

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Nicholas William Brown

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

United States Attorney, Western District of Washington

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.

Pacifica Law Group
1191 2nd Avenue
Suite 2000
Seattle, WA 98101

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

1977; San Francisco, CA

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.

Harvard Law School, 1999 – 2002
J.D., December 2002

Morehouse College, 1995 – 1999
B.A. in Political Science, May 1999

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.

July 2017 – Present
Partner

Pacifica Law Group LLP
1191 2nd Avenue, Suite 2000
Seattle, WA 98101
Paid

December 2014 – Present
Board Member
Treehouse
2100 24th Avenue S.
Suite 200
Seattle, WA 98144
Unpaid

February 2018 – December 2020
Commissioner
Seattle Ethics and Elections Commission
700 5th Avenue
Suite 4010
Seattle, WA 98124
Unpaid

March 2013 – June 2017
General Counsel
State of Washington, Office of Governor Jay Inslee
PO Box 40002
Olympia, WA 98504
Paid

December 2008 – March 2013
Board Member
Seattle Works
240 2nd Avenue S.
Suite 208
Seattle, WA 98104
Unpaid

June 2007 – March 2013
Assistant United States Attorney
U.S. Attorney's Office, Western District of Washington
700 Stewart Street, Suite 5220
Seattle, WA 98101
Paid

June 2006 – June 2007
Captain, Prosecutor/Trial Counsel
U.S. Army I Corps & Fort Lewis

Office of the Staff Judge Advocate
Building 2027-A Liggett Avenue
Joint Base Lewis-McChord, WA 98433
Paid

May 2004 – June 2006
Captain, Trial Defense Attorney
U.S. Army Trial Defense Services
HQ, 1st Armored Division, AFBL-JA
Building 11685, Sergeant Major Boulevard
Fort Bliss, TX 77916 (while assigned to Fort Bliss, I was deployed for a year at Camp
Liberty in Baghdad, Iraq)
Paid

August 2003 – May 2004
Captain, Legal Services & Tax Officer
U.S. Army Fort Bliss
Office of the Staff Judge Advocate
HQ, 1st Armored Division, AFBL-JA
Building 11685, Sergeant Major Boulevard
Fort Bliss, TX 77916
Paid

May 2002 – December 2002
Research Intern
Kennedy School of Government
79 John F. Kennedy Street
Cambridge, MA 02138
Paid

September 2002 – December 2002
Teaching Fellow
Harvard University
1737 Cambridge Street
Cambridge, MA 02138
Paid

March 2002 – May 2002
Harvard Law School
Teaching Assistant
1563 Massachusetts Avenue
Cambridge, MA 02138
Paid

June 2001 – July 2001
Summer Associate

Heller Ehrman White & McAulliffe LLP
701 5th Avenue, Suite 6100
Seattle, WA 98101
Paid

June 2000 – August 2000
Summer Associate
Heller Ehrman White & McAulliffe LLP
333 Bush Street, Suite 3000
San Francisco, CA 94104
Paid

May 1999 – August 1999
Legal Intern
State of Washington, Attorney General's Office
Licensing and Employment Security Division
PO Box 40110
Olympia, WA 98504
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.

United States Army
Captain (Date of Rank, Effective: November 26, 2003)
First Lieutenant (Date of Rank, Effective: May 14, 2001)
May 1999 – June 2007
Honorable Discharge

I have registered for the 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.

Morehouse College:
Phi Beta Kappa, 1999
Magna cum laude, 1999
Army R.O.T.C. Scholarship, 1995 – 1999

Awarded the following military medals and ribbons:
Army Commendation Medal (2nd Award), 2006
Bronze Star Medal, 2005
Iraq Campaign Medal, 2005

Overseas Service Ribbon, 2005
Global War on Terrorism Service Medal, 2004
Army Achievement Medal, 2004
National Defense Service Medal, 2003
Army Service Ribbon, 2003

Distinguished Alumni Award, Steilacoom High School, 2009

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.

Washington State Bar

Federal Bar Association of Western Washington, Member
Trustee, January 2019 – December 2020

Loren Miller Bar Association, Member

King County Bar Association, Member

Federal Judicial Selection Committee, Western District of Washington
Co-Chair, April 2018 – December 2020

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.

Washington State, June 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.

U.S. Court of Appeals for the Ninth Circuit, September 2007

U.S. District Court for the Western District of Washington, July 2007; my membership lapsed between March 2013 and July 2017, as I was not practicing in federal court while I served as General Counsel to Governor Inslee.

U.S. District Court for the Eastern District of Washington, August 2017

All state courts in Washington, June 2003

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.

Sigma Pi Phi Fraternity, 2019 – Present

Campaign for Equal Justice, 2018 – Present

Washington State Bar Association Leadership Institute, 2017 – Present

Treehouse, 2014 – Present

Chair, September 2020 – Present

Seattle Ethics and Elections Commission, 2018 –2020

Chair, January 2020 – December 2020

Faro International, 2017 – 2020

Washington State Justice Reinvestment Initiative Task Force, 2014 – 2015

Co-Chair, June 2014 – February 2015

Washington State Public Records Exemptions Accountability Committee, 2013 – 2017

Washington State Statute Law Committee, 2013 – 2017

Harvard Club of Seattle, 2007 – May 2013

Seattle Works, Board Member, 2007 – 2013

Chair, January 2012 – December 2012

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organization to which I gave funds and did not otherwise participate in programmatic activities.

- 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.

Sigma Pi Phi fraternity is the nation's oldest historically black fraternity. The fraternity was founded in 1904 and is non-collegiate fraternity for professionals. The fraternity does not discriminate based on race, but its membership predominately consists of African-American men. Membership in the fraternity is limited to men.

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. Any such omission is inadvertent. I have located the following:

Harvard Law Today, "Letter from Baghdad," April 1, 2005.
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. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. Any such omission is inadvertent. I have located the following:

Federal Bar Association of Western District of Washington
Statement and Call to Action
June 23, 2020
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. Any such omission is inadvertent. I have located the following:

Washington State Legislature, Senate Law and Justice Committee

March 15, 2017

Transcript unavailable; link to my testimony available at

<https://www.tvw.org/watch/?eventID=2017031147>.

- 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 have often spoken without notes or from a handwritten outline without retaining the outline. Despite my searches, there may be other materials that I have been unable to identify, locate, or remember. Any such omission is inadvertent. I have located the following:

Starbucks Speaker Series, Featured Speaker

Topic – Criminal justice policy, military service, and hiring from HBCUs

2401 Utah Avenue S, Seattle, WA 98134

May 14, 2021

The forum was a question-and-answer presentation (via Webex) and I spoke without notes. There was no press coverage or transcript of the panel discussion of which I am aware.

University of Washington Law School, Legal Writing Seminar, Guest Lecturer

Topic – How to approach legal writing and developing legal careers

4293 Memorial Way Northeast. Seattle, WA 98195

April 6, 2021

This presentation was a guest lecture (via Zoom) and I spoke without notes. There was no press coverage or a transcript of the presentation of which I am aware.

Starbucks Speaker Series, Featured Speaker

Topic – Criminal justice policy, military service, and hiring from HBCUs

2401 Utah Avenue S, Seattle, WA 98134

May 14, 2021

The forum was a question-and-answer presentation (via Webex) and I spoke without notes. There was no press coverage or transcript of the panel discussion of which I am aware.

University of Washington Law School, Legal Writing Seminar, Guest Lecturer

Topic – How to approach legal writing and developing legal careers

4293 Memorial Way Northeast. Seattle, WA 98195

April 6, 2021

This presentation was a guest lecture (via Zoom) and I spoke without notes. There was no press coverage or a transcript of the presentation of which I am aware.

Yakima & Chelan County Volunteer Legal Services Fall CLE, Presenter

Topic – Civil legal aid and criminal justice policy

Seattle, WA (via Zoom)

November 11, 2020

PowerPoint presentation supplied.

King County Bar Association Initiative Forum CLE, Presenter

Topic – Legislative changes through citizen initiatives in Washington State

1200 5th Avenue, Suite 700, Seattle, WA 98101

October 19, 2020

The forum was a question-and-answer panel presentation (via Webex) and I spoke without notes. There was no press coverage or transcript of the panel discussion of which I am aware.

University of Washington Evans School, Guest Lecturer

Topic – The scope of executive authority in policy making in Washington State

4105 George Washington Lane Northeast, Seattle, WA 98105

June 4, 2020

This presentation was a guest lecture (via Zoom) and I spoke without notes. There was no press coverage or a transcript of the presentation of which I am aware.

University of Washington Evans School, Guest Lecturer

Topic – The scope of executive authority and criminal justice policy in Washington State

4105 George Washington Lane Northeast, Seattle, WA 98105

November 13, 2019

This presentation was a guest lecture and I spoke without notes. There was no press coverage or a transcript of the presentation of which I am aware.

National Organization of Lawyers for Education Associations Conference,
Presenter

Topic – Preparing for federal judicial appointments

515 Madison Street, Seattle, WA 98104

October 10, 2019

Forum was a question-and-answer panel presentation and I spoke without notes. There was no press coverage or a transcript of the presentation of which I am aware.

Gonzaga Law School, 1L Orientation Speaker

Topic – Civil legal aid and criminal justice policy in Washington State

721 N. Cinnati Street, Spokane, WA 99202

August 24, 2019

Draft speech supplied.

Washington Access to Justice Annual Conference, Keynote Address

Topic – Civil legal aid and criminal justice policy in Washington State

334 W. Spokane Falls Boulevard, Spokane, WA 99201

June 16, 2019

Outline supplied.

University of Washington Evans School, Guest Lecturer

Topic – The scope of executive authority and criminal justice policy in Washington State

4105 George Washington Lane Northeast, Seattle, WA 98105

June 6, 2019

This presentation was a guest lecture and I spoke without notes. There was no press coverage or a transcript of the presentation of which I am aware.

State Board of Community & Technical Colleges, Corrections & Re-Entry Conference, Keynote Address

Topic – Criminal justice and corrections policy in Washington State

121 N. Wenatchee Avenue, Wenatchee, WA 98801

May 20, 2019

Draft speech supplied.

Campaign for Equal Justice, Featured Speaker

Topic – Civil legal aid in Washington State

103 S. Main Street, Coupeville, WA 98239

May 17, 2019

Outline supplied.

YMCA Young Adult Conference, Keynote Address

Topic – Overcoming personal challenges and goal setting

2100 24th Avenue S, Suite 200, Seattle, WA 98144

August 22, 2018
Draft speech supplied.

Spokane County Bar Association Diversity Luncheon, Keynote Address
Topic – Diversity in the legal presentation
721 N. Cincinnati Street, Spokane, WA 99202
February 22, 2018
Draft speech supplied.

King County Bar Association & Federal Bar Association CLE, Moderator
Topic – Race and gender bias in federal court
700 Stewart Street, Seattle, WA 98101
January 2018
Outline supplied.

Northwest Gaming Law Summit
Topic – Tribal gaming law in Washington State
705 Pike Street, Seattle, WA 98101
December 7, 2017
PowerPoint presentation supplied.

Center for Justice, Rise for Justice Program, Keynote Address
Topic – Pursuing justice-centered policy making in Washington State
721 N. Cincinnati Street, Spokane, WA 99202
May 18, 2017
Outline supplied.

Gonzaga Law School Ethics in the Law Clarke Prize CLE, Presenter
Topic – Legal ethics for young lawyers
721 N. Cincinnati Street, Spokane, WA 99202
April 2016
Forum was a question-and-answer panel presentation and I spoke without notes.
There was no press coverage or a transcript of the presentation of which I am aware.

Seattle Youth & Law Forum, Keynote Address
Topic – Development legal careers for young attorneys
1522 14th Avenue, Seattle, WA 98122
October 2016
I no longer have my prepared remarks for this address. There was no press coverage or a transcript of the presentation of which I am aware.

NAACP – Alaska, Oregon, Washington State Annual Conference, Keynote Address
Topic – Addressing diversity and equity in Washington State government
334 W. Spokane Falls Boulevard, Spokane, WA 99201

April 2015

I no longer have my prepared remarks for this address. There was no press coverage or a transcript of my presentation of which I am aware.

Initiative for Diversity Judicial Institute, Presenter

Topic – Preparing for judicial appointments in Washington State
901 12th Avenue, Seattle, WA 98122
2014 and 2017

I no longer have my prepared notes for these presentations. There was no press coverage or a transcript of the presentation of which I am aware.

Saint Martin's University Social Justice Speaker Series, Featured Speaker

Topic – The governor's moratorium on capital punishment in Washington State
5000 Abbey Way SE, Lacey, WA 98503
November 7, 2014

I no longer have my prepared remarks for this address. There was no press coverage or a transcript of my presentations of which I am aware.

King County Bar Association New Lawyer Swearing-in Event, Keynote Address

Topic – Developing successful legal careers for young attorneys
516 3rd Avenue, Seattle, WA 98104
September 29, 2014

I spoke without notes for this address. There was no press coverage or a transcript of the presentation of which I am aware.

Northwest Minority Job Fair, Keynote Address

Topic – Developing successful legal careers for young attorneys
1191 2nd Avenue, Seattle, WA 98101
July 2014 and July 2018

I spoke without notes for this address. There was no press coverage or a transcript of my presentations of which I am aware.

American Bar Association Judicial Institute Intern Opportunity Program,
Presenter

601 Union Street, Seattle, WA 98101
Topic – Preparing for judicial appointments in Washington State
July 2014

I spoke without notes for this presentation. There was no press coverage or a transcript of my presentation of which I am aware.

Starbucks Headquarters Current Events Series, Featured Speaker

Topic – The governor's moratorium on capital punishment in Washington State
2401 Utah Avenue S, Seattle, WA 98134
May 2014

I no longer have my prepared remarks for this address. There was no press coverage or a transcript of my presentation of which I am aware.

TEDx Presentation at Monroe Correctional Complex, Featured Speaker
Topic – The scope of executive clemency
16550 177th Avenue SE, Monroe, WA 98272
April 9, 2014
Link to presentation available at
<https://www.youtube.com/watch?v=L7CqpVQDL0E>.

Washington State Minority & Justice Commission Youth & Justice Forum,
Keynote Address
Topic – Developing legal careers for young attorneys
2600 N 20th Avenue, Pasco, WA 99301
November 1, 2013
I no longer have my prepared remarks for this address. There was no press coverage or a transcript of my presentation of which I am aware.

Washington State Minority & Justice Commission Youth & Justice Forum,
Keynote Address
Topic – Developing legal careers for young attorneys
901 12th Avenue, Seattle, WA 98122
October 2013
I no longer have my prepared remarks for this address. There was no press coverage or a transcript of my presentation of which I am aware.

Washington State Veteran’s Career Fair, Opening Remarks
Topic – Careers for veterans in Washington State
2700 Evergreen Parkway NW, Olympia, WA 98505
September 2013
I no longer have my prepared remarks for this address. There was no press coverage or a transcript of my presentation of which I am aware.

WSBA Criminal Justice Institute CLE, Presenter
Topic – Preparing for judicial appointments in Washington State
19010 1st Avenue S, Burien, WA 98148
September 2013
I no longer have my prepared remarks for this presentation. There was no press coverage or a transcript of my presentation of which I am aware.

Steilacoom High School Commencement Address
Topic – I do not recall
12180 Park Avenue S, Tacoma, WA 98447
June 2001
I no longer have my prepared remarks for this address. There was no press coverage or a transcript of my presentation of which I am aware.

Clover Park Technical College Commencement Address

Topic – I do not recall
901 Broadway, Tacoma, WA 98402
June 2001

I no longer have my prepared remarks for this address. There was no press coverage or a transcript of my presentation 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.

The following are interviews I have given related to legal, policy, or other professional matters. In my position as General Counsel to Governor Inslee, I also participated in a number of interviews and press conferences with members of the press. I have done my best to identify all interviews given, including through a review of personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember. Any such omission is inadvertent. I have located the following:

Jim Bruner, *Nick Brown, Former General Counsel to Gov. Inslee, Recommended as Next U.S. Attorney for Western Washington*, SEATTLE TIMES, January 27, 2021
Copy supplied.

Gene Johnson, *Pair of Firsts Recommended for Washington US Attorney Posts*, ASSOCIATED PRESS, January 27, 2021
Copy supplied.

Joseph O’Sullivan, *With Crowd Restrictions to Slow Coronavirus, Inslee Uses Emergency Powers in a Way Rarely Seen*, SEATTLE TIMES, March 11, 2020
Copy supplied.

Matthew Van Meter, *The Judge and the Three-Strikes Convict*, THE NEW REPUBLIC, June 17, 2019
Copy supplied.

Cam Floyd, *States Move to Protect This Immigration Data from The Trump Administration*, THE VERGE, February 2, 2017
Copy supplied.

Sandy Williams, *Nick Brown: Governor Inslee’s General Counsel*, THE BLACK LENS, May 2017
Copy supplied.

Steve Jackson, *Washington State Officials Weigh In On US Attorney General’s Order*, SPOKANE PUBLIC RADIO, May 17, 2017
Copy supplied.

Daniel Walters, *War on Weed*, THE INLANDER, April 21, 2017
Copy supplied.

Monica Nickelsburg, *Minnesota Joins Washington State's Legal Fight Against Trump's Immigration Ban*, GEEKWIRE, February 2, 2017
Copy supplied.

Joseph O'Sullivan, *State Auditor Fights Back After Trial, Accuses Gov. Inslee of 'Political Grandstanding'*, SEATTLE TIMES, May 11, 2016
Copy supplied.

Rachel La Corte, *'Bureaucratic Incompetence' Shares Blame for Early Release of WA Prisoners*, THE ASSOCIATED PRESS, February 25, 2016
Copy supplied.

Andrew Binion, *Kitsap Lawyers Hear from Judge Hopefuls*, KITSAP SUN, December 5, 2015
Copy supplied.

Inside Olympia, October 29, 2015
Transcript unavailable; interview recording available at <https://www.tvw.org/watch/?eventID=2015101030>.

Kristin M. Kraemer, *Five Tri-City Lawyers Apply to be Benton-Franklin Superior Court's Newest Judge*, TRI-CITY HERALD, September 19, 2015
Copy supplied.

Kristin M. Kraemer, *Benton-Franklin Superior Court's Seventh Judge May be on Bench by October*, TRI-CITY HERALD, August 8, 2015
Copy supplied.

Cameron Probert, *Judge Candidate Interviews set for August by State Attorney*, IFIBERONE, July 30, 2015
Copy supplied.

Rachel La Corte, *Washington State Officials Hope for Budget Deal but Prepare for Shutdown*, SEATTLE TIMES, June 18, 2015
Copy supplied.

Levi Pulkkinen, *Can We Kill Them*, SEATTLE PI, April 2, 2015
Copy supplied.

Inside Olympia, December 11, 2014
Transcript unavailable; interview recording available at <https://www.tvw.org/watch/?eventID=2014121041>.

Lauren Dake, *Westley Allan Dodd Killings: A Gruesome Anniversary*, THE COLUMBIAN, August 31, 2014
Copy supplied.

Tim Haeck, *Balancing Technology and Privacy in New Drone Law*, MYNORTHWEST, July 1, 2014
Copy supplied

Brad Shannon, *19 Lawyers Have Lined Up to Seek Appointment to Pending Supreme Court Vacancy*, THE OLYMPIAN, April 21, 2014
Copy supplied.

Jerry Cornfield, *Crowd Forms for Supreme Court Appointment*, EVERETT HERALD, April 9, 2014
Copy supplied.

Report: Race a Factor in Jurors Imposing Death Penalty, THE COLUMBIAN, February 22, 2014
Copy supplied.

Nina Shapiro, *Death Penalty, Interrupted*, SEATTLE WEEKLY, February 21, 2014
Copy supplied.

Andy Binion, *Kitsap Bar Hears from Superior Court Applicants*, KITSAP SUN, February 7, 2014
Copy supplied.

Inside Olympia
June 27, 2013
Transcript unavailable; interview recording available at
<https://www.tvw.org/watch/?clientID=9375922947&eventID=2013061010&autoStartStream=true>.

In addition, in 2001 I was a participant in the CBS television show, “Survivor: Australian Outback.” As part of my participation in the show, I gave a number of written, radio, and television interviews. I have done my best to identify all interviews given, including through a review of personal files and searches of publicly available electronic databases. Despite my searches, I have been unable to identify or locate recordings of the majority of those interviews. Any such omission is inadvertent. I have located the following:

Dalton Ross, *Survivor Quarantine Questionnaire: Nick Brown on Being 'Quasi-famous' After the Show*, ENTERTAINMENT WEEKLY, August 17, 2020
Copy supplied.

Martin Holmens, *Survivor Second Chance: Nick Brown Talks Kimmi Kappenberg*, INSIDE SURVIVOR, July 13, 2015
Copy supplied.

Jordan, Schrader, *He's a 'Survivor': Steilacoom Grad Now Governor's Counsel*, THE OLYMPIAN, February 25, 2013
Copy supplied.

Moises Mendoza, *Law is True Calling for 'Survivor' Alum*, SEATTLE PI, June 29, 2008
Copy supplied.

Lewis Rice, *Harvard Law Survivor*, HARVARD LAW TODAY, July 1, 2001
Copy supplied.

Jessica Shaw, *Nick Tells EW.com About his "Survivor" Strategy*, ENTERTAINMENT WEEKLY, April 4, 2001
Copy supplied.

Life After the Outback, CBS NEWS, May 1, 2001
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 have not run for or held public office.

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

I am not a registered member of a political party and have never held a position in a political party.

In 2020, I served as a volunteer for the election committee for Washington State Supreme Court Justice Raquel Montoya Lewis, and helped organize a small fundraiser for the campaign.

In 2020, I served as a volunteer for the campaign for President of the United States

for Jay Inslee, principally engaged in assisting with his debate preparation.

In 2016, I served as a volunteer for the reelection campaign for Governor of the State of Washington for Jay Inslee, principally engaged in assisting with his debate preparation.

In 2016, I served as a delegate for the Campaign for President of the United States for Hillary Clinton at the Democratic National Convention.

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 have not clerked for a judge.

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

I have not practiced alone.

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

August 2003 – May 2004
U.S. Army Fort Bliss
Office of the Staff Judge Advocate
Legal Services & Tax Officer
HQ, 1st Armored Division, AFBL-JA
Building 11685, Sergeant Major Boulevard
Fort Bliss, TX 77916

May 2004 – June 2006
U.S. Army Trial Defense Services
Trial Defense Attorney
HQ, 1st Armored Division, AFBL-JA
Building 11685, Sergeant Major Boulevard
Fort Bliss, TX 77916 & Camp Liberty, Baghdad, Iraq

June 2006 – June 2007
U.S. Army I Corps & Fort Lewis
Office of the Staff Judge Advocate
Prosecutor/Trial Counsel

Building 2027-A Liggett Avenue
Joint Base Lewis-McChord, WA 98433

June 2007 – March 2013
U.S. Attorney's Office, Western District of Washington
Assistant United States Attorney
700 Stewart Street, Suite 5220
Seattle, WA 98101

March 2013 – June 2017
State of Washington, Office of Governor Jay Inslee
General Counsel
PO Box 40002
Olympia, WA 98504

July 2017 – Present
Pacifica Law Group LLP
Partner
1191 2nd Avenue, Suite 2000
Seattle, WA 98101

- 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 August 2003, after completing the Army Judge Advocate Basic Course and Army Airborne School, I served as a Legal Assistance Officer in Fort Bliss, Texas. In that role, I assisted soldiers and their family members with a variety of legal matters, including family law and consumer protection issues. While in the Legal Assistance Office, I supervised a program providing free income tax preparation service for military members at Fort Bliss, which involved managing a team of 15 soldiers responsible for preparing the returns.

In May 2004, I was selected for the Fort Bliss Trial Defense Services Division, where I represented soldiers accused of various criminal and

administrative violations of the Uniform Code of Military Justice, including in multiple jury trials and administrative hearings. In October 2004, I received a temporary assignment with the 3rd Armored Division in Fort Stewart, Georgia, to provide trial defense services for the Division during its deployment to Iraq. Our team was stationed in Camp Liberty in Baghdad from January through December 2005. I returned to Fort Bliss in a similar role through June 2006.

Beginning in June 2006, I served as a prosecutor and trial counsel at Fort Lewis, Washington, where I oversaw the daily legal operations of four military brigades, serving as the principal legal advisor for senior military officials on all aspects of criminal and administrative law. I represented the United States in criminal cases and was the lead prosecutor in a variety of matters, principally involving violent crime, drug offenses, and internet crimes against children.

In June 2007, I left military service and became an Assistant United States Attorney in the U.S. Attorney's Office for the Western District of Washington, where I represented the United States and the Department of Justice. I managed a diverse range of federal criminal cases, from initial investigation to trial and sentencing, and through the appellate process. My practice primarily focused on violent crimes, firearms offenses, fraud, and cases arising from local Indian Reservations. For two years, I was the Office's Gang Coordinator, working with federal and local law enforcement officers to prosecute crimes involving gang members. I also served on the Office's hiring committee for three years.

In March 2013, I became the General Counsel for the Office of Washington State Governor Jay Inslee. I was the principal legal advisor for the Governor and his staff, advising the Office on an array of legal issues, including high-priority litigation, criminal justice policy, tribal gaming and Indian law, judicial appointments, and clemency petitions.

In July 2017, I joined Pacifica Law Group, where I currently work as a partner in the litigation group. I represent private, governmental, and non-profit entities. My practice is principally focused on assisting public and private clients with complex civil and regulatory litigation, municipal law, public policy, and political matters.

- 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.

At Pacifica Law Group, my practice is approximately 75% litigation and 25% advising clients on policy and regulatory issues. I appear in court occasionally.

In the Governor's Office, my practice was approximately 90% advice and policy and 10% litigation. I did not appear in court in that role.

As both an Assistant United States Attorney and Army JAG Officer, nearly 100% of my practice was in criminal litigation. I appeared in court frequently, often on a daily basis.

i. Indicate the percentage of your practice in:

1. federal courts: 60%
2. state courts of record: 22%
3. other courts: 18% (military)
4. administrative agencies: N/A

ii. Indicate the percentage of your practice in:

1. civil proceedings: 40%
2. criminal proceedings: 60%

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

I have tried six criminal jury trials and one bench trial in U.S. District Court. I was the lead counsel in four cases and co-counsel in three cases.

I have tried approximately 24 criminal jury trials in military courts. I was the lead counsel in approximately 14 cases and second chair in 10 cases.

i. What percentage of these trials were:

1. Jury: 97%
2. non-jury: 3%

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

I have not practiced before the Supreme Court of the United States.

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 v. Desmone Bastian

Case No. 06-cr-00379-JLR-1
U.S. District Court for the Western District of Washington
The Honorable James L. Robart
2007 – 2009

The defendant in this case was a Customs and Border Protection Officer, assigned to the border between the United States and Canada. He was accused of facilitating illegal drugs through the border as part of his relationship with a Canadian sex worker. I served as co-counsel for this case. This was my first federal trial as an Assistant U.S. Attorney, during which I gave the opening statement, took the direct examination of our lead witness, and cross-examined the defendant. The defendant was convicted of Receiving a Bribe and sentenced to 32 months in custody.

Co-Counsel:
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Opposing Counsel:

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2. United States v. Mark Ashmore et. al

Case No. 09-cr-00402-RAJ-1
U.S. District Court for the Western District of Washington
The Honorable Richard A. Jones
2009 – 2011

The case arose from an investigation into a mortgage fraud conspiracy involving the fraudulent “flipping” of residential real estate. The lead defendant was a mortgage broker who organized and recruited others to participate in the scheme, including four other co-defendants. I served as

lead counsel for the United States, responsible for supervising the investigation and leading the trial team. Following the jury trial, the defendant was convicted of Conspiracy to Commit Wire Fraud and separate counts of Wire Fraud, and sentenced to 72 months in custody.

Co-Counsel:

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Primary Opposing Counsel:

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206-491-9003

3. United States v. Douglas Edwards

Docket No. 08-cr-00178-JCC-1
U.S. District Court for the Western District of Washington
The Honorable John C. Coughenour
2008 – 2009

This case was one of many that I prosecuted where the offense occurred on a local Indian Reservation. The defendant was accused of sexually assaulting three of his younger cousins over a multi-year period. I was the lead counsel for the United States, and spent substantial time during the investigation interacting with and preparing the minor victims to testify at trial. Following the jury trial, the defendant was convicted of Aggravated Sexual Abuse and sentenced to 60 months in custody.

Co-Counsel:

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Primary Opposing Counsel:

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Federal Public Defender
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4. United States v. Gussoni et. al

Case No. 11-cr-05232-BHS-1
U.S. District Court for the Western District of Washington
The Honorable Benjamin H. Settle
2011 – 2012

This case arose from an investigation by the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) into the illegal trafficking of firearms. The defendants, repeatedly sold firearms at Washington gun shows without the required federal licenses. This practice allowed the defendants to conduct sales without the purchasers completing a state or federal background check. I was the lead counsel for the United States, responsible for overseeing the investigation and leading the trial team. The lead defendant pled guilty to Conspiracy to Unlawfully Deal in Firearms. The second defendant was convicted of the same offense and Unlawful Dealing in Firearms following a jury trial. Both defendants were sentenced to 18 months in custody.

Co-Counsel:

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Assistant General Counsel
Microsoft Corporation
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Primary Opposing Counsel:

Karen L. Unger
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Port Angeles, WA 98362
360-457-7688

5. United States v. Herman Roche et. al

Case No. 12-cr-00237-JCC-1
The Honorable John C. Coughenour
U.S. District Court for the Western District of Washington
2012 – 2013

The case arose from a long-term wiretap investigation of a substantial

drug conspiracy, principally involving the distribution of oxycodone. The lead defendant organized and recruited many others, including the 19 co-defendants. I was co-counsel in the case, and assisted in the oversight and management of numerous wiretap and search warrant applications. I also took the lead with several individual defendants to negotiate and oversee their guilty pleas. The lead defendant subsequently pled guilty and was sentenced to 144 months in custody.

Co-Counsel:

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Primary Opposing Counsel:

Paula Semmes Deutsch
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6. United States v. SGT Charles R. Grigsby, Jr.

Case No. identified by defendant name and social security number
U.S. Army General Courts-Martial, Camp Liberty, Iraq
The Honorable LTC Patrick J. Reinert
2005

While deployed to Iraq, I represented numerous soldiers accused of serious felony-level offenses, including SGT Charles Grigsby. SGT Grigsby was accused of aggravated sexual assault involving two separate alleged victims. I was the lead counsel for SGT Grigsby. Conducting a trial in a deployed environment was emotionally and logistically challenging, but we successfully defended the case. SGT Grigsby was convicted of one lesser included offense and sentenced to nine months in custody.

Co-Counsel:

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Primary Opposing Counsel:

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Louisiana National Guard
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504- 278-8000

7. United States v. William Anderson et. al
Case No. 08-cr-00212-RAJ
The Honorable Richard A. Jones
U.S. District Court for the Western District of Washington
2008 – 2010

The case arose from an investigation into a mortgage fraud conspiracy following the 2007 housing market crash. The lead defendants were mortgage brokers, who organized and recruited others to participate in the scheme, including four other co-defendants. I served as co-counsel for the United States, helping to oversee the investigation and trial. Following the jury trial, the lead defendant was convicted of Conspiracy to Commit Wire Fraud and separate counts of Wire Fraud, and sentenced to 78 months in custody.

Co-Counsel:

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Primary Opposing Counsel:

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8. United States v. Shelia Mullineaux et. al
Case No. 10-cr-05314-RJB-1
U.S. District Court for the Western District of Washington
The Honorable Robert J. Bryan
2010 – 2011

This case involved a fraud scheme by employees at a for-profit college. The defendants committed financial aid fraud by applying for financial aid despite knowing that the college would soon close. Had the scheme been successful, the defendants would have been able to keep the cash aid without an obligation to repay the loans. I served as lead counsel for the United States and led the investigation. Two of the four defendants pled guilty. The two remaining defendants were convicted following a jury trial of Mail Fraud and Financial Aid Fraud and sentenced to terms of probation.

Co-Counsel:

C. Seth Wilkinson
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Primary Opposing Counsel:

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818-487-7400

9. United States v. Shad Beach

Case No. 12-cr-00056-RAJ-1
U.S. District Court for the Western District of Washington
The Honorable Richard A. Jones
2012 – 2013

In an FBI investigation into firearms trafficking, the FBI built a fake storefront in an industrial area of Seattle and successfully recovered numerous firearms and other property from individuals trafficking in stolen property. I was the lead counsel for the United States, and oversaw the investigation and subsequent guilty pleas of several defendants. This specific defendant was convicted of being a Felon in Possession of a Firearm and sentenced to 72 months in custody.

Co-Counsel:

Stephen P. Hobbs
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Opposing Counsel:

Nancy Tenney
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10. United States v. Kaushal Kaith et. al
Case No. 09-cr-00158-RAJ-2
The Honorable Richard A. Jones
U.S. District Court for the Western District of Washington
2009 – 2013

The three defendants conspired to distribute MDMA in Washington and California. I served as lead counsel for the United States and led the investigation and trial team. During trial, the two lead defendants both absconded and fled the country, but the trial proceeded *in absentia* and resulted in their conviction. The lead defendant was arrested many years later and sentenced to 84 months in custody.

Co-Counsel:

Brian D. Werner
Assistant U.S. Attorney
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206-553-7970

Primary Opposing Counsel:

Ralph Hurvitz
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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.)

As detailed in answers to Questions 14 and 15, I have represented clients in significant criminal and civil litigation matters on a range of legal issues. Additionally, while at the U.S. Attorney's Office I spent over two years as a Grand Jury Coordinator, where I trained and managed a grand jury for the District, as the jurors reviewed and considered each potential investigation and criminal indictment. Serving in this role gave me tremendous insight into an average citizen's perspective on the justice system. It also allowed me to hone my presentation and teaching skills as I explained the law and answered the questions of the jurors. This assignment was one of the most meaningful in my career as a prosecutor.

As General Counsel to the Office of the Governor, I was involved in the review and development of every criminal justice policy and legislative proposal considered in the office. Most significantly, I was the principal advisor to the Governor during his review of the administration of capital punishment and subsequent decision to institute a moratorium on its use in Washington State. I completed a detailed analysis of the legal framework, consulted with stakeholders across the spectrum, and helped lead the public presentation of the Governor's decision.

In 2019, I was retained by the Washington State Attorney General's Office as a Special Assistant Attorney General to lead its implementation of the "Keep Washington Working" Act (Engrossed Substitute Senate Bill 5497). This law required the Attorney General to develop and publish model policies, guidance, and training recommendations for local agencies in various fields regarding their participation in federal immigration enforcement. In addition to researching the complex legal issues associated with the legislation, I traveled throughout the state meeting with law enforcement officials, community advocates, and other impacted stakeholders to develop policies that best reflected the intent of the Washington Legislature. The model policies were published in May 2020.

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 2002, I was a Teaching Fellow at Harvard University for Professor Roger Porter, in a course entitled "The American Presidency." The course analyzed the development and modern practice of presidential leadership in the United States. I do not have a syllabus for this course.

I have not otherwise served as a teacher or taught any courses on a full-time basis, but have volunteered as a guest lecturer at the University of Washington School of Law, the Evans School at the University of Washington, the Evergreen State University, and Gonzaga Law School. In each of these instances, I have generally lectured on issues relating to criminal justice, executive authority and leadership, and public policy. I have described those lectures in response to Question 12(d) above.

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.

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).

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).

Please 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 I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office 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.

As an Army JAG Officer, federal prosecutor, and counsel to the Governor, the first 14 years of my legal career were dedicated to public service. This included defending individuals accused of committing crimes and working with and assisting victims of crime. In addition, since 2013 I have devoted a substantial portion of my personal time towards working with civic organizations involved in improving and diversifying the legal profession. Specific activities include: (1) serving on the board of the Washington Leadership Institute, a fellowship program that mentors and trains young attorneys from underrepresented populations; (2) serving on the board of the Campaign for Equal Justice, which advocates for and supports civil legal aid programs for low-income residents; and (3) volunteering with the King County Bar Association. I also spent the past two years as a volunteer Commissioner with the Seattle Ethics and Elections Commission, an independent agency that oversees and enforces the Seattle ethics, lobbying, and whistleblower codes. Finally, I have volunteered hundreds of hours serving on the board of Treehouse, a non-profit organization that works to advance educational equity for youth experiencing foster care and opportunities to launch them successfully into adulthood.