

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Hector Gonzalez

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

United States District Judge for the Eastern District of New York

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

Dechert LLP  
1095 Avenue of the Americas  
New York, New York 10036

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

1964; Havana, Cuba

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.

1991 – 1995, City University of New York, John Jay College; M.A., 1995

1985 – 1988, University of Pennsylvania Law School; J.D., 1988

1983 – 1985, Manhattan College; B.S., 1985

1982 – 1983, United States Military Academy; no degree received

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.

2011 – present  
Dechert LLP  
1095 Avenue of the Americas  
New York, New York 10036  
Partner

2012 – 2016  
United States District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201  
Special Master, *United States v. City of New York*, No. 07-CV-2067

1999 – 2011  
Mayer Brown LLP  
1221 Avenue of the Americas  
New York, New York 10020  
Partner (2001 – 2011)  
Counsel (1999 – 2000)

1994 – 1999  
United States Attorney's Office for the Southern District of New York  
One Saint Andrew's Plaza  
New York, New York 10007  
Chief, Narcotics Unit (1999)  
Deputy Chief, Narcotics Unit (1997 – 1998)  
Assistant United States Attorney (1994 – 1999)

1998  
University of San Carlos  
11 Avenida  
Guatemala City, Guatemala 01012  
Visiting Lecturer (Fulbright Scholar)

1993 – 1994, 1988 – 1990  
Rogers & Wells (now known as Clifford Chance LLP)  
31 West 52nd Street  
New York, New York 10019  
Associate

1990 – 1993  
New York County District Attorney's Office  
One Hogan Place  
New York, New York 10013  
Assistant District Attorney

1987  
Hawkins, Delafield & Wood LLP  
One Chase Manhattan Plaza  
New York, New York 10005  
Summer Associate

1985 (approximate)  
Carlton House Hotel  
680 Madison Avenue  
New York, New York 10065  
Security Guard

Other affiliations (uncompensated):

2015 – present  
The Climate Museum  
630 Ninth Avenue, Suite 1010  
New York, New York 10036  
Member, Board of Trustees

2003 – 2018  
New York Lawyers for the Public Interest  
151 West 30th Street, 11th Floor  
New York, New York 10001  
Chairman, Board of Directors (2012 – 2014)  
Secretary, Board of Directors (2006 – 2008)  
Member, Board of Directors (2003 – 2018)

2004 – 2009  
Manhattan College  
4513 Manhattan College Parkway  
Riverdale, New York 10471  
Member, Board of Trustees

2000 – 2006  
New York City Civilian Complaint Review Board  
100 Church Street  
New York, New York 10007  
Chairman (2002 – 2006)  
Member (2000 – 2006)

2002 – 2005  
LatinoJustice PRLDEF  
475 Riverside Drive, Suite 1901  
New York, New York 10115  
Member, Board of Directors

1986

United States District Court for the Eastern District of Pennsylvania  
James A. Byrne United States Courthouse  
601 Market Street  
Philadelphia, Pennsylvania 19106  
Summer Intern to the Honorable Clifford Scott Green (deceased)

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.

While attending the United States Military Academy at West Point, I served on active duty in the U.S. Army from July 1, 1982 until August 4, 1983. My rank during that period of service was Cadet. At the conclusion of my service, I received an Honorable Discharge. I timely registered for the selective service after leaving the Army.

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.

Fellow, American College of Trial Lawyers (2019 – present)

Criminal Defense: White Collar, Best Lawyers in America (2018)

Investigation of the Year for Asia, The American Lawyer Global Legal Awards (2017)

Dispute Resolution: Corporate Investigations and White-Collar Criminal Defense, The Legal 500 United States (2017)

Inductee, Independent Sector Alumni Hall of Distinction, Independent Colleges and Universities (2004)

Director's Award for Superior Performance, United States Department of Justice Executive Office for United States Attorneys (1999, 1998)

Fulbright Scholar (1998)

Editor, University of Pennsylvania Law Review (1986 – 1988)

Dean's List, Manhattan College (1985, 1984)

Psi Chi (International Honor Society for Psychology) (1985)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees,

selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American College of Trial Lawyers (2019 – present)  
New York-Downstate Committee (2020 – present)

Federal Bar Council (2000 (approximate) – present)

Hispanic National Bar Association (2005 (approximate) – present)

New York City Bar Association (1989 – present)  
Council on Criminal Justice (2009 – 2012)  
Criminal Advocacy Committee (2004 – 2007)  
Nominating Committee (2007)

New York Council of Defense Lawyers (2017 – present)

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, 1988  
New Jersey, 1988

In 2011, I voluntarily resigned from the New Jersey Bar because I was not engaged in the practice of law in New Jersey. By order of the New Jersey Supreme Court, dated June 3, 2011, my resignation was accepted without prejudice to reinstate my membership at a later date. Other than that, 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.

United States Court of Appeals for the Second Circuit, 1991  
United States Court of Appeals for the Armed Forces, 1992  
United States District Court for the Northern District of Illinois, 2009  
United States District Court for the Eastern District of Michigan, 2017  
United States District Court for the District of New Jersey, 1988  
United States District Court for the Eastern District of New York, 1989  
United States District Court for the Southern District of New York, 1989

My membership in the bar of the United States District Court for the District of New Jersey ended by operation of law in 2011 following my resignation from the New Jersey Bar. Other than that, there have been no lapses in membership.

11. **Memberships:**

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

American College of Trial Lawyers (2019 – present)

The Climate Museum

Treasurer, Board of Trustees (2018 – present)

Member, Board of Trustees (2015 (approximate) – present)

Committee to Reform the New York State Constitution (2016 – 2020)

Public Integrity & Anti-Fraud Subcommittee of the Transition Committee for then-New York Attorney General-Elect Eric Schneiderman (2010)

LatinoJustice PRLDEF (2002 – 2005)

Member, Board of Directors (2002 – 2005)

Manhattan College, Board of Trustees (2004 – 2009)

New York Athletic Club (2003 – 2018 (approximate))

New York Federal Judicial Screening Committee (2001 – 2006)

New York Lawyers for the Public Interest

Chairman, Board of Directors (2012 – 2014)

Secretary, Board of Directors (2006 – 2008)

Member, Board of Directors (2003 – 2018)

Chair, Litigation & Program Committee (2008 – 2012)

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

to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies. It is my understanding that, decades before I joined, the New York Athletic Club was a male-only sports club. The club has terminated that policy.

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.

With Michael Gilbert *et al.*, “COVID-19 Coronavirus Business Impact: Special Inspector General for Pandemic Recovery Likely to Pursue Investigations Aggressively,” Dechert OnPoint (Apr. 2, 2020). Copy supplied.

With Mauricio España *et al.*, “COVID-19 Coronavirus: New York State, Executive Orders 202.8 and 202.9 Impacting New York State Litigation and Businesses,” Dechert OnPoint (Mar. 23, 2020). Copy supplied.

With Mauricio España, “Brazil’s ‘Car Wash’ Operation Probes Banks for Employees’ Money Laundering Scheme,” Dechert OnPoint (Feb. 13, 2020). Copy supplied.

With Rebecca Waldman *et al.*, “Production of Information to the Authorities,” Global Investigations Rev. (4th ed. Feb. 5, 2020). Copy supplied.

With Andrew Levander *et al.*, “The Guide to Corporate Crisis Management—Representing Individual Executives in Latin America,” Latin Law. Insight (Jan. 6, 2020). Copy supplied.

With Mauricio España *et al.*, “Recent Developments Confirm the Obrador Administration Will Fulfill Its Campaign Promise to Battle Corruption in Mexico,” Dechert OnPoint (June 19, 2019). Copy supplied.

With Rebecca Waldman *et al.*, “Production of Information to the Authorities,” Global Investigations Rev. (3d ed. Jan. 25, 2019). Copy supplied.

With Andrew Levander *et al.*, “The Guide to Corporate Crisis Management—Representing Individual Executives in Latin America,” Latin Law. Insight (1st ed. Jan. 24, 2019). Copy supplied.

With Carlos Chavez *et al.*, “Mexico’s National Anti-Corruption System: The Politics of Integrity,” Westlaw (Oct. 4, 2018) (reprinted in multiple sources). Copy supplied.

With Rebecca Waldman *et al.*, “UK and US Powers to Compel Disclosure of Documents from Overseas Remains Far from Certain,” Global Investigations Rev. (July 25, 2018). Copy supplied.

With Joseph Fazioli & Jacob Grubman, “New DOJ Policy Grants Companies Expanded Credit for Voluntary Disclosure of Criminal Misconduct,” Westlaw J. Del. Corp. (May 7, 2018) (reprinted in multiple sources). Copy supplied.

With Mauricio España & Brendan Herrmann, “Southern District Deals Blow to FCPA-Based Securities Class Actions,” Dechert OnPoint (Apr. 10, 2018). Copy supplied.

With Mauricio España & Erik Snapp, “Self-Driving Uber Fatality Could Complicate Regulations,” Dechert OnPoint (Apr. 2, 2018). Copy supplied.

With Rebecca Waldman *et al.*, “Production of Information to the Authorities,” Global Investigations Rev. (2d ed. Mar. 29, 2018). Copy supplied.

With Mauricio España, David Kelley & Jennifer Park, “Court Ruling Signals Potential Expansion of Civil RICO Liability to Include Automotive Suppliers in Emissions Violations Cases,” Dechert OnPoint (Mar. 6, 2018). Copy supplied.

With Mauricio España & Emlyn Mandel, “FinCEN Issues Advisory on Widespread Public Corruption in Venezuela,” Dechert OnPoint (Sept. 26, 2017). Copy supplied.

With David Kelley *et al.*, “DOT Releases New Federal Guidance for Automated Driving Systems,” Dechert OnPoint (Sept. 18, 2017). Copy supplied.

With David Kelley *et al.*, “Preview of Automated Vehicle Regulations in Germany,” Dechert OnPoint (Sept. 5, 2017). Copy supplied.

With Mauricio España *et al.*, “House Committee Passes Self-Driving Vehicle Legislation,” Dechert OnPoint (Aug. 24, 2017). Copy supplied.

“Diversity Summit: Practical, Intense, All-In,” Chambers Diversity (June 6, 2017). Copy supplied.

With Rebecca Waldman *et al.*, “Production of Information to the Authorities,” Global Investigations Rev. (1st ed. Jan. 31, 2017). Copy supplied.



With Linda Goldstein *et al.*, “Goodyear FCPA Fine Highlights Benefits of Cooperation and Robust Compliance Controls,” Dechert OnPoint (Mar. 2, 2015). Copy supplied.

With Richard Jones *et al.*, “Credit Risk Retention Final Rule: Enforcement and Compliance Considerations,” Dechert OnPoint (Dec. 16, 2014). Copy supplied.

With Mauricio España, “*Qui Facit per Alium, Facit per Se*: Best Practices for Third-Party Due Diligence,” FCPA Rep. (Oct. 22, 2014). Copy supplied.

With Malcolm Dorris & Michael Park, “DOJ Probes Subprime Auto-Lending under FIRREA,” Dechert OnPoint (Aug. 12, 2014). Copy supplied.

With Jeremy Zucker, “Russian Trade and Economic Sanctions Draw Even Closer,” Lexology (Mar. 18, 2014). Copy supplied.

With Andrew Levander & Stephen Cutler, “Successful Partnering Between Inside and Outside Counsel (Chapter 33: Attorney-Client Privilege and Attorney Work Product Protection),” Thomson Reuters (Apr. 2013). Copy supplied.

With Robert H. Ledig *et al.*, “New York’s Proposed Foreclosure Fraud Prevention Act Would Criminalize ‘Robo-Signing,’” Mondaq (July 16, 2012). Copy supplied.

With Robert H. Ledig *et al.*, “The Latest Attempt At Criminalizing ‘Robo-Signing,’” Law360 (July 9, 2012). Copy supplied.

With James McGuire & Rebecca Waldman, “Adopting Zubulake Cost-Shifting Procedures In NY,” Law360 (Mar. 20, 2012). Copy supplied.

With Mauricio España, “Ask Yourself This: Are You Dealing With a ‘Foreign Official,’ According to the FCPA?,” Thomson Reuters (Jan. 26, 2012). Copy supplied.

With James McGuire & Rebecca Kahan, “Do Privacy Rights In Electronic Communications Exist?,” N.Y.L.J. (Jan. 17, 2012). Copy supplied.

With Mauricio España & James Ancone, “US Department of Justice Interpretation of ‘Foreign Official’ Under the Foreign Corrupt Practices Act Affirmed by California District Court,” H.K. Corp. L. Serv. (May 16, 2011). Copy supplied.

With Mauricio España & James Ancone, “California Federal Jury Returns First Ever Guilty Verdict Against a Company for Violating the Foreign Corrupt Practices Act,” Lexology (May 12, 2011). Copy supplied.

With Mauricio España, "Proceed With Caution: FCPA Update," Latin Law., Vol. 10, No. 2 (Apr. 8, 2011). Copy supplied.

With Mauricio España, "The Foreign Corrupt Practices Act Requires Vigilance When Conducting Business in Latin America," Latin Am. L. & Bus. Rep. (Feb. 3, 2011). Copy supplied.

With Mauricio España, "Enforcement of the Foreign Corrupt Practices Act and Other Anti-Bribery Laws: Recent Trends Involving Latin America," Bloomberg L. Repts. (May 12, 2010). Copy supplied.

With Reginald Goeke, "Securities Investigations: Internal, Civil and Criminal (Chapter 9: Defending an SEC Investigation)," PLI Corp. & Secs. L. Lib. (2d ed. 2010). Copy supplied.

With Matthew Ingber & Scott Chesin, "Is *Booker* a 'Loss' for White-Collar Defendants?," Fed. Sent. Rep., Vol. 20, No. 3 (Feb. 2008). Copy supplied.

With Claudius Sokenu, "Pitfalls of Attempts to Cooperate with Enforcement Agencies," Rev. of Secs. & Commodities Reg., Vol. 40, No. 11 (June 6, 2007). Copy supplied.

With Claudius Sokenu, "The Current Enforcement Environment and the Corporate Response," Rev. of Secs. & Commodities Reg., Vol. 40, No. 9 (May 2, 2007). Copy supplied.

With Claudius Sokenu, "Foreign Corrupt Practices Act Enforcement After *U.S. v. Kay*," Wash. Leg. Found. (Oct. 2006). Copy supplied.

With Claudius Sokenu, "Scope of Foreign Corrupt Practices Act's Bribery Provision Set," N.Y.L.J. (June 29, 2005). Copy supplied.

"Harmless Error Analysis in Reviewing Sandoval Claims," N.Y.L.J. (July 30, 1992). 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.

*2005 Status Report*, Civilian Compl. Rev. Bd. (June 2006). Copy supplied.

*Recommendation to the NYPD Regarding Policing Demonstrations*, Civilian Compl. Rev. Bd. (May 9, 2006). Copy supplied.

*2005 Bi-Annual Status Report*, Civilian Compl. Rev. Bd. (Oct. 2005). Copy supplied.

*2004 Status Report*, Civilian Compl. Rev. Bd. (May 2005). Copy supplied.

*2004 Bi-Annual Status Report*, Civilian Compl. Rev. Bd. (Oct. 2004). Copy supplied.

*2003 Status Report*, Civilian Compl. Rev. Bd. (June 2004). Copy supplied.

*Recommendation to the NYPD Regarding Enhanced Training to Ensure Adherence to Patrol Guide Strip Search Procedures*, Civilian Compl. Rev. Bd. (May 12, 2004). Copy supplied.

*Recommendation to the NYPD Regarding Execution of Search Warrant Procedures*, Civilian Compl. Rev. Bd. (Nov. 20, 2003). Copy supplied.

*2003 Bi-Annual Status Report*, Civilian Compl. Rev. Bd. (Oct. 2003). Copy supplied.

*2002 Status Report*, Civilian Compl. Rev. Bd. (May 2003). Copy supplied.

*2002 Bi-Annual Status Report*, Civilian Compl. Rev. Bd. (Nov. 2002). Copy supplied.

*2001 Status Report*, Civilian Compl. Rev. Bd. (May 2002). Copy supplied.

*Street Stop Encounter Report: An Analysis of CCRB Complaints Resulting from the New York Police Department's "Stop and Frisk" Practices*, Civilian Compl. Rev. Bd. (June 2001). 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.

On July 21, 2020, I participated in a mini-conference held by the Emergency Rules Subcommittee of the Advisory Committee on Criminal Rules of the Judicial Conference of the United States. At the mini-conference, participants discussed how emergencies, such as the COVID-19 pandemic, might affect the conduct of criminal cases in federal courts and what changes to the Federal Rules of Criminal Procedure, if any, might be needed. I have no notes, transcript, or recording.

Brief of *Amici Curiae* Former Prosecutors in Support of Appellants and in Support of Reversal, *Hurrell-Harring v. New York*, No. 66 (N.Y. 2010). Copy

supplied.

As the Chairman of the New York City Civilian Complaint Review Board between 2002 and 2006, I testified before the Public Safety Committee of the New York City Council on matters related to the Board's budget and operations. I have searched my records and online databases to identify all such testimony. But I have only been able to locate the minutes or agenda of the hearings and have been unable to locate the hearing transcripts.

*Minutes of New York City Council, Committee on Public Safety* (May 25, 2006).  
Copy supplied.

*Minutes of New York City Council, Committee on Public Safety* (Mar. 21, 2006).  
Copy supplied.

*Minutes of New York City Council, Committee on Public Safety* (May 24, 2005).  
Copy supplied.

*Minutes of New York City Council, Committee on Public Safety* (Mar. 21, 2005).  
Copy supplied.

*Minutes of New York City Council, Committee on Public Safety* (May 17, 2004).  
Copy supplied.

*Minutes of New York City Council, Committee on Public Safety* (Mar. 4, 2004).  
Copy supplied.

*Agenda of New York City Council, Committee on Public Safety* (May 13, 2003).  
Copy supplied.

*Minutes of New York City Council, Committee on Public Safety* (Mar. 6, 2003).  
Copy supplied.

*Minutes of New York City Council, Committee on Public Safety* (Sept. 24, 2002).  
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.

April 30, 2019: Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, New York, New York. Notes supplied.

February 1, 2019: Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, Mexico City, Mexico. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

October 18, 2018: Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, Santiago, Chile. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

May 18, 2018: Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, Purchase, New York. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

May 9, 2018: Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, Mexico City, Mexico. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

May 8, 2018: Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, Monterrey, Mexico. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

August 2018 (date unknown): Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, Sao Paulo, Brazil. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

June 2018 (date unknown): Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, Madrid, Spain. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

October 23, 2017: Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, Nashville, Tennessee. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

October 18, 2017: Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, New York, New York. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

August 3, 2017: Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, Dallas, Texas. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

July 26, 2017: Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, New York, New York. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

July 11, 2017: Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, Los Angeles, California. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

June 29, 2017: Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, Philadelphia, Pennsylvania. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

June 15, 2017: Panelist, "Managing a Corporate Crisis: Strategies for Isolating a Crisis and Controlling the Public Narrative While Meeting Your Ethical Obligations and Maintaining Privilege," In-House Toolkit: The Nuts and Bolts, Association of Corporate Counsel, New York, New York. I participated in a panel about communications-related issues that may arise during a corporate crisis and best practices surrounding how to maintain the attorney-client privilege under those circumstances. I have no notes, transcript, or recording. The address of the Association of Corporate Counsel is 1001 G Street, Northwest, Suite 300W, Washington, DC 20001.

May 2, 2017: Panelist, "Managing a Corporate Crisis: Strategies for Containing a Crisis and Controlling the Public Narrative While Meeting Ethical Obligations and Maintaining Privilege," Ethics CLE Seminar, Dechert LLP and Sard Verbinnen & Co., New York, New York. I participated in a panel about communications-related issues that may arise during a corporate crisis and best practices surrounding how to maintain the attorney-client privilege under those circumstances. I have no notes, transcript, or recording. The address of Dechert LLP is 1095 Avenue of the Americas, New York, New York 10036. The address of Sard Verbinnen & Co. is 909 Third Avenue, New York, New York 10022.

April 27, 2017: Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, New York, New York. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

October 20, 2016: Panelist, "A Price Worth Paying? Proactive Risk Management for Corporate Counsel," Dechert LLP, Miami, Florida. I used the same notes as for the April 30, 2019 presentation, for which notes have been supplied.

January 23, 2013: Panelist, "Financial Crisis Litigation in the Commercial Division and Federal Courts," New York State Bar Association Commercial and Federal Litigation Section Annual Meeting, New York, New York. I participated in a panel about recent trends in commercial litigation before federal and state

courts in New York. I have no notes, transcript, or recording. The address of the New York State Bar Association is One Elk Street, Albany, New York 12207.

December 10, 2012: Panelist, "New FCPA Guidance and Key Takeaways from 2012 FCPA and UK Bribery Act Enforcement: Assessing Your Company's Risks, Implementing Effective Internal Controls and Best Practices," Association of Corporate Council Greater New York Chapter, New York, New York. Slides supplied.

December 6, 2012: Panelist, "Risks and Threats of Corruption and the Legal Profession," International Bar Association Workshop, Panama City, Panama. Slides supplied.

May 10, 2012: Panelist, "Securities and Mortgage Litigation: Preparing for the Next Wave," Dechert LLP, New York, New York. Slides supplied.

May 1, 2012: Panelist, "Corruption and Bribery: Identifying and Minimizing Risks from the Use of Intermediaries," Association of Corporate Counsel Greater New York Chapter, New York, New York. Slides supplied.

October 3, 2011: Panelist, "Sentencing in White Collar Cases," White Collar Crime 2011: Prosecutors and Regulators Speak, Practising Law Institute, New York, New York. I participated in a panel about recent developments in federal sentencing involving white collar prosecutions. I have no notes, transcript, or recording. The address of the Practising Law Institute is 1177 Avenue of the Americas, New York, New York 10036.

May 3, 2011: Panelist, "Dodd-Frank Wall Street Reform Consumer Protection Act," Financial Services Advisory Council, New York, New York. I participated in a panel about the Dodd-Frank Wall Street Reform Consumer Protection Act. I have no notes, transcript, or recording. The address of the Financial Services Advisory Council is 4513 Manhattan College Parkway, Riverdale, New York 10471.

March 11, 2011: Panelist, "The Growing Bureaucracy: What Happens When They Knock on Your Door," Education Finance Council Annual Membership Meeting, Seattle, Washington. Slides supplied.

October 18, 2010: Panelist, "International Enforcement: What Does a U.S. Lawyer Need to Know?," White Collar Crime 2010: Prosecutors and Regulators Speak, Practising Law Institute, New York, New York. I participated in a panel about issues that arise in cross-border investigations and how to manage interactions with non-U.S. enforcement agencies. I have no notes, transcript, or recording. The address of the Practising Law Institute is 1177 Avenue of the Americas, New York, New York 10036.

October 5, 2009: Panelist, "Sentencing and Plea Negotiations," White Collar Crime 2009: Prosecutors and Regulators Speak, Practising Law Institute, New York, New York. I participated in a panel about recent developments in federal sentencing and the use of plea agreements. I have no notes, transcript, or recording. The address of the Practising Law Institute is 1177 Avenue of the Americas, New York, New York 10036.

October 2010 (date unknown): Panelist, "The Dodd-Frank Act's Impact on Securities Litigation and Enforcement," Mayer Brown LLP, New York, New York. Slides supplied.

June 30, 2009: Panelist, "Navigating the Waters of State and Multistate Attorneys General Investigations," IN FOCUS: Corporate Litigation Web Series, Mayer Brown LLP, New York, New York. Slides supplied.

May 29, 2009: Panelist, "When Prevention Fails: Internal Investigations and Disclosure Issues," The Foreign Corrupt Practices Act 2009: Coping With Heightened Enforcement Risks, Practising Law Institute, New York, New York. I participated in a panel about the conduct of internal investigations and issues surrounding the decision to report the results of those investigations to a law enforcement agency. I have no notes, transcript, or recording. The address of the Practising Law Institute is 1177 Avenue of the Americas, New York, New York 10036.

September 25, 2008: Panelist, "Sentencing Guidelines in a Post-*Booker* Era," White Collar Crime 2008: Prosecutors and Regulators Speak, Practising Law Institute, New York, New York. I participated in a panel discussion about the effect of the U.S. Supreme Court's decision in *United States v. Booker*, 543 U.S. 220 (2005), on federal sentencing. I have no notes, transcript, or recording. The address of the Practising Law Institute is 1177 Avenue of the Americas, New York, New York 10036.

May 9, 2008: Panelist, "Responding to Investigations by Regulators," CLE International's Subprime Lending Litigation Conference, New York, New York. Slides supplied.

November 8, 2006: Panelist, "How to Deal with Internal Investigations—Practical Advice," Practising Law Institute's 38th Annual Institute on Securities Regulation, New York, New York. Slides supplied.

May 4, 2006: Panelist, Federal Criminal Practice Institute, New York County Lawyers Association, New York, New York. I participated in a panel discussion on recent developments in federal criminal practice. I have no notes, transcript, or recording. The address of the New York County Lawyers Association is Seven World Trade Center, 46th Floor, 250 Greenwich Street, New York, New York 10007.



December 6, 2005: Panelist, "What Every Criminal and Corporate Lawyer Needs To Know About Monitors," New York City Bar Association, New York, New York. I participated in a panel discussion on the use of monitors in the resolution of corporate prosecutions. I have no notes, transcript, or recording. The address of the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

February 8, 2005: Panelist, "Taking and Defending Depositions," New York City Bar Association, New York, New York. I participated in a panel discussion on the mechanics of taking and defending depositions. I have no notes, transcript, or recording. The address of the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

October 16, 2004: Panelist, "The Sentencing Guidelines," Federal Criminal Practice Institute, New York County Lawyers Association, New York, New York. I participated in a panel discussion on the application of the federal sentencing guidelines. I have no notes, transcript, or recording. The address of the New York County Lawyers Association is Seven World Trade Center, 46th Floor, 250 Greenwich Street, New York, New York 10007.

March 22, 2004: Panelist, "The Ethics and Practice of Plea Bargaining and Cooperation in Federal and State Courts," Hispanic National Bar Association, New York, New York. I participated in a panel discussion comparing and contrasting plea bargain negotiations in federal and state courts. I have no notes, transcript, or recording. The address of the Hispanic National Bar Association is 1020 19th Street, Northwest, Suite 505, Washington, DC 20036.

June 18, 2001: Panelist, "Proyecto Pro Bono," United States Embassy, San Salvador, El Salvador. I participated in a panel discussion sponsored by the United States Embassy aimed at fostering an awareness of, and commitment to, pro bono projects on the part of law firms in El Salvador. I have no notes, transcript, or recording. The address of the United States Embassy is Boulevard Santa Elena, Antiguo Cuscatlan, San Salvador, El Salvador.

April 3, 2001: Panelist, "The ABCs of Federal Criminal Litigation," New York City Bar Association, New York, New York. Outline supplied.

February 28, 2001: Panelist, "The ABCs of Federal Criminal Litigation," New York City Bar Association, New York, New York. I participated in a panel discussion on recent developments in federal criminal practice. I have no notes, transcript, or recording. The address of the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

January 1994 (date unknown): Panelist, "Ethical Issues in Federal and State Prosecutions," Criminal Justice Forum, John Jay College of the City, University

of New York, New York, New York. I participated in a panel discussion comparing and contrasting ethical issues arising in federal and state criminal prosecutions. I have no notes, transcript, or recording. The address of John Jay College is 524 West 59th Street, New York, New York 10019.

March 1993 (date unknown): Speaker, Career Planning & Placement Forum, University of Pennsylvania Law School, Philadelphia, Pennsylvania. I spoke with law students regarding the role of a local prosecutor. I have no notes, transcript, or recording. The address of the University of Pennsylvania Law School is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

- 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.

*Global Litigation 50: 2020*, Law. (Aug. 11, 2020). Copy supplied.

Stephanie Emma Pfeffer, *Advancing Women Post #MeToo*, Working Mother (Apr. 28, 2020). Copy supplied.

*Litigation Leaders: Dechert's Hector Gonzalez on Multiculturalism, Lateral Hires, and Keeping it Simple*, Am. Law. (Dec. 18, 2019). Copy supplied.

*Dechert Strengthens Cross-Border Investigations Team in France*, Targeted News Serv. (Sept. 9, 2019). Copy supplied.

*Dechert se enforce en droit penal des affaires*, Decideurs (Sept. 9, 2019). Copy supplied.

*Droit penal des affaires: une nouvelle associee chez Dechert*, Carrieres-Juridiques.com (Sept. 9, 2019). Copy supplied.

*Leading White Collar Litigator Joins Dechert as Regional Chair*, Targeted News Serv. (Sept. 4, 2019). Copy supplied.

John Ryan, *Lawyer Limelight: Hector Gonzalez*, Lawdragon (July 14, 2019). Copy supplied.

*The Global Perspective: Trends in White Collar Defense and Investigations*, Lawdragon (Jan. 11, 2019). Copy supplied.

*Law firms investing more in relationships with regulators*, Iberian Law. (Dec. 26, 2018). Copy supplied.

Richard Bistrong, *Operationalizing Compliance: Conduct at the Top, Accountability Are Key*, JD Supra (Jan. 8, 2018). Copy supplied.

Scott Moritz, *The FCPA Resource Guide Is Still the Go-To Blueprint*, Ethisphere Mag. (Dec. 14, 2017) (reprinted in multiple sources). Copy supplied.

Press Release, *William J. Tuttle Named Among Best LGBT Lawyers Under 40 by National LGBT Bar Association*, Dechert LLP (May 25, 2017). Copy supplied.

Press Release, *Mauricio A. España Named a Top Lawyer Under 40 by Hispanic National Bar Association*, Dechert LLP (Mar. 31, 2017). Copy supplied.

*Dechert Recruits Alison Nina Bernard As Chief Talent Officer, Satra Sampson-Arokium As Director of Diversity, Inclusion*, Targeted News Serv. (Mar. 29, 2017). Copy supplied.

Press Release, *Dechert Diversity Initiative Recognized By Profiles In Diversity Journal*, Dechert LLP (Oct. 24, 2016). Copy supplied.

Dechert LLP Profile, *Proactive Force for Change with LGBT Allies Program*, Diversity J. (Mar. 7, 2016). Copy supplied.

Joe Dyton, *Watch and Learn*, Hispanic Exec. (Nov. 24, 2014). Copy supplied.

*Minority Powerbrokers Q&A: Dechert's Hector Gonzalez*, Law360 (Oct. 24, 2014). Copy supplied.

Michael Winerip & Michael Schwirtz, *City's Top Jail Investigator Resigns After Inquiry On Rikers Brutality*, N.Y. Times (Aug. 23, 2014). Copy supplied.

Karen Freifeld, *Approval of \$8.5 billion BofA settlement in judge's hands*, Reuters (Nov. 21, 2013). Copy supplied.

Gina Passarella, *Dechert Hires Firmwide Director of Diversity*, Legal Intelligencer (June 18, 2013) (reprinted in multiple sources). Copy supplied.

Christine Simmons, *NYLPI Names New Executive Director*, N.Y.L.J. (Dec. 13, 2012). Copy supplied.

Press Release, *New York Lawyers for the Public Interest Appoints J. McGregor Smyth as New Executive Director*, N.Y. Laws. for Pub. Interest (Dec. 11, 2012). Copy supplied.

Press Release, *Hector Gonzalez Joins Dechert's White Collar and Securities Litigation Practice in New York*, Dechert LLP (July 20, 2011). Copy supplied.

*State Investigations Team Up, Take on Companies: State Attorneys General Win Enforcement Battle Over Banks; Other Sectors Now in Their Sights*, Compliance Week (Sept. 2009). Copy supplied.

Jaclyn Jaeger, *Multi-state Attorneys General Investigations Gain Steam*, Compliance Week (July 13, 2009). Copy supplied.

*Mayer Brown Future Up for Grabs*, Law.com Int'l (Sept. 5, 2007). Copy supplied.

Nathan Carlile, *Are Three Heads Better Than One for Mayer Brown?; In a Time of Transition, Mayer Brown Looks to a Trio of Leaders to Steer It Towards Prosperity*, Nat'l L.J. (July 23, 2007) (reprinted in multiple sources). Copy supplied.

*Mayer, Brown, Rowe and Maw Announces New Leadership for the New York Office*, Bus. Wire (Sept. 15, 2006). Copy supplied.

Elisabeth Frater, *Diversity Leaders Speak: Putting a Policy into Practice and Staying on Track*, Diversity & Bar (May/June 2006). Copy supplied.

Phillip Messing, Stephanie Gaskell & Hasani Gittens, *Hire Blitz to Add 'Force'—NYPD Putting 1,200 More Cops on Street*, N.Y. Post (Mar. 22, 2006). Copy supplied.

Jim Dwyer, *Charges, but No Penalty, for a Chief's Role in a Convention Arrest—Correction Appended*, N.Y. Times (Mar. 9, 2006). Copy supplied.

Aaron Smith, *Complaints Against the NYPD Are Up By 14%*, N.Y. Sun (Nov. 10, 2004). Copy supplied.

*Civil Rights Group and Big NYC Firm Team Up to Assist Incoming Minority Law Students*, PR Newswire (Aug. 7, 2003). Copy supplied.

William Rashbaum, *Woman's Death After Raid is Officially Ruled Homicide*, N.Y. Times (May 28, 2003). Copy supplied.

Press Release, *The New York City Police Department and the Civilian Complaint Review Board Announce Search Warrant Database*, Civilian Compl. Rev. Bd. (May 27, 2003). Copy supplied.

*Program Will Help Latino Law Students*, N.Y.L.J. (Aug. 8, 2002). Copy supplied.

*New York City Deputy Mayor Carol Robles-Roman to Speak at "How to Succeed in Law School" Program*, PR Newswire (Aug. 5, 2002). Copy supplied.

Jaymes Powell, *Bronx Drug Gang Charged in Plot*, Newsday (June 26, 1996). Copy supplied.

*NYC 'Trigger Finger Posse' Indicted*, United Press Int'l (Nov. 8, 1995). Copy supplied.

*Hector Gonzalez, Esq.*, Comm'n on Indep. Colls. & Univs. in N.Y. (undated). Copy supplied.

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

I have not held judicial office. I have, however, served in one quasi-judicial appointed position. Specifically, on May 22, 2012, United States District Judge Nicholas Garaufis appointed me as Special Master in *United States v. City of New York*, No. 07-CV-2067 (E.D.N.Y.). My service as a Special Master ended in 2016.

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

- i. Of these, approximately what percent were:

jury trials: \_\_\_\_\_%

bench trials: \_\_\_\_\_%

civil proceedings: \_\_\_\_\_%

criminal proceedings: \_\_\_\_\_%

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

I issued several reports and recommendations in my role as Special Master in *United States v. City of New York*, No. 07-CV-2067 (E.D.N.Y.). Those reports and recommendations are available on the case docket at numbers: 849; 963; 1026; 1044; 1044-3; 1045; 1047; 1057; 1057-2; 1062; 1062-2; 1062-6; 1063; 1068; 1068-2; 1069; 1071; 1071-2; 1078; 1078-3; 1078-4; 1089; 1089-2; 1096; 1096-2; 1098; 1098-5; 1103; 1103-2; 1104; 1105; 1145; 1145-2; 1148; 1148-2; 1149; 1149-2; 1150; 1155; 1155-2; 1157; 1158; 1158-4; 1158-5; 1158-6; 1230; and 1231.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

In 2007, the United States Department of Justice brought a suit against the City of New York alleging that certain aspects of the City's policies for selecting entry-level firefighters were discriminatory towards Black and Hispanic candidates. On March 8, 2012, United States District Judge Nicholas Garaufis ruled that the City potentially owed those candidates a total of \$128.7 million in gross wage losses due to denied or delayed employment caused by the City's hiring practices. Shortly thereafter, I was appointed by Judge Garaufis as one of four Special Masters tasked with establishing procedures for, and overseeing the process of, awarding monetary relief and compensatory non-economic damages to eligible claimants. On August 17, 2016, Judge Garaufis granted my request to be relieved as Special Master after all the claims for monetary and compensatory non-economic damages had been decided.

Plaintiff's Counsel:

Elliot M. Schachner  
United States Attorney's Office for the Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, NY 11201  
(718) 254-6053

Eric Bachman (formerly with U.S. Department of Justice Civil Rights Division)  
Bachman Law  
5425 Wisconsin Avenue, Suite 600  
Chevy Chase, MD 20815  
(202) 769-1681

Intervenor-Plaintiffs' Counsel:

Richard A. Levy  
Levy Ratner P.C.  
80 Eighth Avenue, Eighth Floor  
New York, NY 10011  
(212) 627-8100

Defendants' Counsel:

Georgia Mary Pestana  
New York City Law Department  
100 Church Street  
New York, NY 10007  
(212) 788-0862

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

None of the reports and recommendations I issued in my role as Special Master in *United States v. City of New York*, No. 07-CV-2067 (E.D.N.Y.), were published. I do not have any additional unpublished opinions.

- e. Provide a list of all cases in which certiorari was requested or granted.

None.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

None of the reports and recommendations I issued in my role as Special Master in *United States v. City of New York*, No. 07-CV-2067 (E.D.N.Y.), were rejected by the district court.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

I issued several reports and recommendations in my role as Special Master in *United States v. City of New York*, No. 07-CV-2067 (E.D.N.Y.). Those reports and recommendations are unpublished and are available on the case docket.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

None.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

None.

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

I have not served as a judge. I neither recused myself sua sponte nor was I asked to

recuse myself as the Special Master in the matter described above.

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

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

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

In 2000, then-New York City Mayor Rudolph Giuliani appointed me to the New York City Civilian Complaint Review Board. In 2002, then-New York City Mayor Michael Bloomberg appointed me Chairman. My service on the Board ended in 2006.

In November 2010, I served as a member of the Public Integrity & Anti-Fraud Subcommittee of the Transition Committee for then-New York Attorney General-Elect Eric Schneiderman. Other than attending one or two meetings of the subcommittee, I do not recall performing any substantive work on behalf of the transition committee.

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

I have not held any offices in or rendered services to any political party or election committee. I have not held a position or played a role in a political campaign.

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

- a. Describe chronologically your law practice and legal experience after graduation



from law school including:

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

I have not served as a clerk to a judge since graduating from law school.

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

I have never 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.

1988 – 1990, 1993 – 1994

Rogers & Wells (now known as Clifford Chance LLP)

31 West 52nd Street

New York, New York 10019

Associate

1990 – 1993

New York County District Attorney's Office

One Hogan Place

New York, New York 10013

Assistant District Attorney

1994 – 1999

United States Attorney's Office for the Southern District of New York

One Saint Andrew's Plaza

New York, New York 10007

Assistant United States Attorney (1994 – 1999)

Deputy Chief, Narcotics Unit (1997 – 1998)

Chief, Narcotics Unit (1999)

1999 – 2011

Mayer Brown LLP

1221 Avenue of the Americas

New York, New York 10020

Counsel (1999 – 2000)

Partner (2001 – 2011)

2011 – present

Dechert LLP

1095 Avenue of the Americas

New York, New York 10036

Partner

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

I have never served as a mediator or arbitrator.

b. Describe:

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

Following graduation from law school in 1988, I worked in private practice as a litigation associate at Rogers & Wells (now known as Clifford Chance LLP), a New York City law firm. There, I handled complex commercial litigation matters involving contract disputes and insurance coverage.

In 1990, I left Rogers & Wells to join the New York County District Attorney's Office. At the District Attorney's Office, I was first assigned to the Appeals Bureau, where I argued dozens of appeals involving a broad range of criminal matters, primarily before the New York Appellate Division, as well as before the New York Court of Appeals and the United States Court of Appeals for the Second Circuit. I later served in the Office's Special Prosecutions Bureau, where I supervised fraud and corruption investigations and was lead counsel in several trials involving issues of public corruption.

In late 1993, I returned to Rogers & Wells as an associate and was there until 1994, when I left to join the United States Attorney's Office for the Southern District of New York. As an Assistant United States Attorney, I represented the United States in federal criminal prosecutions before the United States District Court for the Southern District of New York and the United States Court of Appeals for the Second Circuit. I handled a wide variety of cases involving mainly organized crime, major narcotics trafficking, and violent gangs. In 1997, I was named Deputy Chief of the Narcotics Unit, and in 1999, I was appointed the Unit's Chief. In those roles, I was responsible for supervising the work of approximately 25 prosecutors handling one of the busiest federal narcotics enforcement dockets in the nation.

Since leaving the United States Attorney's Office in 1999, I have been a litigation partner at two law firms in New York City: Mayer Brown LLP until 2011, and Dechert LLP from 2011 to the present. At the firms, my practice has consisted mainly of advising corporations and executives on a

wide range of complex litigation matters, with a focus on criminal and related civil and administrative matters, SEC and CFTC enforcement proceedings, and internal, grand jury, and state attorneys general investigations. In addition, I represent clients in all aspects of Foreign Corrupt Practices Act matters. I also advise clients on commercial, securities, bankruptcy, antitrust, and professional liability litigation issues.

Throughout my career both as a prosecutor and in private practice, I have amassed significant trial experience, having tried more than 20 federal and state jury and bench trials and arbitrations. I have also argued more than 30 cases before federal and state appellate courts. In recognition of my litigation experience, in 2019 I was inducted as a Fellow in the American College of Trial Lawyers, which is widely recognized as the preeminent organization of trial lawyers in North America.

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

As a state and federal prosecutor, I represented the State of New York and the United States Government, respectively, in an array of criminal matters. While in private practice, my primary client base has been financial institutions, industrial companies, and their employees, and my practice has focused, for the most part, on complex litigation matters with parallel proceedings usually involving criminal or regulatory enforcement investigations.

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

My practice has been exclusively in litigation. During my tenure at the New York County District Attorney's Office and the United States Attorney's Office, I appeared in court frequently. Since I have been in private practice, I have been involved in larger, more protracted litigation matters. As a result, I now appear in court regularly, but not as often as when I was a state or federal prosecutor. Even while in private practice, however, I have tried several cases that required me to appear in court frequently.

- i. Indicate the percentage of your practice in:

1. federal courts;	55%
2. state courts of record;	40%
3. other courts;	0%
4. administrative agencies.	5%

- ii. Indicate the percentage of your practice in:

1. civil proceedings: 65%
2. criminal proceedings: 35%

- 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 more than 20 federal and state jury and bench trials to verdict, judgment, or final decision. In more than 90 percent of the trials, I was the chief counsel on the matter.

- i. What percentage of these trials were:

1. jury: 85%
2. non-jury: 15%

- 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.

*Bank of N.Y. Mellon v. Grede*, No. 10-232, 562 U.S. 982 (2010) (reply brief for petitioner, 2010 WL 3806565; petition for writ of certiorari, 2010 WL 3267814) (cert. denied). Although my name appears on the certiorari-stage briefs in this case, I did not play an active role in the matter before the U.S. Supreme Court.

*Bank of Austria AG v. Sniado*, No. 03-1015, 124 S. Ct. 2870 (2004) (reply brief for petitioners, 2004 WL 724437) (certiorari granted, judgment vacated, and case remanded for further consideration in light of *Hoffman-La Roche v. Empagran S.A.*, 542 U.S. 155 (2004)). Although my name appears on one of the certiorari-stage briefs in this case, I did not play an active role in the matter before the U.S. Supreme Court.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and

- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Atlas MF Mezzanine Borrower LLC v. Macquarie Tex. Loan Holder LLC*, No. 651657/2017 (N.Y. Cty. S. Ct.)

This was a bench trial before Judge Joel M. Cohen concerning the commercial reasonableness of a collateral auction sale conducted pursuant to Article 2 of the Uniform Commercial Code (UCC) following a default on a \$70 million real estate mezzanine loan. Since 2019, I have been co-lead counsel for the defendant, Macquarie Texas Loan Holder LLC. In that capacity, I had the primary responsibility of examining at trial the key witnesses for both parties. At the conclusion of trial, the trial court ruled in favor of our client, concluding that the UCC sale had been conducted in a commercially reasonable manner. The trial court's decision was affirmed on appeal. *Atlas MF Mezzanine Borrower LLC v. Macquarie Tex. Loan Holder LLC*, No. 651657/2017, NYSCEF Doc. No. 1137 (N.Y. Cty. S. Ct. Mar. 26, 2020), *aff'd*, No. 14595, 2021 WL 5182849 (N.Y. App. Div. 1st Dep't Nov. 9, 2021) (Renwick, J.P., Singh, Kennedy, Rodriguez, Pitt, JJ.). The case remains pending before the trial court, as several issues regarding the allocation of costs have yet to be decided.

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Opposing Counsel:

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2. *Boltex Mfg. Co. L.P. v. Ulma Piping USA Corp.*, No. 4:17-CV-01400 (S.D. Tex.)

This was a jury trial before Judge Andrew Hanen involving claims of false advertising under the Lanham Act. From 2018 to 2020, I was second-in-charge for the defendant, Ulma Piping USA Corp. In that capacity, I was involved extensively in all phases of

discovery prior to trial and, at trial, examined several of the plaintiffs' key witnesses, including their damages expert. At the conclusion of trial, the jury found in favor of the plaintiffs. The parties settled the matter prior to appeal.

Co-Counsel:

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Opposing Counsel:

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Austin, TX 78701  
(512) 647-1970

3. *U.S. Educ. Loan Tr. IV, LLC v. Bank of N.Y. Mellon*, No. 654415/2017 (N.Y. Cty. S. Ct.)

This matter involved breach of contract claims concerning the securitization of portfolios of student loans. The litigation resulted in extensive motion practice before Judge O. Peter Sherwood, and an interlocutory appeal to the Appellate Division, First Department, regarding New York's statute of limitations borrowing provision. The appellate court affirmed the trial court's dismissal of certain contract claims as time barred under the applicable Delaware statute of limitations and concluded that there was no equitable basis to toll the limitations period. *U.S. Educ. Loan Tr. IV, LLC v. Bank of N.Y. Mellon*, 2020 NY Slip Op. 087 (N.Y. App. Div. 1st Dep't Jan. 7, 2020) (Friedman, J.P., Webber, Singh, Moulton, JJ.). From 2017 to 2020, I was the lead counsel on the matter representing the defendant, The Bank of New York Mellon. The matter settled prior to trial.

Co-Counsel:

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Opposing Counsel:

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Arnold & Porter LLP  
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New York, NY 10019  
(212) 836-7930

4. *United States v. Takata Corp.*, No. 16-cr-20810 (E.D. Mich.)

This matter arose from the investigation into the recall of Takata Corporation automobile airbags—the largest recall in United States history. Following a multi-year investigation by the United States Department of Justice, Takata pleaded guilty to wire fraud before Judge George Caram Steeh and paid \$1 billion in criminal penalties. From 2014 to 2017, I was second-in-charge for Takata. In that capacity, I supervised the day-to-day management of the investigation, including the company's interactions with various government agencies.

Co-Counsel:

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Lanny A. Breuer  
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(202) 662-5674

Opposing Counsel:

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United States Attorney's Office for the Eastern District of Michigan  
211 West Fort Street  
Detroit, MI 48226  
(313) 226-9182

5. *Secs. & Exch. Comm'n v. Mudd*, No. 11-CV-9202 (S.D.N.Y.)

This matter arose from the United States Securities and Exchange Commission's investigation into Fannie Mae's public securities disclosures about the securitization of subprime mortgages. From 2011 to 2016, I was co-lead counsel on the matter, representing one of the defendants, Enrico Dallavecchia, Fannie Mae's former Chief Risk Officer. In that capacity, I supervised all aspects of discovery and motion practice. Following several years of litigation before Judge Paul Crotty, Mr. Dallavecchia settled the matter without an admission of wrongdoing.

Co-Counsel:

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Fried, Frank, Harris, Shriver & Jacobson LLP  
801 17th Street, Northwest  
Washington, DC 20006

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Opposing Counsel:

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United States Securities and Exchange Commission  
100 F Street, Northeast  
Washington, DC 20549  
(202) 551-4427

6. *In re App. of Bank of N.Y. Mellon*, No. 651786/2011 (N.Y. Cty. S. Ct.)

This was a multi-week bench trial before Judge Barbara Kapnick, in which I served as co-lead counsel for The Bank of New York Mellon (BNYM) from 2011 to 2016. BNYM served as the trustee of residential mortgage-backed securitization (RMBS) trusts. The litigation sought the approval—under Article 77 of New York’s Civil Practice Law and Rules—of an \$8.5 billion settlement with Bank of America Corp. in connection with 530 RMBS trusts. This was one of the largest civil settlements in United States history. As co-lead counsel for BNYM on the matter, I was involved extensively in all phases of pre-trial discovery and played a leading role in the examination of witnesses and the presentation of arguments to the trial court during the trial. At the conclusion of trial, the trial court approved the settlement in all material respects, and in 2015, the settlement was affirmed in its entirety on appeal by the Appellate Division, First Department. *Matter of Bank of N.Y. Mellon*, 127 A.D.3d 120 (N.Y. App. Div. 1st Dep’t 2015) (Friedman, J.P., Acosta, Saxe, Manzanet-Daniels, Gische, JJ.).

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Opposing Counsel:

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7. *Grede v. Bank of N.Y. Mellon*, No. 08 C 2582 (N.D. Ill.)

This matter arose from the bankruptcy of Sentinel Management, a cash-management firm that serviced futures commission merchants. The Bank of New York Mellon (BNYM) was the custodian for Sentinel's accounts and had a lending relationship with Sentinel. Because of trading losses, Sentinel experienced liquidity issues that prevented it from meeting its loan collateral requirements with BNYM and customer demands for the redemption of securities. At the time of its bankruptcy, Sentinel owed BNYM nearly \$600 million. The bankruptcy trustee sued BNYM refusing to classify BNYM as a secured creditor and claimed that the use of Sentinel customer funds as collateral was a fraudulent transfer. After a multi-week bench trial, Judge James Zagel dismissed the trustee's claims and ruled in favor of BNYM. As lead counsel for Sentinel from 2007 to 2017, I supervised all aspects of pre-trial discovery and had primary responsibility during trial for the examination of witnesses and the presentation of arguments to the district court. The matter settled after several appeals to the United States Court of Appeals for the Seventh Circuit. *See In re Sentinel Mgmt. Grp., Inc.*, 689 F.3d 855 (7th Cir. 2012) (Manion, Rovner, Tinder, JJ.); *In re Sentinel Mgmt. Grp., Inc.*, 704 F.3d 1009 (7th Cir. 2012) (Manion, Rovner, Tinder, JJ.); *In re Sentinel Mgmt. Grp., Inc.*, 728 F.3d 660 (7th Cir. 2013) (Manion, Rovner, Tinder, JJ.); *In re Sentinel Mgmt. Grp., Inc.*, 809 F.3d 958 (7th Cir. 2016) (Posner, Easterbrook, Rovner, JJ.). I did not play an active role in the appeals.

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Opposing Counsel:

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8. *United States v. Velasquez*, No. S9 96 Cr. 942 (S.D.N.Y.)

This was a multi-year investigation conducted by the United States Drug Enforcement Administration and the New York City Police Department into the activities of a violent narcotics criminal enterprise operating throughout the United States, Colombia, and the

Dominican Republic. The investigation resulted in several indictments charging violations of the Racketeer Influenced and Corrupt Organizations Act (RICO), among other violations of federal law. The investigation also led to the prosecution of dozens of defendants involved in numerous violent crimes, including dozens of murders, and related narcotics trafficking. All the defendants, except one, pleaded guilty. The defendant who did not plead guilty was found guilty of a RICO conspiracy following a lengthy jury trial presided over by Judge John Keenan. From 1995 to 1999, I was the lead prosecutor throughout the investigation and trial. In that capacity, I supervised all aspects of the investigation and, during the trial, took the lead in examining witnesses, making arguments to the district court, and addressing the jury.

Co-Counsel:

The Honorable Vernon Broderick (formerly an Assistant United States Attorney)  
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United States Courthouse  
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(212) 805-6170

Opposing Counsel:

Lynne Stewart (deceased)

9. *United States v. Diaz*, No. S3 96 Cr. 317 (S.D.N.Y.)

This case involved the prosecution of a multi-defendant racketeering enterprise. The defendants were prosecuted and tried for numerous acts of violence, including the shooting death of a New York City Police Department officer following an attempted escape from the scene of a robbery. After a jury trial before then-United States District Judge Denny Chin, the defendants were found guilty on all counts. From 1996 to 1998, I was co-lead prosecutor on the case. In that capacity, I played a key role at trial—examining witnesses, making arguments to the district court, and addressing the jury.

Co-Counsel:

Elizabeth Glazer (retired)

Opposing Counsel:

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10. *United States v. Rosario-Figueroa*, No. 92 Cr. 19 (S.D.N.Y.)

This case involved a federal prosecution for multiple counts of kidnapping. Following a jury trial before Judge Allen G. Schwartz (now deceased), the defendant was convicted of abducting several sex workers from Virginia, transporting them to New York City, and holding them for ransom. From 1994 to 1995, I was the sole prosecutor on the case. In that capacity, I supervised all aspects of the investigation and, at trial, took the lead in examining witnesses, making arguments to the district court, and addressing the jury.

Opposing Counsel:

Sanford Katz (deceased)

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

In addition to the significant trial and appellate litigation experience described above, I have been involved with several nonprofit legal organizations and have served on a volunteer basis in various governmental roles.

For example, for more than 15 years, I was an active board member of New York Lawyers for the Public Interest (NYLPI), a nonprofit organization that focuses on health justice, disability rights, and environmental justice. During my time on NYLPI's board, I served as the chair of the Program and Litigation Committee, which oversees the organization's docket of pro bono litigation. I also served for two years as NYLPI's board chair—a role in which I interacted regularly with senior staff concerning the organization's day-to-day operations.

From 2000 to 2006, I also served on the New York City Civilian Complaint Review Board (CCRB). The CCRB is the largest independent police oversight agency in the country and is responsible for investigating allegations of misconduct by members of the New York City Police Department. As a board member, and for four years as the CCRB's chair, I participated on panels that adjudicated civilian complaints and interacted regularly with senior staff concerning the organization's day-to-day operations.

Additionally, from 2012 to 2016, I served as a special master in a federal civil rights case involving the hiring practices of the New York City Fire Department. In that capacity, I conducted hearings regarding claims brought by individuals who had applied to serve as members of the New York City Fire Department to determine whether they were entitled to equitable relief concerning those applications.

I have never been a lobbyist on behalf of any client or organization, and I am not and have never been a registered lobbyist.

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

In early 1998, while a Fulbright Scholar, I served as a visiting lecturer of trial advocacy in the post-graduate law degree program at the University of San Carlos in Guatemala City, Guatemala. Guatemala had recently switched from an inquisitorial to an adversarial legal system, and so the course examined the role of the lawyer as an advocate in an adversarial court and taught students how to examine witnesses and present evidence at trial. I do not have a copy of the syllabus for this course.

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

If confirmed, I would leave the partnership at Dechert LLP and receive repayment of my capital investment in the firm. I have no other anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts, or other future benefits from previous business relationships, professional services, firm memberships, former employers, clients, or customers.

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

If confirmed, I do not have any plans, commitments, or agreements to pursue outside employment.

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

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of the Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse myself from any case where I have ever played any role. I do not anticipate any potential conflicts of interest involving family members or other persons, parties, categories of litigation, or financial arrangements upon assuming the position to which I have been nominated. I will evaluate any actual or potential conflicts of interest, or relationship that could give rise to the appearance of a conflict of interest, on a case-by-case basis and determine appropriate action, including recusal, with the input of the parties and after consulting the applicable ethical canons and rules.

- 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 would address any actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical canons or rules.

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

As a federal and state prosecutor, I was precluded from taking on direct pro bono representations, but the entirety of my work was devoted to ensuring that the law was faithfully executed and that defendants were treated fairly and afforded all due process. Throughout my time in private practice, I have been active in pro bono work. Each year, I have devoted 50 to 100 hours representing pro bono clients. For instance, in 2015, I argued before the New York Court of Appeals representing an indigent criminal defendant in a case involving the propriety of an out-of-court identification. And I am currently supervising a team of lawyers representing the estate of a man who died while in federal immigration custody in a wrongful death suit.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and

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

In July 2018, I submitted an application for a position on the United States District Court for the Eastern District of New York to Senator Charles Schumer's Judicial Screening Committee. On February 19, 2020, I was contacted by the chair of Senator Schumer's Committee and asked to update the application I had submitted in 2018. On May 1, 2020, I interviewed with the Committee's chair. On May 10, 2020, I was interviewed by Senator Schumer. On June 12, 2020, I heard from a member of Senator Schumer's staff that the Senator was submitting my name to the White House for consideration regarding a federal district court vacancy in the Eastern District of New York. On June 12, 2020, I was contacted by the White House Counsel's Office regarding the vacancy. On June 15, 2020, I was interviewed by attorneys from the White House Counsel's Office and the Office of Legal Policy at the United States Department of Justice. On June 26, 2020, I was contacted by the White House Counsel's Office to provide additional information as part of my application process. Thereafter, I was in contact with attorneys from the White House Counsel's Office and the Office of Legal Policy. On August 12, 2020, President Donald Trump announced his intent to nominate me. On September 8, 2020, the President submitted my nomination to the Senate. My nomination expired at the close of the 116th Congress on January 3, 2021.

Subsequently, I heard from a member of Senator Schumer's staff that my name would be resubmitted to the White House during the next congressional session. On August 31, 2021, I was notified by an official from the White House Counsel's Office that my name had been resubmitted. On September 2, 2021, I was interviewed by attorneys from the White House Counsel's Office. Since that time, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy. On December 15, 2021, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.