

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Micah William Janso Smith

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

United States District Judge for the District of Hawaii

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.

United States Attorney's Office
District of Hawaii
300 Ala Moana Boulevard, Suite 6-100
Honolulu, Hawaii 96850

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

1981; Mill Hall, Pennsylvania

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.

2003 – 2006, Harvard Law School; J.D. (*magna cum laude*), 2006

1999 – 2003, Lock Haven University of Pennsylvania; B.A. (*summa cum laude*), 2003

2002, Universidad Nacional (Costa Rica); no degree conferred (semester abroad)

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.

2018 – present
United States Attorney's Office

District of Hawaii
300 Ala Moana Boulevard, Suite 6-100
Honolulu, Hawaii 96850
Chief of Appeals and Legal Strategy (2022 – present)
Criminal Civil Rights Coordinator (2021 – present)
Deputy Chief of Criminal Division (2019 – present)
Project Safe Neighborhoods Coordinator (2019)
Co-Chief of Violent Crime and Drug Section (2018 – 2019)
Assistant United States Attorney, Criminal Division (2018 – present)

Fall 2020
University of Hawaii at Manoa, William S. Richardson School of Law
2515 Dole Street
Honolulu, Hawaii 96822-2350
Lecturer in Law

2012 – 2018
United States Attorney's Office
Southern District of New York
1 Saint Andrew's Plaza
New York, New York 10007
Co-Chief of Violent and Organized Crime Unit (2017 – 2018)
Member of Department of Justice Human Source Review Committee (2017 – 2018)
DNA Liaison (2017 – 2018)
Deputy Chief of Violent and Organized Crime Unit (2016 – 2017)
Acting Deputy Chief of Appeals (2016 – 2017)
Assistant United States Attorney, Criminal Division (2012 – 2018)

Fall 2017
Columbia Law School
435 West 116th Street
New York, New York 10027
Lecturer in Law

2008 – 2012
O'Melveny & Myers LLP
1625 I Street, Northwest
Washington, DC 20006
Counsel (2010 – 2012)
Associate (2008 – 2010)

2007 – 2008
Supreme Court of the United States
One First Street, Northwest
Washington, DC 20543
Law Clerk for the Honorable David Hackett Souter

June 2007
Akin Gump Strauss Hauer & Feld LLP
2001 K Street, Northwest
Washington, DC 20006
Summer Law Clerk

2006 – 2007
United States Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007
Law Clerk for the Honorable Guido Calabresi

Fall 2005
Professor Richard H. Fallon, Jr.
Harvard College
86 Brattle Street
Cambridge, Massachusetts 02138
Teaching Fellow

Summer 2005
Wachtell, Lipton, Rosen & Katz
51 West 52nd Street
New York, New York 10019
Summer Associate

2004 – 2005
Professor Charles J. Ogletree, Jr.
Harvard Law School
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138
Research Assistant

Summer 2004
Centro Ecuatoriano de Derecho Ambiental (Ecuadorian Center for Environmental Law)
Avenida Eloy Alfaro N32-650 y Rusia, 3er Piso
Quito, Ecuador
Summer Research (Legal) Intern

Summer 2004
Legal Aid Society of Hawaii, Kauai Office
3016 Umi Street, Suite 220
Lihue, Hawaii 96766
Summer Law Clerk

Summer 2003
Kauai High School
3577 Lala Road
Lihue, Hawaii 96766
Summer School Teacher

Other Affiliations (Uncompensated)

2019 – present
Hawaii Justice Foundation
P.O. Box 4750
Honolulu, Hawaii 96812
Board Member

2020 – present
African American Lawyers Association of Hawaii
Board Member (2022 – present)
Vice President (2021 – 2022)

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 did not serve in the military. I registered for the selective service upon turning 18.

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.

Top Cop Award, Top Cop Hawaii (2022)

United States Department of Justice, Organized Crime Drug Enforcement Task Forces,
Director's Award, Outstanding Investigation (2022)

Hawaii High Intensity Drug Trafficking Areas 2021 Case of the Year Award

Hawaii High Intensity Drug Trafficking Areas 2019 Case of the Year Award

United States Attorney General's Award for Distinguished Service (2019)

United States Attorney General's David Margolis Award for Exceptional Service (2017)

Homeland Security Investigations New York Prosecutor of the Year (2017)

Federal Law Enforcement Foundation Federal Prosecutor Award (2017)

Financial Crimes Enforcement Network Award, Transnational Organized Crime Category (2016)

Executive Office for the United States, Director's Award for Superior Performance by a Litigative Team (2014)

United States Assistant Attorney General's Award for Exceptional Service (2014)

Harvard Law School

Magna cum laude (2006)

Honors passes in First Year Lawyering program

Harvard Law Review, Notes Editor

1L Section Social Committee (Section Representative)

Lock Haven University of Pennsylvania

Summa cum laude (2003)

Honors Program (1999 – 2003)

Honors Program Freshman Discussion Group Leader (2000 – 2001)

Phi Kappa Phi Honor Society (2003)

Forensics Speech and Debate Club (various competition awards) (2002 – 2003)

Scholar Athlete, Track and Field (1999 – 2001)

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.

African American Lawyers Association of Hawaii (2020 – present)

Board Member (2022 – present)

Vice President (2021 – 2022)

Hawaii State Bar Association, Committee on the Delivery of Legal Services to the Public (2019 – present)

Chair (2021 – present)

Committee Member (2019 – present)

New York City Bar Association (2015 – present)

United States District Court Judicial Conference, District of Hawaii (2020 – 2023 term)

Lawyer Delegate

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.

District of Columbia, 2009
New York, 2018

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, 2010
United States Court of Appeals for the Ninth Circuit, 2010
United States Court of Appeals for the District of Columbia Circuit, 2010
United States Court of Appeals for the Federal Circuit, 2009
United States District Court for the District of Columbia, 2010
United States District Court for the District of Hawaii, 2018

I have allowed my memberships in the United States Court of Appeals for the Second Circuit and the United States District Court for the District of Columbia to become inactive because, for the last several years, I have not had to appear in those courts. All other memberships remain active with no 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.

None.

- 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.

Not applicable.

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 Babak Siavoshy, *The Fourth Amendment's Future*, ACSblog (Jan. 24, 2012). Copy supplied.

Popular Metadoctrinalism: The Next Frontier?, 1 Harv. L. & Pol'y Rev. 507 (2007). Copy supplied.

The Fourth Amendment and Antidilution: Confronting the Overlooked Function of the Consent Search Doctrine, 119 Harv. L. Rev. 2187 (May 2006). Copy supplied.

Recent Case, United States v. Scott, 119 Harv. L. Rev. 1630 (Mar. 2006). Copy supplied.

Today's Argument in Merrill Lynch v. Dabit, SCOTUSBlog (Jan. 18, 2006). Copy supplied.

Recent Case, Ford Motor Co. v. Todecheene, 118 Harv. L. Rev. 2469 (2005). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- 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.

As an associate at O'Melveny & Myers LLP, I assisted with the drafting of an expert legal opinion on (i) the Foreign Corrupt Practices Act, and (ii) New York state law on the voiding of contracts as against public policy, which was submitted in a court proceeding in Hong Kong. I do not recall the name of the proceeding and do not have a copy of the opinion.

As an associate at O'Melveny & Myers LLP, I also assisted with the drafting of a comment submitted to the National Mediation Board by the Air Transport

Association and the Airline Industrial Relations Conference, in response to a notice of proposed rulemaking. 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.

The list below reflects my best efforts to identify the speeches or talks that I have delivered. To compile the list, I consulted my own records and internet sources. There may, however, be other speeches or talks that I have been unable to recall or identify, as I may have spoken briefly at events for which I was not able to locate any record.

October 7, 2022: Speaker, Hawaii State Bar Association Leadership Institute, Honolulu, Hawaii. I made brief remarks about the Hawaii State Bar Association's Committee on the Delivery of Legal Services to the Public, and encouraged the audience to consider joining the committee and volunteering to provide pro bono legal assistance to individuals in need. I have no notes, transcript, or recording. The address for the Hawaii State Bar Association Leadership Institute is Alakea Corporate Tower, 1100 Alakea Street, Suite 1000, Honolulu, Hawaii 96813.

September 16, 2022: Panelist, Sealing and Unsealing: Practice Tips and Pitfalls, United States District Court Conference Panel, District of Hawaii, Honolulu, Hawaii. Remarks supplied.

August 23, 2020: Guest Speaker, The PFBL Scholarship Fund, Inc., Virtual Award Ceremony, New York, New York. Video available at <http://thepfblscholarshipfund.com/videos> (starting at 6:20).

January 2019 (specific date unknown): Co-Instructor, Closing Arguments, Hawaii Federal Trial Academy, Honolulu, Hawaii. Copy of prepared text supplied.

May 9 and 10, 2014: Commencement Speaker, Lock Haven University of Pennsylvania. Speech and press coverage supplied.

In addition, over the past 11 years as an Assistant United States Attorney, I have occasionally spoken to groups of students, law clerks, and others visiting the United States Attorney's Office or the United States District Court (both in the District of Hawaii and the Southern District of New York). I do not have records of these talks, but they have focused generally on my career path and on the work

of a federal prosecutor.

- 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.

Hawaii State Bar Association E-Newsletter, Diversity Equality and Inclusion Member Spotlight (Oct. 15, 2022). Copy supplied.

On June 6, 2022, I briefly participated in a press conference in which the United States Attorney's Office for the District of Hawaii, the FBI, and the Maui Police Department announced arrests in a federal criminal case. Recording available at <https://youtu.be/7a9i1xUY2ik> (starting at 16:46).

Tom LaVenture, *Micah Smith wins big in court*, Garden Island Newspaper (Jan. 24, 2012). Copy supplied.

Tom LaVenture, *Kauai grad takes case to U.S. Supreme Court*, Garden Island Newspaper (Nov. 15, 2011). Copy supplied.

Christina Shuman, *Alumni Profile: A Most Supreme Honor*, Lock Haven University of Pennsylvania, Perspective Magazine (Spring 2009). Copy supplied.

Duane Shimogawa, *Where are they now?*, Garden Island Newspaper (July 8, 2004). Copy supplied.

In the spring of 2002, while I was studying abroad in Heredia, Costa Rica, I made a brief appearance on a Spanish-language radio show, where, as best I can recall more than 20 years later, I said hello to my host family and spoke briefly about the experience of studying abroad. The show was not recorded, as far as I am aware, and I do not have any records of it.

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.

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

- i. Of these cases, approximately what percent were:

jury trials: _____ %
bench trials: _____ % [total 100%]

ii. Of these cases, approximately what percent were:

civil proceedings: _____ %
criminal proceedings: _____ % [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
 - 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.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - 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.
 - 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.
 - 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.
 - 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.
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 held judicial office.

- 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.

None.

- 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.

None.

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;

From 2006 to 2007, I served as a law clerk for the Honorable Guido Calabresi of the United States Court of Appeals for the Second Circuit.

From 2007 to 2008, I served as a law clerk for the Honorable David Hackett Souter of the Supreme Court of the United States.

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

I have not practiced law 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;

June 2007

Akin Gump Strauss Hauer & Feld LLP
2001 K Street, Northwest
Washington, DC 20006
Summer Law Clerk

2008 – 2012

O'Melveny & Myers LLP
1625 I Street, Northwest
Washington, DC 20006
Counsel (2010 – 2012)
Associate (2008 – 2010)

2012 – 2018

United States Attorney's Office
Southern District of New York
1 Saint Andrew's Plaza
New York, New York 10007
Co-Chief of Violent and Organized Crime Unit (2017 – 2018)
Member of Department of Justice Human Source Review Committee
(2017 – 2018)
DNA Liaison (2017 – 2018)
Deputy Chief of Violent and Organized Crime Unit (2016 – 2017)
Acting Deputy Chief of Appeals (2016 – 2017)
Assistant United States Attorney, Criminal Division (2012 – 2018)

2018 – present

United States Attorney's Office
District of Hawaii
300 Ala Moana Boulevard, Suite 6-100
Honolulu, Hawaii 96850
Chief of Appeals and Legal Strategy (2022 – present)
Criminal Civil Rights Coordinator (2021 – present)
Deputy Chief of Criminal Division (2019 – present)
Project Safe Neighborhoods Coordinator (2019)
Co-Chief of Violent Crime and Drug Section (2018 – 2019)
Assistant United States Attorney, Criminal Division (2018 – present)

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

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

After completing my clerkships at the United States Court of Appeals for the Second Circuit and the Supreme Court of the United States, I joined O'Melveny & Myers LLP (O'Melveny) as an associate in the appellate litigation group. During my tenure as an associate and later counsel at O'Melveny, I principally advised clients and litigation teams on legal issues, and drafted motions and briefs both in trial courts and on appeal. These motions and briefs involved, among other things, evidentiary disputes, disputes over jury instructions, federal preemption, ERISA, intellectual property, securities fraud, labor law, product liability, and the False Claims Act. I co-authored briefs filed in the Supreme Court of the United States. I assisted with the drafting of an expert report on the Foreign Corrupt Practices Act (FCPA), and separately worked on a white-collar criminal defense matter involving the FCPA. I also maintained a robust pro bono practice (which included representing the D.C. Public Charter School Board in administrative proceedings, in trial court litigation, and on appeal), and served as a mentor for summer associates and more junior associates. On multiple occasions, I served as a moot court judge at Georgetown Law's Supreme Court Institute. And I presented oral argument before the D.C. Circuit and D.C. Court of Appeals.

In 2012, I began my service as an Assistant United States Attorney in the Criminal Division of the Southern District of New York. Between 2012 and 2016, I worked as a line prosecutor, overseeing investigations, prosecuting criminal cases, trying cases before juries, and handling oral argument before the United States Court of Appeals for the Second Circuit. I prosecuted cases involving, among other things, racketeering, murder-for-hire, drug trafficking, firearm-related offenses, wire and bank fraud, violations of sanctions laws, tax fraud, money laundering, criminal copyright infringement, interstate transportation of stolen property, and aggravated identity theft. I also assisted with civil forfeiture matters. Beginning in August 2016 and continuing until February 2017, I served as Acting Deputy Chief of Appeals, reviewing and editing appellate briefs

and providing legal advice to other prosecutors. Beginning in December 2016 and continuing through September 2018, I supervised approximately 20 line prosecutors in the Violent and Organized Crime Unit, which handles, among other things, racketeering, murder, organized crime, and sex trafficking matters (first as Deputy Chief and then as Co-Chief of that Unit). This supervisory position involved, among other things, supervising investigations, criminal prosecutions, and trials handled by line prosecutors. I also served as a mentor for more junior prosecutors in the office, and in that capacity, second chaired evidentiary hearings and trials handled by more junior prosecutors.

In 2018, I began my service as an Assistant United States Attorney in the Criminal Division of the District of Hawaii. I have served in a variety of supervisory roles, and I have also handled my own cases. I have worked on criminal cases involving, among other things, public corruption, money laundering, racketeering, murder, operation of illegal gambling businesses, drug trafficking, and firearm-related offenses. In my role as Deputy Chief of the Criminal Division, I supervise investigations, criminal prosecutions, and trials handled by line prosecutors. In my role as Criminal Civil Rights Coordinator, I coordinate with the Civil Rights Division, other prosecutors in my office, and law enforcement agencies to ensure that potential civil rights violations are properly investigated and handled. And since 2022, I have served as the office's Chief of Appeals and Legal Strategy, in which role I provide legal advice to other prosecutors in the office, and also review and edit appellate briefs from both the Criminal and Civil Divisions of the office.

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

At O'Melveny, my clients were most often corporations involved in civil litigation, both in trial court and on appeal. I specialized in handling legal issues arising out of complex civil litigation in state and federal court. At the United States Attorney's Office in the District of Hawaii and the Southern District of New York, my focus has principally been criminal litigation in federal court, both in district court and in the court of appeals.

- 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.

While at O'Melveny (2008 – 2012), my practice was focused primarily on complex civil litigation. Although I drafted numerous motions and briefs in courts across the country, I did not appear in court often.

While serving as an Assistant United States Attorney in the District of Hawaii and

the Southern District of New York (2012 – present), I have appeared regularly in federal district court, which I estimate to be typically at least once or twice a month. Although I have worked on a limited number of civil litigation matters, my practice has focused largely on criminal litigation.

i. Indicate the percentage of your practice in:

1. federal courts: 90%
2. state courts of record: 9%
3. other courts: 0%
4. administrative agencies: 1%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 15%
2. criminal proceedings: 85%

- 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 participated in ten cases that proceeded to verdict or decision (nine in the Southern District of New York, and one in the Court of Common Pleas, Philadelphia County, Pennsylvania). All were jury trials. I was co-lead counsel in six of these trials (in the Southern District of New York), meaning that I delivered at least one jury address and called government witnesses. I was co-counsel in two of these trials (in the Southern District of New York), in which role I provided guidance to the less experienced prosecutors principally assigned to handle the matters but did not deliver jury addresses or call witnesses myself. And in two of these trials, my role was limited to drafting motions and briefs.

I have argued at least ten appeals (at least eight in the Second Circuit, one in the D.C. Circuit, and one in the D.C. Court of Appeals), and have conducted numerous arguments in federal trial court (both in the Southern District of New York and in the District of Hawaii).

I represented the D.C. Public Charter School Board in administrative proceedings, civil litigation in the D.C. Superior Court, and on appeal in the D.C. Court of Appeals; during the course of this representation, I conducted argument both in the D.C. Superior Court and in the D.C. Court of Appeals. I also represented an individual before an Administrative Law Judge in an appeal from the denial of social security benefits.

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.

While at O'Melveny, I participated as counsel for parties and amici at the certiorari stage and at the merits stage.

Merits Stage Briefing

United States v. Jones, No. 10-1259, Brief for Respondent, 2011 WL 4479076 (U.S. Sept. 26, 2011).

Board of Trustees of the Leland Stanford Junior University v. Roche Molecular Systems, Inc. et al., No. 09-1159, Brief of the National Venture Capital Association as Amicus Curiae in Support of Petitioner, 2010 WL 5385331 (U.S. Dec. 23, 2010).

Certiorari Stage Briefing

Hynix Semiconductor Inc. et al. v. Rambus Inc., No. 11-549, Petition for a Writ of Certiorari, 2011 WL 5128964 (U.S. Oct. 27, 2011); Reply Brief for Petitioners, 2012 WL 105552 (U.S. Jan. 12, 2012).

United States v. Jones, No. 10-1259, Brief in Opposition, 2011 WL 2263361 (U.S. June 7, 2011).

In addition, while a student at Harvard Law School, as part of my course work in the Supreme Court Litigation Workshop, Winter Term 2006, I assisted with the drafting of portions of the merits stage brief in *Randall et al. v. Sorrell et al.*, Nos 04-1528, 04-1530, 04-1697, Brief for Respondent, Cross-Petitioners Vermont Public Interest Research Group et al., 2006 WL 325190 (U.S. Feb. 8, 2006).

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. *United States v. Puahi*, No. 21-cr-00088 (D. Haw. 2019 – 2022) (Judge J. Michael Seabright)

Mr. Puahi pleaded guilty to multiple counts of cyberstalking, but disputed that he had, as part of that conduct, threatened the use of a firearm or set fire to a building owned by cyberstalking victims. An evidentiary hearing was held in advance of sentencing to resolve these factual disputes. The government called two witnesses. The defense called three witnesses, including the defendant and a fire investigator who had been retained as an expert by the defense. The district court found that the defendant did threaten the use of a firearm, which increased Mr. Puahi's advisory guideline range. The district court further found that although the government did not prove that the defendant had caused the building fire by clear and convincing evidence, it had proved that fact by a preponderance of the evidence. As a consequence, the district court did not consider Mr. Puahi's involvement in the building fire when calculating the advisory guideline range, but took it into consideration in determining the appropriate sentence. The district court ultimately sentenced Mr. Puahi to 60 months' imprisonment.

I was co-lead counsel on this case, and was responsible for the investigation, charges, and evidentiary hearing. At the evidentiary hearing, I called the government witnesses, cross-examined the defendant and the fire investigator, and delivered arguments for the government at the close of the evidence.

Co-Counsel

Sara D. Ayabe

United States Attorney's Office for the District of Hawaii

300 Ala Moana Boulevard, Suite 6-100

Honolulu, HI 96850

(808) 541-2850

Counsel for Defendant

Andrew M. Kennedy

Schlueter, Kwiat & Kennedy LLLP

75-167 Kalani Street, Suite 201

Kailua-Kona, HI 96740

(808) 987-7275

2. *United States v. Siatunuu*, No. 19-cr-00119 (D. Haw. 2019 – 2021) (Judge J. Michael Seabright)

Mr. Siatunuu pleaded guilty to participating in the operation of an illegal gambling business. He admitted that he had worked as security at the business, and further admitted that while working in that role, he had assaulted a patron of the business. But the patron had also reported that Siatunuu had a firearm during the assault, that he had assaulted the patron because the patron had refused to share his winnings with Siatunuu,

and that he suspected Siatunuu had taken the winnings after the assault. Siatunuu disputed these additional facts and an evidentiary hearing was held in advance of sentencing to resolve these factual disputes. At the hearing, the government called the patron, as well as the patron's treating physician and another lay witness who corroborated the patron's testimony. Siatunuu testified on his own behalf. The district court ultimately found that Siatunuu did possess a firearm, and that the assault was the result of the patron's refusal to share his winnings, but also found that there was insufficient evidence that Siatunuu had taken the winnings after the assault. The district court sentenced Siatunuu to 21 months' imprisonment.

I was co-lead counsel on this case, and was responsible for the investigation, charges, and evidentiary hearing. At the evidentiary hearing, I called two of the government's witnesses, cross-examined the defendant, and delivered arguments for the government at the close of the evidence.

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3. *United States v. Aguilar*, No. 22-00033 (D. Haw. 2021 – 2022) (Judge Jill A. Otake)

Mr. Aguilar was serving as an instructor for the Junior Reserve Officers' Training Corps at a high school on Kauai, Hawaii, when he sexually exploited one of his students. Aguilar used, persuaded, or induced the minor victim to engage in sexually explicit conduct for the purpose of producing visual depictions of the minor victim. Aguilar eventually pleaded guilty, and the district court sentenced him to 168 months' imprisonment, to be followed by ten years of supervised release, along with a \$10,000 assessment under the Justice for Victims of Trafficking Act.

I was the co-lead counsel on this case, and was responsible for the investigation, charges, and sentencing in this case. Among other things, I coordinated with the Kauai County Prosecuting Attorney's Office and the Kauai Police Department and helped to ensure that federal criminal charges were promptly brought and did not interfere with a parallel state prosecution; handled two separate detention hearings before a U.S. Magistrate Judge (one on the government's motion to detain and a second on Aguilar's motion for reconsideration); and represented the government at the sentencing hearing, which

involved extensive argument about, among other things, aggravating and mitigating circumstances in the case.

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4. *United States v. Muir*, No. 15-cr-00078 (S.D.N.Y. 2015 – 2018) (Judge Richard M. Berman), *aff'd*, 710 F. App'x 510 (2d Cir. Feb. 9, 2018)

Mr. Muir was charged with conspiring to distribute “crack” cocaine in the Bronx – specifically, by serving as armed “muscle” for other drug distributors – and with possessing a firearm in furtherance of his drug trafficking offense. Muir also was charged with conspiring to possess firearms after having sustained a felony conviction, two substantive counts of unlawfully possessing firearms, and one count of unlawfully possessing ammunition.

After a one-week trial, a jury returned a verdict of guilty on four counts and not guilty on two. In particular, the jury found Muir guilty of conspiring to distribute “crack” cocaine (but found Muir culpable for a lower drug weight than the indictment had alleged), of possessing a firearm in furtherance of that conspiracy, of conspiring to unlawfully possess firearms, and of one substantive count of unlawful possession. The jury found Muir not guilty of the second substantive count of unlawful possession of a firearm, as well as of the charged unlawful possession of ammunition. The district court sentenced Muir principally to 200 months' imprisonment. On direct appeal, the United States Court of Appeals for the Second Circuit affirmed Muir's conviction and sentence.

I was co-lead counsel on this case, and was responsible for the investigation, charges, and

trial. I delivered the opening statement and rebuttal argument, and called many of the government's witnesses, including a cell site location expert from FBI, a ballistics expert from NYPD, and three cooperating witnesses.

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5. *United States v. Ventura*, No. 09-cr-1015 (S.D.N.Y. 2015 – 2016) (Judge John G. Koeltl), *aff'd*, 673 F. App'x 81 (2d Cir. Dec. 15, 2016)

Mr. Ventura was charged with ordering the murder of his nephew, Mr. Garrido, who had sought to encroach on Ventura's supposed drug turf. Ventura's hitmen entered Garrido's apartment building in August 1996 to carry out his order. One of the hitmen cornered Garrido in an elevator lobby and fired a gunshot into his head and killed him. Garrido was with a friend who sought to escape, but the hitman shot and killed him as well.

After a trial lasting approximately two and a half weeks, a jury returned a verdict of guilty against Ventura. The district court sentenced Ventura principally to life imprisonment. On direct appeal, the United States Court of Appeals for the Second Circuit affirmed Ventura's conviction and sentence.

I was co-lead counsel on this trial. I delivered the closing argument and called several government witnesses, including cooperating witnesses. I also was the principal author of the government's brief on direct appeal, and delivered oral argument on behalf of the government in the United States Court of Appeals for the Second Circuit.

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6. *United States v. Lopez-Cabrera et al.*, No. 11-cr-1032 (S.D.N.Y. 2013 – 2018) (Judge Paul A. Engelmayer), 2015 WL 3880503 (S.D.N.Y. June 23, 2015), *aff'd*, 933 F.3d 95 (2d Cir. 2019)

Mr. Lopez-Cabrera, Mr. Lopez, and Mr. Beltran were charged with participating in the affairs of a racketeering enterprise known as the Trinitarios Gang, including through the commission of murder, attempted murder, and drug trafficking. The case involved several murder charges. Lopez-Cabrera and Beltran were charged with the March 2009 murder of an individual who was shot and killed in retaliation for an earlier altercation with Trinitarios Gang members. Lopez-Cabrera was charged with the September 2009 felony murder of another individual, who was shot and killed when Lopez-Cabrera and other gang members sought to rob him. Lopez and Lopez-Cabrera were charged with the March 2010 murders of two other individuals, who were shot and killed as they ran away from attacking members of the Trinitarios Gang. Finally, Lopez was charged with the November 2010 murder of a fifth individual, who was shot and killed in the lobby of an apartment building.

After a 12-week trial, a jury returned verdicts of guilty against all three defendants. The district court then sentenced each defendant principally to life imprisonment. By separate order, the district court rejected the defendants' argument that they could not be constitutionally sentenced to life imprisonment because they were between the ages of 18 and 22 when they committed or participated in the charged murders. On direct appeal, the United States Court of Appeals for the Second Circuit affirmed the defendants' convictions and sentences.

I was co-lead counsel on this trial. I delivered a closing argument and called several government witnesses, including three cooperating witnesses. I also was the principal author of the government's brief in the district court on the constitutionality of life sentences for the defendants, as well as of the government's brief on direct appeal. I did not deliver oral argument on behalf of the government on appeal because I had transferred to the United States Attorney's Office for the District of Hawaii before the oral argument took place.

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7. *United States v. Urena et al.*, No. 11-cr-1032 (S.D.N.Y. 2013 – 2018) (Judge Paul A. Engelmayer), 73 F. Supp. 3d 291 (S.D.N.Y. 2014), 2016 WL 4223745 (S.D.N.Y. Aug. 8, 2016), *aff'd*, 694 F. App'x 829 (2d Cir. May 31, 2017)

Mr. Urena and Mr. Vasquez were charged with participating in the affairs of the Trinitarios Gang, and with committing a variety of crimes in furtherance of that enterprise, including murder, attempted murder, and drug trafficking. These crimes included the September 2005 murder of Mr. Phillips, who was shot and stabbed to death in Yonkers, New York.

After a seven-week trial, the jury returned a verdict of guilty on all charges against Urena and on most charges against Vasquez, including finding Urena guilty of the murder of

Phillips and Vasquez guilty for conspiring to murder Phillips. The jury found Vasquez not guilty of the substantive murder charge. The district court denied the defendants' post-trial motions for judgment of acquittal or new trial, with the exception of one charged racketeering act (for which the district court concluded that there was sufficient evidence of assault but not of attempted murder under New York State law). The district court sentenced Urena principally to life imprisonment and sentenced Vasquez principally to 180 months' imprisonment.

After sentencing, Urena filed a motion under 28 U.S.C. § 2255, to vacate his conviction and sentence on the basis of an alleged *Brady* violation. The district court denied the motion.

On direct appeal, the United States Court of Appeals for the Second Circuit affirmed the defendants' convictions and sentences and also affirmed the denial of Urena's Section 2255 motion.

I was co-lead counsel on this trial. I delivered the opening statement and called several government witnesses, including two cooperating witnesses, and cross-examined a defense witness. I also was the principal author of (1) the government's post-trial brief in opposition to the defendants' post-trial motions for judgment of acquittal or new trial; (2) the government's post-trial brief in opposition to Urena's Section 2255 motion; and (3) the government's brief on direct appeal. I delivered oral argument on behalf of the government in the United States Court of Appeals for the Second Circuit.

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8. *United States v. Pena et al.*, No. 09-cr-00341 (S.D.N.Y. 2012 – 2013) (Judge Victor Marrero), 978 F. Supp. 2d 254 (S.D.N.Y. 2013), 932 F. Supp. 2d 464 (S.D.N.Y. 2013), *aff'd*, 642 F. App'x 40 (2d Cir. Mar. 15, 2016)

Mr. Pena and Mr. Raymond Pena were charged with having acted as hitmen for hire, and in particular with one murder in May 1997, and a double murder in June 1997. The first victim's body had been found dumped on the side of a highway with a garbage bag over his head; the bodies of the later victims had been found in a burning vehicle off the side of another highway. The murders had remained unsolved until the federal investigation.

In advance of trial, the district court resolved a variety of evidentiary issues. The district court also denied Raymond Pena's motion for severance. After a three-week trial, a jury returned verdicts of guilty against both defendants. The district court then sentenced both defendants principally to life imprisonment. On direct appeal, the United States Court of Appeals for the Second Circuit affirmed the defendants' convictions and sentences.

I was co-lead counsel on this trial. I delivered the opening statement and called several government witnesses, including a cooperating witness. I also assisted with drafting the government's brief on appeal, but did not deliver oral argument.

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9. *United States v. Reese*, No. 12-cr-00629 (S.D.N.Y. 2012 – 2018) (Judge Victor Marrero), *aff'd*, 603 F. App'x 63 (May 13, 2015)

Mr. Reese was charged with participating in a fraud scheme that victimized numerous companies and individuals. Reese stole and altered checks, and then arranged to have them deposited into bank accounts he could control. For example, Reese tricked a high school student into depositing an altered check, withdrawing proceeds, and providing the cash to Reese. When the bank flagged the transaction, Reese stopped returning the student's text messages and calls, and the student's family was left on the hook. Reese also stole the identity of another victim, and then used that stolen identity to create an online payment account that he attempted to use to negotiate another stolen check.

After a five-day trial, a jury returned a verdict of guilty. The district court sentenced Reese principally to 108 months' imprisonment. On direct appeal, the United States Court of Appeals for the Second Circuit affirmed Reese's conviction and sentence.

I was co-lead counsel on this case, and was responsible for the investigation, charges, and trial. I delivered the opening statement and closing argument, cross-examined Reese, and called most government witnesses. I also was the principal author of the government's brief on direct appeal, and delivered oral argument on behalf of the government in the United States Court of Appeals for the Second Circuit.

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10. *KIMA v. DC Public Charter School Board*, Nos. 11-cv-710, 11-cv-742 (D.C. Sup. Ct.

2010 – 2012) (Judge Michael L. Rankin), *aff'd*, 55 A.3d 894 (D.C. Ct. of App. Nov. 15, 2012)

The case involved a challenge to the D.C. Public Charter School Board's decision to revoke the charter of a failing school. The case was significant because, to my knowledge, this was the first legal challenge to the scope of the Board's statutory revocation authority.

O'Melveny provided pro bono representation to the Board, and in that capacity, I assisted the Board during its administrative proceedings, including by reviewing and providing advice on its written administrative decision and helping to compile its administrative record. After the lawsuit was filed, I was the principal author of multiple iterations of briefing in the D.C. Superior Court, and then handled the bulk of oral argument before that court, arguing that the Board's decision was not arbitrary or capricious. After the trial court upheld the Board's decision, I represented the Board on appeal to the D.C. Court of Appeals, both by principally authoring the appellate brief and by handling oral argument. The appeals court ultimately affirmed the trial court's decision.

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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 above litigated matters, I have been actively involved in dozens of cases in federal court that have been resolved prior to trial.

As an Assistant United States Attorney in the District of Hawaii, I have worked on, together with other Assistant United States Attorneys, among other things, (i) criminal prosecutions of a member of the Hawaii State Senate, a member of the Hawaii State House of Representatives, a county-level agency head, and other defendants as part of an investigation into bribery and other public corruption charges; all charged defendants pleaded guilty; (ii) the criminal prosecution of a sitting county councilmember who was running a drug trafficking organization, as well as eleven of his co-conspirators; all defendants pleaded guilty; and (iii) the criminal prosecution of 13 individuals charged with participating in a racketeering conspiracy that is alleged to have involved murder, kidnapping, chemical weapon attacks, robbery, assaults, fraud, and other conduct; the case remains pending as to six defendants.

As an Assistant United States Attorney in the Southern District of New York, I worked on, together with other Assistant United States Attorneys, among other things, (i) a civil forfeiture complaint against a hedge fund based on allegations of insider trading and money laundering; the defendant firm resolved the matter through a guilty plea to criminal charges and a settlement of the complaint, which included an agreement to pay \$1.8 billion in financial penalties; (ii) a criminal prosecution of a global financial institution on charges of violations of U.S. sanctions laws and money laundering; the institution pleaded guilty and agreed to total financial penalties in excess of \$8.9 billion; and (iii) a civil forfeiture complaint using 18 U.S.C. § 981(k) to seize funds at U.S. banks held in the name of foreign banks controlled by an individual alleged to have sold proliferation-sensitive goods to sanctioned entities; approximately \$6,895,000 was seized.

In addition to working on cases myself, I also spend a significant amount of time advising other Assistant United States Attorneys and law enforcement personnel on legal and strategy issues. Among the issues that commonly arise are criminal procedure issues, questions of evidence law, and investigative strategy. I also meet with victims of crimes to explain to them the criminal justice system, what they can expect in the course of the court process, and what my role is.

Additionally, since 2021, I have served as the Chair of the Hawaii State Bar Association's Committee on the Delivery of Legal Services to the Public, which promotes programs designed to make legal services more readily available in the community.

I have not registered as a lobbyist or engaged in any lobbying activities.

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 Fall 2020, I taught a course at the University of Hawaii at Manoa, William S. Richardson School of Law on Federal Prosecution. The purpose of the course was to teach students about how the federal criminal system works. The students performed mock jury addresses, bail arguments, and sentencing arguments. Syllabus supplied.

In the Fall of 2017, I co-taught a seminar at the Columbia Law School on Federal Prosecution. The purpose of the course was to teach students about how the federal criminal system works. In addition to attending classes, the students worked as externs in the United States Attorney's Office for the Southern District of New York. Syllabus supplied.

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.

None.

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.

None.

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 that 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 would, pursuant to 28 U.S.C. § 455(b)(3), recuse myself from cases in which the United States Attorney's Office appears as a party and in which I "participated as counsel, adviser, or material witness concerning the proceeding or expressed an opinion regarding the merits of the particular case in controversy." I would also follow the policies of the district court, and all other rules regarding conflicts of interest.

- 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 rely on 28 U.S.C. §455(b)(3), Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances, including the policies of the district court. I would also employ any conflict-screening process utilized by the court.

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.

Most of my professional career has been in government service. As a law clerk between 2006 and 2008 and a government attorney from 2012 to the present, I have been restricted from performing *pro bono* legal work for clients.

Nonetheless, I have served the public and the disadvantaged in other ways. I am a member of the board of the Hawaii Justice Foundation, a grantmaking organization that serves as a vehicle for philanthropic law-related projects in the State of Hawaii. I am also the chair of HSBA's Committee on the Delivery of Legal Services to the Public, which promotes programs designed to make legal services more readily available in the community. And from 2019 until the COVID-19 pandemic ended in-person meetings in 2020, I participated as a volunteer mentor for the Lawakua Kajukenbo Club, for which I (and other colleagues from the U.S. Attorney's Office for the District of Hawaii) would meet with high school students at a public housing development to provide mentoring.

Between 2008 and 2012, when I was an associate and then counsel at O'Melveny & Myers LLP, I had a robust pro bono practice. Among other things, I represented the D.C. Public Charter School Board in administrative proceedings, in trial court litigation, and on appeal; represented an individual in Social Security Administration proceedings, including at a hearing before an administrative law judge; and presented oral argument before the D.C. Circuit as court-appointed amicus counsel in support of an individual in an appeal from the denial of Social Security disability benefits, which resulted in a

published opinion ruling in favor of the appellant, *Jones v. Astrue*, 650 F.3d 772 (D.C. Cir. 2011). I also served, on multiple occasions, as a moot court judge at Georgetown Law's Supreme Court Institute.

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.

On March 15, 2023, U.S. Senators Brian Schatz and Mazie Hirono announced the formation of a Federal Judicial Selection Commission, comprised of three members, to make recommendations on candidates to fill potential vacancies on the U.S. District Court for the District of Hawaii. I applied and was interviewed by the Commission on April 26, 2023. I then interviewed with Senator Schatz on May 22, 2023, and with Senator Hirono on May 23, 2023. On June 22, 2023, I was contacted by the Office of the White House Counsel to schedule an interview. On June 23, 2023, I interviewed with attorneys from the White House Counsel's Office. Since that time, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 30, 2023, the President announced his intent to nominate me.

- 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.