment and takings; c) issues of federal jurisdiction including federal diversity, federal question, Class Action Fairness Act, federal removal and remand, and multi-district litigation; d) federal evidence and procedure rules, and e) issues arising under state statutes and common law throughout the country. My clients have generally been large public corporations (domestic and foreign), although I have represented some private businesses, as well as individuals, especially in the criminal arena.

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

My entire career has been devoted exclusively to litigation. I appear in court often and have usually served as the lead lawyer in my cases since 1982.

In three years as an Assistant United States attorney, I tried thirteen cases. For my first 20 years in private practice, I usually tried one to three cases every year. More recently, as the stakes in the cases has grown substantially larger, the cases have gone to trial less often, but I appear regularly in court at hearings and arguing motions and often take and defend depositions as well as trying cases.

- i. Indicate the percentage of your practice in:
1. federal courts; 60%
 2. state courts of record; 35%
 3. other courts;
 4. administrative agencies 5%

As a federal clerk (1979-1980) and as an Assistant United States Attorney (1981-1984), my practice was entirely in federal court. As an associate at Donovan Leisure Newton & Irvine (1980-1981), my practice was 75% in federal court and 25% in state court. At Sills Cummis (1984-2002), my practice was approximately 50% in federal court and 50% in state court. I spent a small amount of time in administrative proceedings. At Greenberg Traurig (2002-Present), my practice has been approximately 70% in federal court and 30% in state court. In 2020-21, however, approximately 5-10% of my practice was in a case before the New Jersey Board of Public Utilities, an administrative agency, culminating in a 10-day trial.

- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings; 87.5%
 - 2. criminal proceedings. 12.5%

As a federal clerk (1979-1980), my practice was approximately 75% civil and 25% criminal. At Donovan Leisure Newton & Irvine (1980-81), my practice was 100% civil. As an Assistant United States Attorney (1981-1984), my practice was 100% criminal. At Sills Cummis (1984-2002), in some years my practice was as much as 15% criminal, with the remainder civil. At Greenberg Traurig (2002 to date), my practice has been mostly civil, though some years I have handled some significant criminal cases, a few of which are described in more detail in response to Question 14 below. For example, in 2017-2018, I handled substantial securities fraud parallel proceedings brought by the United States Attorney's office in the Southern District of New York and the Securities and Exchange Commission. In 2020-2021, I have broadly overseen cases having federal criminal dimensions, one involving foreign export practices and another involving wire fraud.

- 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. What percentage of these trials were:
 - 1. jury; 33%
 - 2. non-jury. 66%

I have tried approximately 30 cases (mostly to verdict), at least 10 before juries and 20 before judges, arbitrators or tribunals. In almost all, I served as the lead counsel, and in most, other lawyers provided support.

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

I have not argued orally before the Supreme Court.

Petition for Writ of Certiorari, *American Express Travel Related Servs. Co. v. Sidamon-Eristoff*, No. 11-105 (July 23, 2012). Copy supplied.

Petition for Writ of Certiorari, *Sidamon-Eristoff v. New Jersey Retail Merchants Ass'n*, No. 12-108 (July 23, 2012). Copy supplied.

Reply Brief for Petitioners in Support of Writ of Certiorari, *American Express Travel Related Servs. Co. v. Sidamon-Eristoff*, No. 12-105 (September 4, 2012). Copy supplied.

Petition for Writ of Certiorari, *Cellco Partnership d/b/a Verizon Wireless v. Keith Litman, et. al.*, No. 10-398 (September 20, 2010). Copy supplied.

Brief in Opposition for Cross-Respondent, *Keith Litman, et. al. v. Cellco Partnership d/b/a Verizon Wireless*, No. 10-551 (November 26, 2010). Copy supplied.

Reply Brief for Petitioners in Support of Writ of Certiorari, *Cellco Partnership d/b/a/ Verizon Wireless v. Keith Litman, et. al.*, No. 10-398 (December 2010). Copy supplied.

Amicus Curiae Brief, *Donald H. Rumsfeld, Secretary of Defense, et. al., v. Forum for Academic and Institutional Rights, et. al.*, No. 04-1152 (July 18, 2005). Copy supplied.

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. *United States of America v. Ashish Dole*
Case 1:17-cr-00698-JGK
United States District Court for the Southern District of New York
The Honorable John G. Koeltl, The Honorable Katherine Polk Failla
2017-2019

I participated as co-lead counsel in the defense of a former risk manager and trader of Premium Point Investments, an investment firm that managed hedge funds alleged to have defrauded the fund's investors by deceptively marketing the value of securities (in an amount exceeding \$100 million) and thus fraudulently inflating the value of the funds. I was involved in developing the overall strategy, the investigation, the witness interviews, and the negotiation of a cooperating plea agreement for the defendant with the United States Attorney's Office for the

Southern District of New York and the Securities and Exchange Commission. Our client ultimately testified against the co-founder, chief executive officer and chief investment officer of the firm, and a former trader of the firm, who went to trial and were convicted. The government characterized the case as “one of the largest mismarking schemes ever prosecuted.”

Primary Co-Counsel:

Gregory Kehoe
Greenberg Traurig, LLP
101 East Kennedy Boulevard, Suite 1900
Tampa, Florida 33602
Tel.: (813) 318-5732

Opposing Counsel:

Joshua A. Naftalis
Assistant United States Attorney
United States Attorney's Office
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Tel: (212) 637-2310

2. DHS/ICE & DOC Investigation of Chemical Company (confidential)

June-October 2020

I oversaw the representation of a New Jersey chemical company in a joint Department of Homeland Security (ICE) and Department of Commerce criminal and administrative investigation concerning the company's shipments to China and the potential diversion of company products to a different end user in a different country. My team represented the company in responding to administrative subpoenas, providing information and documents, applying for a necessary license, and submitting information concerning a revised compliance program. In August 2020, the DHS and DOC issued a warning letter and closed their investigation with no criminal referral.

Primary Co-counsel:

David Miller
Greenberg Traurig
200 Park Avenue
New York, New York
Tel.: (212) 801-9200

Opposing Counsel:

No counsel was involved on behalf of DHS/ICE and DOC.

3. *U.S. v Bevill, et al.*

Case No. 2:86-cv-316

United States District Court for the District of New Jersey

The Honorable Dickinson R. Debevoise

Mid-1980s

I served as part of the defense team in a case in which three principals of Bevill, Bresler & Schulman were charged with conspiracy to commit securities fraud in what was, at the time, one of the largest securities fraud cases in history. Our client ultimately pleaded guilty. My role included witness interviews, strategy and legal research and writing briefs.

Primary Co-counsel:

Lawrence S. Horn

Sills Cummis & Gross

1 Riverfront Plaza

Newark, NJ 07102

Tel.: (973) 643-7000

Jonathan Goldstein

Hellring Linderman Goldstein & Siegal LLP

One Gateway Center

Newark, NJ 07102-5323

Tel.: (973) 621-9020

Opposing Counsel:

Paul Weissman

Retired

4. *U.S. v. Elias et al.*

Case No. 2:81-cr-335

United States District Court for the District of New Jersey

The Honorable Frederick Lacey

1981-1982

United States v. Tracy Wong

Case No. 2:83-cr-199

United States District Court for the District of New Jersey

The Honorable Herbert Stern

1984

I served as part of the prosecution team in the first case and as the lead prosecutor in several subsequent related cases, including the *Wong* case. The *Elias* case involved the importation of a shipload of marijuana and cocaine from Columbia. I participated in the investigation, trial preparation, legal research and brief writing. The case resulted in several guilty pleas. The last of these cases, the *Wong* case, involved charges that a Wall Street trader had smuggled cocaine into the United States through the use of the diplomatic immunity of a Nigerian diplomat. I directed the investigation, interviewed witnesses (including several defendants from the *Elias* case who had become cooperating witnesses), argued pre-trial motions, made all court appearance, prepared the case for trial, tried the case, and argued at the sentencing. The defendant in that case pleaded guilty several days into the trial.

Defense Counsel in *Wong* case:

David Breitbard
The Breitbard Law Firm
152 West 57th Street
New York, NY 10019
Tel.: (212) 608-1313

5. *Fairfax Financial Holdings Limited v. S.A.C. Capital Management L.L.C.*
Case No. A-0963-12T1
Appellate Division, Superior Court, Essex County, New Jersey Superior Court
The Honorable Donald S. Coburn, J.S.C. (retired on recall)
2017

Morgan Keegan and others were sued for \$8.6 billion by Fairfax Financial Holdings Ltd. and Fairfax's New Jersey subsidiary, Crum & Forster Holdings Corp. Plaintiffs alleged tortious interference, state RICO violations, commercial disparagement and conspiracy in connection with a supposed scheme to drive down Fairfax's stock price for the benefit of short sellers. Specifically, plaintiffs alleged that a Morgan Keegan stock analyst wrongfully tipped several hedge funds that he was about to publish a negative report on Fairfax. Plaintiffs further alleged that, over the next two years, the "conspirators" engaged in a concerted campaign to ruin Fairfax by spreading misinformation about it to rating agencies and others in the financial market. I was retained in 2018 to serve as co-lead trial counsel on behalf of Defendant Morgan Keegan. On the second day of trial, the Court dismissed all of plaintiffs' claims. The dismissal was upheld in large part by the New Jersey Appellate Division and New Jersey Supreme Court. On remand, Morgan Keegan successfully pared down the case even further with a succession of pre-trial dispositive motions. On the eve of retrial in September 2018, Morgan Keegan entered into a favorable settlement with Plaintiffs. For both the trial and retrial, I co-led the development of the trial strategy, prepared for direct and cross examinations of witnesses for trial, and made court appearances.

For the retrial, I also negotiated the settlement.

Primary Co-Counsel:

Roger B. Kaplan
Aaron Van Nostrand
Greenberg Traurig, LLP
500 Campus Drive, Suite 400
Florham Park, NJ 07932
Tel.: (973) 360-7900

Bruce Collins
Carrington, Coleman, Sloman & Blumenthal
901 Main Street
Suite 5500
Dallas, Texas 75202
Tel: (214) 855-3018

Opposing Counsel:

Bruce H. Nagel
Nagel Rice LLP
103 Eisenhower Parkway
Roseland, NJ 07068
Tel.: (973) 618-0400

6. *American Express Prepaid Card Management Company v. Andrew P. Sidamon-Eristoff, in his capacity as Treasurer of the State of New Jersey*
American Express Travel Related Services Company, Inc. v. Andrew P. Sidamon-Eristoff, in his capacity as Treasurer of the State of New Jersey
Case No. 10-4328, 2012 (3rd Cir); 3:10-cv-4890 (USDC)
United States District Court for the District of New Jersey
The Honorable Freda L. Wolfson; Anthony Joseph Scirica, D. Brooks Smith and
D. Michael Fisher
2010-2012

I co-led a team that brought the above two related lawsuits to challenge changes to New Jersey's unclaimed property laws concerning traveler's cheques and gift cards. The suits alleged that the legislation violated various provisions of the United States Constitution and other federal laws, and improperly used the unclaimed property laws to generate revenue for the State to address budgetary shortfalls. The matters had received broad attention as a result of the litigations possibly impacting whether other States facing budgetary constraints would attempt to use the unclaimed property laws to raise revenues. The trial court granted American Express part of the requested injunction and denied it in part. The Third Circuit Court of Appeals affirmed. I supervised the entire strategy,

oversaw the briefing, and made all the court appearances, arguing before the District Court and Circuit Court.

Primary Co-Counsel:

Richard M. Zuckerman
Dentons US LLP
1221 Avenue of the Americas
York, NY 1002
Tel.: (212) 768-6700

Louis Smith
Greenberg Traurig, LLP
500 Campus Drive, Suite 400
Florham Park, NJ 07932
Tel.: (973) 360-7900

Opposing Counsel:

Robert Lougy
Office of the New Jersey Attorney General
Currently Superior Court Judge
Richard J. Hughes Justice Complex
8th Floor, West Wing
25 Market Street
Trenton, NJ 08625-0080
Tel.: (609) 571-4200 X74202

7. *Barnert Hospital v. Horizon Healthcare Services, Inc.*
Horizon Healthcare Services, Inc. v. BCS Insurance Company
Docket No.: BER-L-4234-06
Superior Court of New Jersey, Bergen County
Judge Robert C. Wilson
2006-2009

I led a team that represented Horizon Healthcare Services in the defense at trial of a \$125 million claim by 25 New Jersey hospitals alleging breaches of the client's network hospital agreements with the plaintiffs. My team successfully defended the case, which was settled favorably after five weeks of trial. I oversaw the entire litigation, argued the primary motions, made the opening and closing statements, and performed the direct and cross examination of the key witnesses at trial, and negotiated the settlement.

Primary Co-counsel:

Roger Kaplan

David Jay
Greenberg Traurig, LLP
500 Campus Drive, Suite 400
Florham Park, New Jersey 07932
Tel.: (973) 360-7900

Opposing Counsel:

Philip C. Chronakis
Chiesa Shaninian & Giantomasi PC
11 Times Square, 34th Floor
New York, NY 10036
Tel.: (212) 324-7269

Jeffrey S. Brown
Garfunkel, Wild & Travis, PC
411 Hackensack Avenue, 6th Floor
Hackensack, NJ 07601
Tel.: (201) 833-1030

8. *Verizon Wireless Personal Communications, L.P., fka Primeco Personal Communications, L.P., a Delaware limited partnership, Plaintiff, v. Gary Il Nikolitis, as Property Appraiser of Palm Beach County, Florida; John K. Clark, as Tax Collector of Palm Beach County, Florida; and James Zingale, as Executive Director of Department of Revenue for the State of Florida*

Case No. 4D08-1389

District Court of Appeal of Florida, Fourth Circuit

The Honorable Fred A. Hazouri, Martha C. Warner and George A. Shahood

Circuit Court of the 15th Judicial Circuit In and For Palm Beach County, Florida
2006-2009

I led the representation of Verizon Wireless in two novel cases involving the software in switches used to route wireless communications across the country. After two trials that included testimony from the architect of the software and a leading computer academic, the courts held that the software at issue was not "embedded" as defined in the governing statute and thus not subject to property tax. I led the briefing, took the major depositions, and presented the opening and closing statements, and examined the key witnesses, at trial,

Primary Co-Counsel:

Elliot H. Scherker
Brigid F. Cech Samole
Greenberg Traurig, LLP
333 S.E. 2nd Avenue, Suite 4400
Miami, FL 33131

Tel.: (305) 579-0500

Douglas R. Weider
Greenberg Traurig, LLP
500 Campus Drive, Suite 400
Florham Park, NJ 07932
Tel.: (973) 360-7900

Opposing Counsel:

Gaylord A. Wood, Jr. (Retired)
Wood & Stuart, PA
105 North Bay Street
Bunnell, FL 32110
Tel.: (386) 437-9400

9. *Ferry v. SGS North America*
Case No. 1:06-cv-07111
United States District Court for the Southern District of New York
The Honorable Richard M. Berman
2003-2006

After a class in this case was certified and summary judgment entered against the defendant (a major automotive inspection and testing company) on liability, I was retained to represent the company in the trial of the damages phase of this nationwide Fair Labor Standards Act class action. The case settled favorably during trial. I oversaw the strategy, discovery and trial team and negotiated the settlement.

Co-Counsel:

Ernest Greer
Greenberg Traurig, LLP
Terminus 200
3333 Piedmont Road NE, Suite 2500
Atlanta, GA 30305
Tel.: (678) 553-2100

David W. Long-Daniels
Squire Patton Boggs (US) LLP
1230 Peachtree Street NE, Suite 1700
Atlanta, GA 30309
Tel.: (678) 272-3200

Opposing Counsel:

Dan Charles Getman
Law Office of Dan Getman
9 Paradies Lane
New Paltz, NY 12561
Tel: (845) 255-9370

10. *In Touch Concepts, Inc. v. Cellco P'ship*, 788 F.3d 98 (2nd Cir. 2015)
Case No. 1:13-cv-01419-PKC, 14-1622
United States District Court for Southern District of New York and United States
Court of Appeals for the 2nd Circuit
The Honorable P. Kevin Castel, Debra C. Freeman
2015

A litigation team that I led prevailed before the United States Court of Appeals for the Second Circuit in this case that originally sought in excess of \$10 billion in damages against our client, Verizon Wireless. The case arose after Verizon Wireless notified ZCom, a large Verizon Wireless sales agent with retail locations throughout the Northeast and Texas, that its agency would be terminated. ZCom commenced a class action against Verizon Wireless, Verizon Communications, various executives and employees of both companies, and other parties. ZCom asserted claims challenging the termination and sought \$10 billion in damages due to the alleged destruction of its business and lost commissions allegedly resulting from a fraudulent scheme to increase prepaid wireless activations in its markets. After several years of hard-fought litigation, the United States District Court for the Southern District of New York dismissed all of ZCom's claims. The Court of Appeals for the Second Circuit affirmed the District Court's decision in its entirety. I directed the strategy, and made virtually all the Court appearances, including the major motions, depositions, and argument before the Circuit Court.

Co-Counsel:

David Jay
Todd Lawrence Schleifstein
Greenberg Traurig, LLP
500 Campus Drive, Suite 400
Florham Park, NJ 07932
Tel.: (973) 360-7900

Opposing Counsel:

Ravi Batra
The Law Firm of Ravi Batra, PC
The Batra Building, 142 Lexington Avenue
New York, NY 10016
Tel.: (212) 545-1993

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.)

My most significant legal activities are included in Question 15 above. I have not performed any lobbying.

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.

I have not taught any courses.

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 no arrangements in the future to be compensated for any financial or business interest.

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

No.

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).

Please see my SF-278 as provided by the Office of Government Ethics.

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

See 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.

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

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

If confirmed, I will consult with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts and will recuse myself from any matter in which recusal is required.

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

Throughout my career, I have been committed to *pro bono* legal services. I appeared as amicus counsel in the United States Supreme Court representing 29 former four and five star generals and U.S. Secretaries of Defense in their support of the Solomon Amendment that barred federal funds to universities that banned ROTC from recruiting on college campuses. In a unanimous decision, the Supreme Court upheld the statute. (I devoted approximately 40 hours to this case,).

I represented the American Corporate Counsel Association and the New Jersey Corporate Counsel Association in litigation challenging the right of in-house counsel to appear in court. As a result of success in the litigation, the New Jersey Court Rules were modified to allow such representations and I received a Distinguished Legal Service Award from The

Corporate Times. (I devoted approximately 100 hours to this case.)

Under my leadership as co-Chair of Greenberg Traurig's Global Litigation Department, Greenberg Traurig attorneys have performed pro bono work in the following areas: affirmative action, children and family, civil rights, criminal appeals/re-sentencings, guardianship, health care, housing and homelessness, immigration/asylum, indigent and working poor, special education, military and veterans.

During my tenure as co-Chair of the Global Litigation department (2013-2018), Greenberg Traurig received the following recognitions and awards:

Shortlisted by Chambers and Partners for the 2017 Chambers Women in Law Awards, USA, a finalist in the category of Pioneering Pro Bono Program of the Year.

Big Brothers Big Sisters of America 2016 Common Good Award Winner for providing more than \$1 million in pro bono legal services to the nation's largest youth mentoring organization.

Honored by the District of Columbia's Access to Justice Commission for its Gold Level Participation in the Raising the Bar in D.C. Campaign in 2016.

2016 Hope Award for long-standing pro bono and financial support of The Center of Hope (Haiti), Inc. in the building of an orphanage and school complex in Hinche, Haiti.

Champion of Justice Award from the Domestic Violence Legal Clinic for support of a Chicago based Equal Justice Works Fellow.

During my tenure as co-Chair of the Global Litigation Department (2013-2018), the Greenberg Traurig Holly Skolnick Fellowship Foundation allowed the firm to serve as the largest sponsor of Equal Justice Works Fellowships in the United States. In 2016 alone, Greenberg Traurig, sponsored 15 fellows. These Fellows, located in 10 different cities across the country, delivered critically needed legal services focusing on a wide range of issues, including children in foster care, domestic violence, family law, housing/homelessness, immigration, special education/disability rights, veterans, voting rights. These Fellows have represented nearly 60 detainees in detention release requests and provided over 200 legal consultations at the Broward Transitional Center; established a medical legal partnership at Bay Pines VA Hospital and provided representation to over 30 veterans, as well as advice and referrals to nearly 300 veterans; opened the nation's first legal clinics specifically for women veterans and published the 3rd edition of the New York City Veteran's Legal Guide; provided legal representation to 20 clients and training to over 160 students, parents and professionals to address the bullying of students in NYC schools; represented crime victims on matters including custody, guardianship, ID restoration and crime victims' compensation; represented nearly 30 individuals with disabilities who are victims of sexual abuse or sex trafficking and has helped launch both

the National and Chicago Human Trafficking and Disability Working Groups; and launched a medical legal partnership to serve low-income transgender individuals and assisted 90 clients on issues including housing and employment discrimination, health insurance coverage denials, and identity documents.

Under my leadership of the New Jersey office of Greenberg Traurig, from 2002-2021, attorneys in the office have performed pro bono work for many of the same and some other organizations in many of the same areas as those mentioned above.