

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES**

**PUBLIC**

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

John Cummings Anderson

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

United States Attorney for the District of New Mexico

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.

Holland & Hart LLP  
110 N. Guadalupe Street, Suite 1  
Santa Fe, NM 87501

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

1975; Smithtown, NY

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.

Fordham Law School, 2000-2003  
J.D., Cum Laude, May 2003

County College of Morris, Randolph, NJ, 1999  
No Degree

Bowdoin College, 1993-1997  
A.B., Philosophy, May 1997

Queen's University, Belfast, Northern Ireland, September 1995-May 1996  
Junior Year Abroad (no degree).

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation

from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

Holland & Hart LLP  
110 N. Guadalupe Street, Suite 1  
Santa Fe, NM 87501  
Of Counsel  
October 2013 – present

United States Department of Justice  
U.S. Attorney's Office, District of New Mexico  
P.O. Box 607  
Albuquerque, NM 87102  
Assistant United States Attorney  
October 2008 – October 2013

Simpson Thacher & Bartlett LLP  
425 Lexington Avenue  
New York, NY 10017  
Litigation Associate  
October 2004 – October 2008  
May 2002 – August 2002 (Summer Clerk)

United States Court of Appeals for the Tenth Circuit  
P.O. Box 10113  
Santa Fe, NM 87504  
Law Clerk to Honorable Paul J. Kelly Jr.  
September 2003 – September 2004

Fordham Law School  
150 W. 62nd Street  
New York, NY 10023  
Teaching Assistant  
January 2003 – May 2003

Bureau of Human Rights & Rule of Law  
44 Manas Avenue, Room 77  
Bishkek, Kyrgyzstan  
Summer Intern  
June 2001 – July 2001

Morris Catholic High School  
200 Morris Avenue  
Denville, NJ  
High School Teacher  
August 1998 – June 2000

Kaplan Test Preparation Company  
750 3rd Avenue, 7th Floor  
New York, NY 10017  
LSAT Prep Course Instructor  
March 1999 – October 2000

Public Defender Service for the District of Columbia  
633 Indiana Avenue, N.W.  
Washington, D.C. 20004  
Summer Intern  
May 1998 – August 1998

Lynton Jet Centre  
5 Airport Road  
Morristown, NJ 07960  
Line Technician  
August 1997 – November 1997

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I have registered for selective service.

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

Federal Bureau of Investigation, Certificate of Recognition, September 2013

Internal Revenue Service, Certificate of Appreciation, September 2013

United States Secret Service, Certificate of Appreciation, 2012

Notes & Articles Editor, Fordham Law Review, August 2002 – May 2003

Order of the Coif, Fordham Law School, May 2003

Archibald Murray Award for Outstanding Commitment to Public Service, Fordham Law School, May 2003

Joseph Crowley Scholar in International Human Rights Law, Fordham Law School, 2002

Departmental Honors in Philosophy, Bowdoin College, 1997

While serving as an Assistant United States Attorney between 2008 and 2013, I received numerous performance-related awards approved and issued by the U.S. Attorney. These awards consisted of a leave allowance or a small monetary bonus. I do not recall the specific number or dates of these awards, or the specific cases, if any, to which they related.

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.

Criminal Justice Act Committee, United States Court of Appeals for the Tenth Circuit  
Member, January 2017 – present

Criminal Justice Act Committee, United States District Court, District of New Mexico  
Member, January 2015 – present

New Mexico State Bar Association  
Member, 2013 – present

First Judicial District Bar Association  
Member, 2013 – present

Oliver Seth American Inn of Court  
Barrister, 2008 – present

Association of the Bar of the City of New York  
Member, 2005 – present

American Bar Association,  
Member, December 2013 – November 2014; September 2015 – present

New York State Bar Association  
Member, 2005 – 2007

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

State Bar of New Mexico, admitted 2013 (no membership lapses)

State Bar of New York, admitted 2005 (no membership lapses)

State Bar of New Jersey, admitted 2004 (resigned 2005 due to no active practice in state)

- 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 Fourth Circuit, admitted 2014

United States Court of Appeals for the Tenth Circuit, admitted 2004

United States District Court, District of New Mexico, admitted 2008

United States District Court, Southern District of New York, admitted 2005

Pueblo of Zuni, Tribal Court, admitted 2016 (on voluntary inactive status since 2017)

Except as noted above, no membership lapses.

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.

Rio Grande School, Santa Fe, NM  
Member, Board of Trustees, August 2016 – present

Holland & Hart Foundation  
Member, 2013 – present

Aldea Homeowners Association  
Member, 2008 – present

Casa Solana Neighborhood Association Pool  
Member, May 2015 – September 2016

Fordham Law School Alumni Association  
Member, 2014

FBI Albuquerque Field Office, Counterintelligence Working Group  
U.S. Attorney's Office Liaison, 2013

Los Alamos Sportsman's Club  
Member, 2009 – 2010

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 organizations 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.

To my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

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

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

*United States Lifts Burma Sanctions*, Holland & Hart Client Alert, October 11, 2016. Copy supplied.

As a Notes & Articles Editor of the Fordham Law Review, I had principal responsibility for editing certain articles that were published in Volume 71. While I do not recall all of the articles I edited, I know that they included the following:

James M. Altman, *Considering the A.B.A.'s 1908 Canons of Ethics*, 71 Fordham L. Rev. 2395 (2003). Copy supplied.

J. David Breemer, *Temporary Insanity: The Long Tale of Tahoe-Sierra Preservation Council and its Quiet Ending in the United States Supreme Court*, 71 Fordham L. Rev. 1 (2002). Copy supplied.

Randy E. Barnett, *Consenting to Form Contracts*, 71 Fordham L. Rev. 627 (2002). Copy supplied.

John C. Anderson, *Good "Brick" Walls Make Good Neighbors: Should a State Court Certify a Multistate or Nationwide Class of Indirect Purchasers?*, 70 Fordham L. Rev. 2019 (2002). Copy supplied.

While attending Bowdoin College in 1997, I wrote a senior honors thesis entitled "*The National Question in Marx's Theory of Human Liberation*." This thesis was not published, but I understand that a copy is maintained by the Bowdoin College library. I have not kept a copy of that paper.

While attending Bowdoin College in 1995, I drafted several articles for the college newspaper, the Bowdoin Orient. All such articles related to coverage of the Bowdoin men's lacrosse team. I do not recall the specific dates on which these articles were published nor did I retain copies of these articles.

- 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.

*Unjust Order: Malaysia's Internal Security Act*, 26 Fordham Int'l L.J. 1345 (2003). Copy supplied. This article was authored by two professors at Fordham Law School documenting the results of a fact-finding mission to Malaysia. I participated in that mission in connection with my service as a Crowley Scholar in International Human Rights Law during my second year at Fordham Law School. I had no role in drafting the report itself. 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 a thorough review of my 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. I have located the following:

In February 2017, in my capacity as General Counsel to the Republican Party of New Mexico, I signed onto a letter to Chairman Grassley supporting confirmation of Justice Neil Gorsuch to the United States Supreme Court. Copy supplied.

In March 2015, I sent a letter to New Mexico State Senator Linda Lopez in support of the confirmation of Hon. Gregory J. Fouratt as Secretary of the New Mexico Department of Public Safety. Copy supplied.

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

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of personal files and searches of publicly available electronic databases. I did not retain certain of the handwritten outlines and have attached all that I could find. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

January 18, 2017  
Oliver Seth American Inn of Court  
Santa Fe, NM  
Arbitration Quiz Show Presentation  
Copy of PowerPoint supplied.

February 17, 2016  
Oliver Seth American Inn of Court  
c/o Honorable Paul J. Kelly, Jr  
United States Court of Appeals  
P.O. Box 10113  
Santa Fe, NM 87504

My Inn of Court group put on a presentation relating to ethical issues in the context of the judiciary. The presentation involved several skits designed to highlight ethical issues that may confront judges. The group then presented on the applicable rules that may inform proper handling of the situation and solicited audience views on the issues presented. I did not retain my handwritten notes from this event.

Copy not available.

October 21, 2015  
National Business Institute CLE  
Albuquerque, NM



“Ethical Considerations in the Law of Evidence.”  
Copy of PowerPoint supplied.

March 25, 2015  
National Business Institute CLE  
Albuquerque, NM  
“Ethics of Electronically Stored Information”  
Copy of PowerPoint supplied.

November 14, 2014  
New Mexico Association of Criminal Defense Lawyers CLE.  
“Emerging Trends in DOJ Enforcement”  
Santa Fe, NM  
Copy out outline supplied.

April 16, 2014  
Oliver Seth American Inn of Court  
c/o Honorable Paul J. Kelly, Jr  
United States Court of Appeals  
P.O. Box 10113  
Santa Fe, NM 87504

I participated in a group presentation relating to legal issues surrounding Bitcoin. My specific area of presentation related to criminal and enforcement issues generated by Bitcoin. I gave a brief overview of several criminal actions recently brought as a result of transactions involving Bitcoin and provided an analysis of potential criminal exposure resulting from dealing with this crypto-currency. I then solicited audience views on the matters presented. I did not retain a copy of my notes from that presentation.  
Copy not available.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all interviews given, including through a review of 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. I have located the following:

February 7, 2015  
Telephonic interview with KRQE-TV (Albuquerque)  
Interview focused on my work on a litigation matter in which I was defending the constitutionality of New Mexico’s closed primary election system. A portion of that interview was later broadcast on television and is available at

<http://krqe.com/2015/02/09/attorney-let-independents-vote-in-primaries/>

February 9, 2015

On-camera interview with KOB-TV (Albuquerque)

Interview focused on the same litigation as described above. I do not have a transcript or video of that interview.

Copy not available.

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 never run for, or held, any 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 a registered member of the Republican Party. Since approximately December 2014, I have served as the General Counsel to the Republican Party of New Mexico (“RPNM”). In this capacity, I have represented the party in two litigation matters. In December 2014, I represented the RPNM as an amicus curiae in the New Mexico Supreme Court in a matter relating to a challenge to a recount in an election for the office of State Land Commissioner. In 2014-2016, I represented RPNM in defending against a constitutional challenge to the state’s closed primary system. I have also provided advice to RPNM and affiliated individuals on a regular basis on discrete legal issues relating to campaigns and related political activities.

I have never held a position with a political campaign.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
  - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a law clerk to the Honorable Paul J. Kelly, Jr., United States

Court of Appeals for the Tenth Circuit, 2003-2004.

- 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.

Holland & Hart LLP  
110 N. Guadalupe Street  
Santa Fe, NM 87501  
Of Counsel  
October 2013 – present

United States Department of Justice  
U.S. Attorney's Office, District of New Mexico  
P.O. Box 607  
Albuquerque, NM 87102  
Assistant United States Attorney  
October 2008 – October 2013

Simpson Thacher & Bartlett LLP  
425 Lexington Ave.  
New York, NY 10017  
Litigation Associate  
October 2004 – October 2008  
May 2002 – August 2002 (Summer Clerk)

United States Court of Appeals for the Tenth Circuit  
P.O. Box 10113  
Santa Fe, NM 87504  
Law Clerk to Honorable Paul J. Kelly Jr.  
September 2003 – September 2004

- 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 an arbitrator or mediator.

b. Describe:

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

Upon graduation from law school in 2003, I worked as a law clerk for a federal appellate judge. In that position, my work consisted entirely of writing and research in support of the issuance of judicial opinions, and assisting the judge in preparing for oral argument.

Following my clerkship, in October 2004 I joined Simpson Thacher & Bartlett LLP as a litigation associate. In that role, my practice focused on the representation of corporate clients in commercial litigation, with a focus on governmental and administrative investigations, including by the Department of Justice and the Securities & Exchange Commission. In addition, a portion of my practice was dedicated to counseling clients on compliance matters with a focus on the Foreign Corrupt Practices Act (“FCPA”) and conducting FCPA-related due diligence in support of corporate transactions.

In October 2008, I joined the U.S. Attorney’s Office for the District of New Mexico as a federal criminal prosecutor. Upon joining the office, I worked principally on criminal immigration cases, handling initial proceedings, pleas, and sentencings. Approximately nine months after joining the Office, I transferred to the Narcotics Section where I prosecuted drug offenses, appearing in court regularly to handle suppression motions and trials.

Approximately 10 months later, I transferred to the White Collar Section where I prosecuted a wide range of offenses, including financial crimes and national security cases. My responsibilities in this role included overseeing complex investigations, handling grand jury proceedings, conducting suppressions hearings, and trials. In this role, I also served as the office point of contact for criminal export control matters. During my time at the U.S. Attorney’s Office, I also handled numerous appeals to the U.S. Court of Appeals for the Tenth Circuit.

In October 2013, I moved into private practice at Holland & Hart LLP in Santa Fe. The nature of my practice changed at that time, as my primary focus shifted from criminal cases to civil cases. In private practice, I have handled a broad range of civil matters, including contract cases and tort cases, many on behalf of clients in the energy industry. While in private practice, I have also handled white collar cases, both in the investigative and prosecution phases with an emphasis on cases arising in the area of export control and trade sanctions. I have also worked on several matters involving counseling clients on compliance with export control laws.

In addition, during my time at Holland & Hart I have remained active in the criminal area through my membership on the federal Criminal Justice Act panel, both at the federal district court level and the federal appellate

court level. Though the CJA panels, I represent indigent criminal defendants in federal court, always on a pro bono basis.

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

During my federal clerkship, my only client was the Court and the particular judge for whom I was clerking. I worked on a broad range of statutory and constitutional issues, including First Amendment issues and Fourth Amendment issues as they pertain to search and seizure.

As an associate at Simpson Thacher & Bartlett LLP, my principal clients were corporate entities, including financial institutions and private equity firms. My practice focused on government investigations as well as counseling clients on white collar statutes such as the FCPA. While at Simpson Thacher, I also handled commercial litigation, including litigation relating to securities fraud and other transactional disputes.

As an Assistant United States Attorney, my only client was the United States. As described above, my focus was on criminal prosecutions, including immigration offenses, narcotics offenses, and white collar offenses.

In private practice, I currently represent both individual and institutional clients on a wide variety of matters. My institutional clients include various corporations in the energy sector. Although I have represented clients in contract and tort cases, my current focus remains on white collar cases and government investigations, with a particular focus in the area of trade sanctions and export control law.

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

I would estimate that since I graduated from law school 80% of my practice has been in litigation.

During my work as a judicial clerk, I worked entirely on litigation matters, but never appeared in court on behalf of a litigant due to the unique nature of my role.

During my employment with Simpson Thacher, my practice focused largely on representing clients in investigations conducted by the Department of Justice and administrative agencies. While at Simpson Thacher, I rarely appeared in court. On those occasions when I did appear in court, such appearance were generally in connection with my work for criminal defendants through the Criminal Justice Act panel for the United States District Court for the Southern District of New

York, which I did in association with, and under the supervision of, a Simpson Thacher partner, who was a member of the panel and counsel of record on these cases.

As an Assistant United States Attorney, my practice focused on prosecuting criminal cases resulting from violations of federal criminal laws. In this capacity I appeared in federal court on a weekly, and sometimes daily, basis.

In my current position with Holland & Hart LLP, my practice has varied substantially. I represent clients in commercial litigation in both state and federal court. I also counsel clients on matters relating primarily to export control compliance and trade sanctions matters. Finally, I also represent clients in federal criminal proceedings. In those capacities, I would estimate that I appear in court on approximately a monthly basis.

i. Indicate the percentage of your practice in:

1. federal courts;

65%

2. state courts of record;

25%

3. other courts;

2%

4. administrative agencies

8%

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 cases to verdict. In one of these cases, I was the sole counsel. In two others, I was lead counsel. In the remaining three cases, I was associate counsel.

i. What percentage of these trials were:

1. jury;

100%

2. non-jury.

0%

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

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. *Pueblo of Zuni v. Brandon Jim*,  
No. 2016-1003  
The Honorable Samuel Crowfoot, Pueblo of Zuni Tribal Court  
Dates of Representation: October – November 2016

In October 2016, I was hired by the Pueblo of Zuni to represent the Pueblo as a prosecutor in a criminal jury trial. The case involved allegations that the defendant had approached a juvenile victim while he was fishing, stolen the victim's rifle and then kidnapped him at gunpoint. Defendant then drove the victim around the Pueblo for several hours before the victim managed to escape.

Prior to my involvement in the case, the Pueblo had charged the defendant with seven crimes under the Zuni Tribal Code, including robbery, kidnapping, aggravated assault, aggravated weapons offenses, making terroristic threats, and tampering with evidence.

The case proceeded to a jury trial in Zuni Tribal Court in early November 2016. After a two-day trial at which I was sole counsel for the Pueblo, the six-person jury convicted defendant of three of the seven counts charged in the complaint, including kidnapping, aggravated weapons offenses, and making terroristic threats. At a sentencing in December 2016, the defendant was sentenced to the maximum term of 18 months imprisonment.

Co-counsel:

David Cunningham  
Cunningham Hickey, Clow, April & Dolan  
920 St. Michaels Drive, Suite 1000  
Santa Fe, NM 87505  
(505) 988-2900

Opposing counsel:

William Stripp, Esq.  
3279 NM State Highway 53  
Ramah, NM 87321  
(505) 783-4138

2. *Manley et al v. XTO Energy, Inc. et. al*,  
No. D-503-CV-2013-00241,  
The Honorable William Shoobridge, Fifth Judicial District Court, Lovington,  
New Mexico  
Dates of Representation: November 2015 – June 2016

Along with my colleagues at Holland & Hart, I represented XTO Energy, Inc. in this tort lawsuit arising out of an oilfield accident in which two contractors suffered severe burns as a result of an explosion on an XTO wellsite. The plaintiffs contended that XTO was negligent in its own right and had failed to adequately supervise personnel working on the wellsite. We litigated this case for several years through extensive written discovery, depositions, and motions practice. I took and defended multiple depositions of both fact and expert witnesses. I responded to written discovery requests and argued several motions relating to discovery matters. I also had a substantial role in trial preparation, including drafting motions in limine. Ultimately, this case settled following a mediation in June 2016.

Co-counsel:



Bradford C. Berge, Esq.  
Julia Broggi, Esq.  
Holland & Hart LLP  
110 N. Guadalupe Street, Suite 1  
Santa Fe, NM 87501  
(505) 988-4421

Counsel for co-defendant Weatherford International:

Mike Lemoine, Esq.  
Jones Walker LLP  
600 Jefferson Street, Suite 1600  
Lafayette, LA 70501  
(337) 593-7624

Counsel for co-defendant Basic Energy Services:

Andrew B. Curtis, Esq.  
Elizabeth Hill, Esq.  
Craig, Terrill, Hale & Grantham, LLP  
9816 Slide Road, Suite 201  
Lubbock, TX 79424  
(806) 744-3232

Opposing counsel:

Sam Fadduol, Esq.  
Joshua Conaway, Esq.  
Fadduol, Cluff, Hardy & Conaway  
3301 San Mateo Boulevard, NE  
Albuquerque, NM 87110  
(505) 243-3588

3. *Crum v. Duran*,  
390 P.3d 971 (N.M. 2017)  
New Mexico Supreme Court (Chief Justice Charles Daniels, Justice Petra Jimenez  
Maes, Justice Barbara Vigil, Justice Edward Chavez)  
Dates of Representation: December 2014 – October 2016

I represented the Republican Party of New Mexico (“RPNM”) on a pro bono basis, in defending a challenge to the State of New Mexico’s closed primary law brought by an independent voter. Under New Mexico law, in order to vote in a primary election, a voter must be a registered member of a political party, and a voter may only vote in the primary election of the party of which he or she is a registered member. The plaintiff filed suit contending that the closed primary

system violated his right to vote as guaranteed by the New Mexico Constitution because it required a would-be voter to state an affiliation with a political party in order to vote in a primary election.

Upon filing of the lawsuit, the state district court ordered that RPNM be joined as a defendant in the action. When RPNM was served with the summons and complaint in December 2014, I filed a motion to dismiss in state district court on behalf of RPNM. The motion was granted by the Honorable Denise Barela-Shepherd. The plaintiff appealed to the New Mexico Court of Appeals, and I drafted the merits briefs urging affirmance of Judge Barela-Shepherd's order. Without deciding the case, the Court of Appeals certified the matter for decision by the New Mexico Supreme Court. I presented oral argument to the New Mexico Supreme Court on October 24, 2016. On February 6, 2017, in a published opinion, the New Mexico Supreme Court affirmed the district court's dismissal of the plaintiff's complaint.

Co-counsel:

Larry J. Montaña, Esq.  
Holland & Hart LLP  
P.O. Box 2208  
Santa Fe, NM 87504  
(505) 988-4421

Counsel for New Mexico Attorney General's Office:

Nicholas Sydow, Esq.  
New Mexico Attorney General's Office  
201 3rd Street NW  
Albuquerque, NM 87102  
(505) 717-3500

Opposing counsel:

J. Edward Hollington, Esq.  
708 Marquette Avenue, NW  
Albuquerque, NM 87102  
(505) 843-9171

4. *Flores v. Energy Absorption Systems, Inc. et al.*  
No. D-101-CV-2013-00632  
The Honorable Francis Mathew, First Judicial District Court, Santa Fe, New Mexico  
Date of Representation: March 2014 – December 2015

Along with my colleagues at Holland & Hart, I represented the manufacturer of a highway crash terminal in this products liability action. Plaintiff was severely injured in an automobile accident in which his vehicle impacted a crash terminal manufactured by our client. Plaintiff contended, inter alia, that the crash terminal was defective in its design and was unreasonably dangerous. I had principal responsibility for the day-to-day management of this litigation. I drafted and responded to written discovery. I took and defended numerous depositions of both fact and expert witnesses. I drafted and argued substantive motions relating to personal jurisdiction and discovery matters, as well as a motion for summary judgment. This case settled prior to trial in December 2015.

Co-counsel:

Bradford C. Berge, Esq.  
Holland & Hart LLP  
110 N. Guadalupe Street, Suite 1  
Santa Fe, NM 87501  
(505) 988-4421

Counsel for co-defendant New Mexico Department of Transportation:

Michael Dickman, Esq.  
P.O. Box 549  
Santa Fe, NM 87504  
(505) 992-8170

Counsel for co-defendant Interwest Safety Supply:

Scott Eaton, Esq.  
Eaton Law Office  
500 Marquette Avenue, NW, Suite 620  
Albuquerque, NM 87102  
(505) 243-1486

Opposing counsel:

Richard Newsome, Esq.  
Alex Gillen, Esq.  
Newsome Melton  
201 S. Orange Avenue, Suite 1500  
Orlando, FL 32801  
(407) 648-5977

5. *SWEPI LP v. Mora County et al.*,  
Civ. No. 14-0035

The Honorable James O. Browning, United States District Court for the District of New Mexico

Dates of Representation: January 2014-March 2015

Along with my colleagues from Holland & Hart LLP, I represented an energy producer in challenging the legality of a county ordinance that sought to enact a complete ban on all oil and gas development activities in the county and otherwise purported to deprive our client, and all corporate entities, of various federal constitutional rights. Our complaint alleged various claims, including claims under 42 U.S.C. § 1983. After filing our complaint, I drafted and filed a motion for judgment on the pleadings alleging that the ordinance was void on its face and that no discovery was needed. Although we litigated the case for approximately one year, by Order dated January 19, 2015, Judge Browning ultimately granted in part and denied in part our motion for judgment on the pleadings, and struck down the ordinance in its entirety. Judge Browning entered final judgment on March 18, 2015, and the defendants did not appeal that judgment.

Co-counsel:

Michael Feldewert, Esq.  
Larry J. Montaña, Esq.  
Holland & Hart LLP  
110 N. Guadalupe Street, Suite 1  
Santa Fe, NM 87501  
(505) 988-4421

Opposing counsel:

Nancy Long, Esq.  
Long Komer & Associates  
2200 Brothers Road  
Santa Fe, NM 87505  
(505) 982-8405

Jeffrey Haas, Esq.  
1433 Seville Road  
Santa Fe, NM 87505  
(505) 469-0714

6. *United States v. Daryl J. Hudson, III*,  
Cr. No. 12-1250 JP  
The Honorable James A. Parker, United States District Court for the District of New Mexico  
Dates of Representation: May 2012 – April 2013

This was a criminal prosecution on which I was lead counsel for the United States. The defendant was a Washington D.C.-based attorney who had orchestrated and executed a sophisticated scheme to defraud individuals and small businesses who were looking for funding to support their business ventures. The defendant falsely claimed that he could arrange for such funding and demanded an upfront fee for such services. The victim in our case paid the defendant \$85,000 for his services. Following that payment, the defendant provided the victim with a fraudulent document known as a Safekeeping Receipt, which he claimed could be used as evidence of the promised funding commitment. The defendant then caused the purported funding to fall through and blamed the collapse on the victim.

The defendant was indicted on numerous counts of wire fraud, in violation of 18 U.S.C. § 1343, in the United States District Court for the District of New Mexico. The case proceeded to a jury trial before the Honorable James A. Parker in September 2012. Following a two-week trial, the jury returned a verdict finding the defendant guilty on all counts of the indictment. His conviction was subsequently affirmed on appeal by the United States Court of Appeals for the Tenth Circuit. (Docket No. 13-2070.)

Co-counsel:

Fred J. Federici, III, Esq.  
U.S. Attorney's Office  
P.O. Box 607  
Albuquerque, NM 87102  
(505) 346-7274

Opposing Counsel:

David J. Streubel, Esq.  
Cunningham Vogel & Rost, P.C.  
333 S. Kirkwood Road, Suite 300  
St. Louis, MO 63122  
(314) 717-1511

7. *United States v. Deborah Gayle Wood*  
Cr. No. 11-2928 MCA  
The Honorable M. Christina Armijo, United States District Court for the District of New Mexico.  
Dates of Representation November 2011 – March 2013

This was a criminal prosecution on which I was lead counsel for the United States. This case involved a trust officer at a local bank who was embezzling funds from the trust account belonging to an elderly client who suffered from Alzheimer's disease. The defendant trust officer was responsible for overseeing

the victim's finances. Over a period of several years, the defendant incurred a series of purely personal expenses, which she then fraudulently charged against the victim's trust. Upon discovery of this misconduct, the bank attempted to determine which of the charges were in fact fraudulent, but the defendant continued to deny wrongdoing and refused to aid the bank in this effort. The bank ultimately repaid the trust an amount in excess of \$100,000.

Prior to indictment, the defendant pled guilty to an information charging one count of bank fraud, in violation of 18 U.S.C. §1344. What followed was a six-day long sentencing hearing at which the primary issue was the loss amount to be used for purposes of calculating the advisory guideline range. The United States took the position that the loss amount was the full amount repaid to the trust by the bank, while the defendant argued that the loss amount was limited to the actual amount of expenses that could be proved fraudulent. The district court ultimately sided with the defendant on this argument, but nonetheless imposed a sentence of eight months imprisonment.

Opposing Counsel:

Steven Farber, Esq.  
P.O. Box 2473  
Santa Fe, NM 87504  
(505) 988-9250

8. *United States v. Richard Wickens*  
Cr. No. 11-76 JP  
The Honorable James A. Parker, United States District Court for the District of New Mexico  
Dates of Representation: January 2011 – April 2012

This was a criminal case in which I was lead counsel for the United States. The defendant operated a small company in Albuquerque that installed artificial turf at homes, school and other places. In an effort to obtain a loan from a local bank, the defendant created fake invoices that falsely indicated that he had a substantial contract to install artificial turf at the Albuquerque Public Schools. The defendant used those invoices, along with other materially false representations about the financial state of his business, to obtain a line of credit from the Bank of Albuquerque in the amount of approximately \$1.2 million. Upon discovery of the fraud by the bank, the defendant made additional knowing misrepresentations in an effort to prevent any further action by the bank. The defendant ultimately failed to repay the loaned amount.

The defendant was indicted and charged with four counts of Bank Fraud, in violation of 18 U.S.C. § 1344, and two counts of making a false statement in connection with a credit or loan application, in violation of 18 U.S.C. § 1014. After indictment, the defendant moved to suppress certain of the evidence against

him on the basis that FBI agents mistakenly searched his business, which comprised multiple street addresses, when the warrant granted authority to search only one street address. Following an evidentiary hearing, Judge Parker denied the motion. The defendant later pled guilty and was sentenced to 26 months imprisonment.

Opposing Counsel:

Peter Schoenburg, Esq.  
Rothstein Donatelli LLP  
500 4th Street, NW  
Suite 400  
Albuquerque, NM 87102  
(505) 243-1443

9. *In re PXRE Group Securities Litigation*,  
600 F. Supp. 2d 510 (S.D.N.Y. 2009).  
The Honorable Richard J. Sullivan, United States District Court, Southern District  
of New York  
Dates of Representation: May 2006 – October 2008

Along with my colleagues at Simpson Thacher, I represented an issuer in this putative securities fraud class action. In the wake of Hurricanes Katrina, Rita and Wilma, all of which hit the Gulf Coast in late 2005, plaintiffs filed a putative class action alleging that officers of PXRE Group, a publicly traded reinsurance company, had made material and knowing misrepresentations concerning the extent of the company's financial exposure as a result of the storms. The plaintiffs claimed that members of the putative class had purchased the stock at an artificially inflated price as a result of these misstatements, and that after the company's true financial condition was revealed, the stock price fell sharply. The plaintiffs argued that such misstatements were actionable under Section 10(b) of the Securities and Exchange Act of 1934. After the filing of the complaint, I had principal responsibility for drafting and filing a motion to dismiss on behalf of our client. Judge Sullivan heard oral argument on the case and issued an opinion granting our motion to dismiss in its entirety. That decision was subsequently affirmed on appeal by the United States Court of Appeals for the Second Circuit.

Co-counsel:

Bruce D. Angiolillo, Esq.  
Jonathan K. Youngwood, Esq.  
Simpson Thacher & Bartlett LLP  
425 Lexington Avenue  
New York, NY 10017  
(212) 455-2000

Counsel for co-defendants:

Jonathan R. Tuttle, Esq.  
David S. Karp, Esq.  
Debevoise & Plimpton LLP  
919 3rd Avenue  
New York, NY 10022  
(212) 909-6000

Brad S. Karp, Esq.  
Jonathan H. Hurwitz, Esq.  
Paul Weiss Rifkind Wharton & Garrison LLP  
1285 6th Avenue  
New York, NY 10019  
(212) 373-3000

William Munno, Esq.  
Justin M. Garbaccio  
Seward & Kissell LLP  
One Battery Park Plaza  
New York, NY 10004  
(212) 574-1200

Opposing Counsel:

Marc Ian Gross, Esq.  
Jeremy Lieberman, Esq.  
The Pomerantz Law Firm  
600 3rd Avenue  
New York, NY 10016  
(212) 661-1100

10. *Biosynexus, Inc. v. Glaxo Group Ltd. et al.*  
No. 604485/2005 (issuance of injunction reported at 816 N.Y.S.2d 693)  
The Honorable Bernard J. Fried, New York State Supreme Court, New York  
County  
Dates of Representation: February 2006 – March 2008 (approx.)

Along with my colleagues at Simpson Thacher, I represented Biosynexus, a small biotech company, in a lawsuit against Glaxo Group, Ltd. and MedImmune, Inc. relating to a breach of contract action concerning the development of a vaccine designed to prevent staph infections in infants. Biosynexus had developed a monoclonal antibody that had shown promise for use in a vaccine to prevent staphococcal infections in infants. Biosynexus entered into a joint venture Commercial Development Agreement (“CDA”) with Glaxo through which Glaxo would help to develop this antibody into an approved drug. At some point after



entering this agreement, Glaxo assigned its responsibilities in the program to Medimmune, Inc. in violation of the anti-assignment provision of the CDA.

On behalf of Biosynexus, we brought suit in New York State Supreme Court seeking a preliminary injunction prohibiting Glaxo from assigning its obligations under the CDA to MedImmune. The Supreme Court granted our motion for a preliminary injunction. The case then proceeded to litigation on the merits. As a junior associate on the case, I conducted a substantial amount of document review. I also defended several depositions and assisted with responding to motions for summary judgment. This case ultimately settled prior to trial.

Co-counsel

Barry R. Ostrager, Esq.  
Noah Leibowitz, Esq.  
Simpson Thacher & Bartlett LLP  
425 Lexington Avenue  
New York, NY 10017  
(212) 455-2000

Opposing counsel:

for Defendant Glaxo Group Ltd.:

Scott D. Musoff, Esq.  
Skadden, Aarps, Slate, Meagher & Flom  
4 Times Square  
New York, NY 10036  
(212) 735-7852

for Defendant MedImmune, Inc.

George Mastoris, Esq.  
Winston & Strawn  
200 Park Avenue  
New York, NY 10166  
(212) 294-6700

Henry Ricardo, Esq.  
Paterson, Belknap, Webb & Tyler  
1133 Avenue of the Americas  
New York, NY 10036  
(212) 336-2000

At the time of the litigation, Messrs. Mastoris and Ricardo were affiliated with the firm of Dewey Ballantine, LLP. That firm is now defunct and the contact

information above represents the current affiliations of these attorneys to the best of my knowledge.

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.)

In addition to my litigation-related practice, at both Simpson Thacher and Holland & Hart, I have regularly handled internal investigations for corporate and institutional clients. These internal investigations are generally intended to determine whether any wrongful conduct had occurred. I have handled such internal investigations for clients in a variety of industries, including health care, finance, and defense.

During my time as an associate at Simpson Thacher, I spent a substantial portion of my time assisting on transactional matters by conducting due diligence relating to compliance with the FCPA. This work entailed review of a company's books and records as well as a review of overall business operations to determine whether the target company presented a risk of FCPA liability for the acquiring company.

During my time at Holland & Hart, I have also worked extensively in the area of export control compliance. This work often involves conducting a review of a discrete fact pattern to determine whether the actions represent a potential violation of U.S. export control laws or rules. In those situations in which a potential violation is discovered, I will often assist the client by drafting a voluntary self-disclosure for submission to the relevant administrative agency, generally the Department of State or the Department of Commerce.

Finally, since approximately January 2015, I have served as primary legal advisor to the Republican Party of New Mexico ("RPNM"). In this capacity, I provide the party chair and other party officials with periodic legal advice on discrete legal issues as needed, always on a pro bono basis. This advice usually relates to compliance with campaign finance laws and laws governing election-related activities. As described above, in this capacity, I also represented RPNM in defending the State's closed primary system.

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.

While a law student at Fordham University School of Law, in the spring of 2003, I served as a teaching assistant for a class on appellate advocacy. This class focused on teaching students the basic components of appellate advocacy, including review of a trial court

record, identifying appellate issues and determining standards of review, as well as drafting an effective appellate brief and presenting oral argument. I do not have a copy of a syllabus for this course.

In the spring of 2013, I served as an adjunct professor for a course on Advanced Trial Practice at the University of New Mexico School of Law. The principal professor for the class was Greg Chase, Esq. This class focused on teaching students the basic strategies in preparing for a civil trial, including conducting depositions, examining witnesses, working with exhibits and other evidence, and developing a theme for trial. The class culminated with the students preparing and presenting a mock trial at which I served as a mock judge. I do not have a copy of a syllabus for this course.

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.

The only future compensation I expect to receive is dividend income generated from stock and mutual fund investments at retirement.

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).

See my SF-278, as supplied by the Office of Government Ethics.

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

See attached net worth statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which

you have been nominated. Explain how you would address any such conflict if it were to arise.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. 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.

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

In the event of a potential conflict of interest, I will consult with the ethics officials in the Executive Office for United States Attorneys, Department of Justice.

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 associate at Simpson Thacher, I was involved extensively in pro bono work. My pro bono representations included representing victims of domestic violence through InMotion, Inc., a charitable organization that referred legal matters to law firms to handle on a pro bono basis. I also participated in the pro bono representation of a Missouri death row inmate in seeking post-conviction relief. I would estimate that during my four years at Simpson Thacher, approximately 10 percent of my time was devoted to pro bono activities.

In private practice at Holland & Hart, I do a substantial amount of pro bono work. My principal pro bono efforts are through my work on the Criminal Justice Act panel at both the federal district court and federal appellate court levels. The CJA panel provides representation for indigent defendants in federal criminal cases. I do not accept compensation for my services in these cases. At any given time, I have between four and six active CJA cases in the district court and the court of appeals combined. I would estimate that I spent 15 percent of my time on such matters.

In addition to my legal pro bono work, I am also actively involved in the Holland & Hart Foundation, which makes monetary donations and offers volunteer efforts in support of local charities. In connection with the Holland & Hart Foundation, I have been involved in both fundraising efforts, including renting parking spaces at the firm parking lot during Indian Market weekend in Santa Fe, as well as volunteer efforts. Along with several other colleagues at the firm, I recently purchased groceries and prepared a dinner for

residents at the St. Elizabeth's homeless shelter in Santa Fe. Along with several colleagues at Holland & Hart, I also spent a portion of a morning picking up litter along a portion of the Santa Fe watershed in connection with a non-profit group called Santa Fe Watershed Association. I would estimate that I spend approximately 20 hours a year in connection with the Foundation's efforts.

AFFIDAVIT

I, John C. Anderson, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

October 4, 2017  
(DATE)

[Signature]  
(NAME)

[Signature]  
(NOTARY)

