

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

John Gleeson

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

Commissioner, United States Sentencing Commission

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.

Debevoise & Plimpton LLP
919 Third Avenue, 34N19
New York, New York 10022

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

1953; Bronx, New York

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.

1977 – 1980, University of Virginia School of Law; J.D., 1980

1971 – 1975, Georgetown University; B.A., 1975

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.

Employment

2016 – Present
Debevoise & Plimpton LLP
919 Third Avenue

New York, New York 10022
Partner

2021 – Present
Yale Law School
127 Wall Street
New Haven, Connecticut 06511
Visiting Lecturer in Law

2019 – Present
Harvard Law School
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138
Lecturer on Law

1995 – Present
New York University School of Law
40 Washington Square South
New York, New York 10012
Adjunct Professor of Law

1994 – 2016
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201
Judge of the United States District Court for the Eastern District of New York

1985 – 1995
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
Assistant United States Attorney (1985 – 1995)
Chief of the Criminal Division (1993 – 1994)
Chief of Organized Crime and Racketeering (1990 – 1993)
Chief of Special Prosecutions (1989 – 1990)
Chief of Appeals (1987 – 1989)

1981 – 1985
Cravath, Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, New York 10019
Associate

1980 – 1981
United States Court of Appeals for the Sixth Circuit

Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202
Law Clerk, Honorable Boyce Martin

1978 – 1980
Virginia Transportation Research Council
530 Edgemont Road
Charlottesville, Virginia 22903
Graduate Legal Assistant

1975-1977
DuBois Decorators
3232 P Street, Northwest
Washington, DC 2007
Foreman

1976 – 1977
John Gleeson Custom Painting
Alexandria, Virginia
Business Owner

Other Affiliations

2020 – Present
American College of Trial Lawyers
1300 Dove Street
Suite 150
Newport Beach, California 92660
Fellow

Approximately 2016 – Present
American Law Institute
4025 Chestnut Street
Philadelphia, Pennsylvania 19104
Member

2014 – Present
Vera Institute of Justice
34 35th Street, Suite 4-2A
Brooklyn, New York 11232
Member, Board of Trustees

2020 – Present
Federal Defenders of New York
52 Duane Street, 10th Floor

New York, New York 10007
Member, Board of Directors

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 registered for selective service as required but I have never served in the military.

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.

Career Public Service Award, The Fund For Modern Courts, (forthcoming) October 2022

The Gould Award for Outstanding Oral Advocacy, Office of the Appellate Defender's First Monday in October (2019)

Exemplar Award, The National Legal Aid and Defender Association's (2018)

The Client Service All-Star Award, BTI Consulting Group (2018)

The Thomas Jefferson Foundation Medal in Law, University of Virginia (2016)

Honorary Doctor of Laws, Northern Kentucky University (2016)

The Distinguished Jurist in Residence, Cornell Law School (2016)

The Distinguished Federal Jurist Award, Defense Association of New York (2016)

The Judicial Recognition Award, National Association of Criminal Defense Lawyers (2015)

The Hon. William Brennan Award for Outstanding Jurist, New York State Association of Criminal Defense Lawyers (2014)

The Green Bag Exemplary Writing Award, for United States v. Dossie (2013)

The Green Bag Exemplary Writing Award, for United States v. Ovid (2011)

Special Recognition Award, New York Criminal Bar Association (2009)

Edward Weinfeld Award, New York County Lawyers' Association (2008)

Attorney General's Distinguished Service Award (1992)

I received numerous additional awards not listed here from a variety of law enforcement-related organizations when I was a prosecutor.

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.

Federal Bar Council (approximately 2017 – Present)
Member, Committee on Sentencing and Alternatives to Incarceration

Judicial Conference of the United States
Member, Defender Services Committee (1998 – 2008)
Chair, Defender Services Committee (2005 – 2008)

10. **Bar and Court Admission:**

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

New York, 1981

There has been no lapse in membership.

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

Supreme Court of the United States, 2021
United States Court of Appeals for the Second Circuit, 2016
United States Court of Appeals for the Third Circuit, 1991
United States Court of Appeals for the Fourth Circuit, 2020
United States Court of Appeals for the Sixth Circuit, 2020
United States Court of Appeals for the Seventh Circuit, 2020
United States Court of Appeals for the Tenth Circuit, 2020
United States Court of Appeals for the Eleventh Circuit, 2020
United States District Court for the Northern District of Illinois, 2019
United States District Court for the Eastern District of Michigan, 2019
United States District Court for the Eastern District of New York, 1984
United States District Court for the Northern District of New York, 2019
United States District Court for the Southern District of New York, 1983
United States District Court for the Western District of New York, 2019

While I was on the bench, certain bar memberships that required periodic renewals lapsed. For example, I had been a member of the bar of the Second and

Sixth Circuits before 1994, but those memberships lapsed and I reapplied to join the bars of those courts after I rejoined private practice in 2016.

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. 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.

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.

THE GOTTI WARS: TAKING DOWN AMERICA'S MOST NOTORIOUS MOBSTER, Scribner (2022). Copy supplied.

Judicial Scrutiny of DPAs, NPAs, and Monitorships, in THE GUIDE TO MONITORSHIPS (3d ed. 2022). Copy supplied.

WITH GORDON MEHLER, DAVID C. JAMES & ALICYN COOLEY, FEDERAL CRIMINAL PRACTICE: A SECOND CIRCUIT HANDBOOK (22nd ed. 2022). Copy supplied.

Letter to the Editor: Balancing the Scales of Justice in New York's Federal Trial Courts, New York Law Journal (Nov. 15, 2021). Copy supplied.

DEBEVOISE & PLIMPTON LLP, DOJ REVISES CORPORATE CRIMINAL ENFORCEMENT POLICIES (2021). Copy supplied.

Debevoise's Holloway Project and "Second Looks": How Challenging One Discrete Racial Inequity in Federal Criminal Justice Can Help Produce Systematic Change, 33 Federal Sentencing Reporter 319 (June 2021). Copy supplied.

Foreword to CIBOK EDITORIAL COMMITTEE, THE CYBERCRIME INVESTIGATION BODY OF KNOWLEDGE (2021). Copy supplied.

Jack B. Weinstein Up Close, 33 Federal Sentencing Reporter 160 (2021). Copy supplied.

With David O'Neil & Marshall Miller, Opinion, *The Flynn Case Isn't Over Until The Judge Says It's Over*, Wash. Post (May 11, 2020). Copy supplied.

Judicial Scrutiny of DPAs and NPAs, in THE GUIDE TO MONITORSHIPS (2d ed. 2020). Copy supplied.

Foreword to NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS & FOUNDATION FOR CRIMINAL JUSTICE, THE TRIAL PENALTY: THE SIXTH AMENDMENT RIGHT TO TRIAL ON THE VERGE OF EXTINCTION AND HOW TO SAVE IT (2018). Copy supplied.

With Michele A. Roberts, *Objections*, in WINNING AT TRIAL: INSIGHTS FROM THE BENCH AND LEADING LITIGATORS (2014). Copy supplied.

The Ulysses Cases and What They Reveal About Lawyers and the Law, 50 James Joyce Quarterly 1011 (2013). Copy supplied.

Jack Weinstein, N.Y.L.J. (Oct. 30, 2013). Copy supplied.

Book Review, N.Y.L.J., Jan. 4, 2012, at 6 (reviewing JEFFREY B. MORRIS, LEADERSHIP ON THE FEDERAL BENCH: THE CRAFT AND ACTIVISM OF JACK WEINSTEIN (2011)). Copy supplied.

The Sentencing Commission and Prosecutorial Discretion: The Role of Courts in Policing Sentencing Bargains, 36 Hofstra Law Review 639 (2008). Copy supplied.

The Road to Booker and Beyond: Constitutional Limits on Sentence Enhancements, 21 Touro Law Review 873 (2006). Copy supplied.

Supervising Federal Capital Punishment: Why the Attorney General Should Defer When U.S. Attorneys Recommend Against the Death Penalty, 89 Virginia Law Review 1697 (2003). Copy supplied.

Supervising Criminal Investigations: The Proper Scope of the Supervisory Power of Federal Judges, 5 Journal of Law and Social Policy 423 (1997). Copy supplied.

Sentence Bargaining Under the Guidelines, 8 Federal Sentencing Reporter 314

(May/June 1996). Copy supplied.

With John C. Jefferies, Jr., *The Federalization of Organized Crime: Advantages of Federal Prosecution*, 46 *Hastings Law Journal* 1095 (1995). Copy supplied.

Prosecutors As Investigators: The Application of the "No-Contact" Rule to Criminal Investigations, *UVA Lawyer* (1994). 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.

I testified in January 2016 before the Ad Hoc Committee to Review the Criminal Justice Act. Testimony and Committee report supplied.

I testified in August 1994 before the U.S. Senate Committee on the Judiciary in connection with my nomination to the Eastern District of New York. I do not have a transcript of the testimony.

Additionally, I have joined the following amicus briefs:

Terry v. United States, No. 20-5904 (Brief amici curiae of Retired Federal Judges, Former Federal Prosecutors, et al.). Copy supplied.

United States v. Tsarnaev, No. 16-6001 (Brief for Retired Federal Judges and Former Federal Prosecutors as Amici Curiae Supporting Respondent). 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 following list reflects my best effort to identify the speeches or talks I have delivered. To compile this list, I have searched my own records and Internet sources. While I am certain there are additional talks or interviews that are not listed, I have no record and no recollection of any that are not listed.

April 11, 2022: Speaker, The 2022 Leslie H. Arps Lecture, New York City Bar Association. Video available at <https://www.nycbar.org/media-listing/media/detail/the-2022-leslie-h-arps-lecture> and press coverage supplied.

December 14, 2021: Speaker, Access to Justice: Debevoise's Holloway Project, Federal Bar Council Inn of Court (virtual event). I gave extemporaneous remarks and answers to questions concerning a Debevoise *pro bono* project. I have no notes, transcript, or recording. The address for the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038.

November 2021: Panel Leader, Ethical Considerations in Jury Trials, Practising Law Institute (virtual event). With the exception of 2020, I have presided over this panel every year for more than a decade. It addresses the ethical issues that arise in witness preparation, jury selection (especially the use of social media to garner information about prospective jurors), and summations. I speak extemporaneously and make frequent reference to ethical rules, ethical opinions, and court decisions that are distributed to the audience. I have no notes, transcript, or recording. The address for the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor, New York, New York 10036.

September 21, 2021: Panelist, Supplementing the Pardon Power: Second Looks and Second Chances, Drug Enforcement and Policy Center at The Ohio State University Moritz College of Law, the Collateral Consequences Resource Center, the Federal Sentencing Reporter, and the David F. and Constance B. Girard-diCarlo Center for Ethics, Integrity and Compliance at Villanova University Charles Widger School of Law (virtual event). Video available at <https://www.youtube.com/watch?v=4ucYMzxCVvY>. Press coverage supplied.

September 2021 (Date Unknown): Speaker, Perspectives on Federal Criminal Sentencing, Justice for All: Courts and Community (virtual event). Video available at <https://www.youtube.com/watch?v=n4H0PnYzHT4>.

July 14, 2021: Panelist, The Life of Judge Weinstein, The Center on Civil Justice at NYU School of Law (virtual event). Video available at <https://www.law.nyu.edu/centers/civiljustice/honoring-hon-jack-b-weinstein>. Press coverage supplied.

December 15, 2020: Speaker, Fireside chat with Judge I. Leo Glasser, American College of Trial Lawyers (virtual event). My remarks were about the brilliant and

inspirational career of Judge Glasser. I have no notes, transcript, or recording, but press coverage is supplied. The address for the American College of Trial Lawyers is 1300 Dove Street, Suite 150 Newport Beach, California 92660.

December 7, 2020: Panelist, The Federal Fraud Sentencing Guidelines: It's Time to Stop the Madness, the New York Criminal Bar Association and Marino Legal (virtual event). I do not recall this event, but I believe my remarks would have concerned the focus of USSG § 2B1.1 on "loss," and on the ABA Task Force Report that sought to influence the Sentencing Commission to amend the guideline so it was more aligned with culpability. I have no notes, transcript, or recording. The address for Marino Legal is 321 East 84th Street, Suite 2, New York, New York 10028.

December 4, 2020: Panelist, What to Expect in Justice/Law Enforcement, New York City Bar (virtual event). I believe this was a post-election prognostication of the law enforcement and sentencing priorities of the new administration. I have no notes, transcript, or recording. The address for the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

November 19, 2020: Presenter, A New Landscape? Federal Sentencing Post First-Step Act, Pennsylvania Association of Criminal Defense Lawyers (virtual event). I spoke about the alterations in the sentencing landscape effected by the First Step Act. I have no notes, transcript, or recording. The address for the Pennsylvania Association of Criminal Defense Lawyers is 115 State Street, Harrisburg, Pennsylvania 17101.

November 2020 (Date Unknown): Speaker, Advanced Topics in Law and Public Service, University of Virginia School of Law, Charlottesville, Virginia. I spoke to a class of students about the importance of careers in public service. I have no notes, transcript, or recording. The address for the University of Virginia School of Law is 580 Massie Road, Charlottesville, Virginia 22903.

October 2020 (Date Unknown): Executive Branch Accountability, Yale Law School, New Haven, Connecticut. I have no notes, transcript, recording, or recollection of the substance of my remarks at this conference. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

September 15, 2020: Presenter, Stepping-Up Implementation of the First Step Act, National Association of Criminal Defense Lawyers, Washington, DC. Video available at <https://www.nacdl.org/Media/SteppingUpImplementationoftheFirstStepAct>.

November 1, 2019: Panel Member, Ethical Considerations in Jury Trials, Practising Law Institute, New York, New York. This panel addresses the ethical issues that arise in witness preparation, jury selection (especially the use of social media to garner information about prospective jurors), and summations. I have no

notes, transcript, or recording. The address for the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor, New York, New York 10036.

October 30, 2019: Keynote Speaker, 2019 City Bar Justice Center Pro Bono Awards, New York, New York. I spoke in tribute of a recently-deceased member of the bar who had supported the City Bar's pro bono activities. I have no notes, transcript, or recording. Press coverage supplied. The address for the City Bar Justice Center is 42 West 44th Street, New York, New York 10036.

October 7, 2019: Advocate, Mock Supreme Court Argument, *Altitude Express, Inc. v. Zarda*, Office of the Appellate Defender's First Monday in October event, New York, New York. Video available at <https://www.youtube.com/watch?v=8lZJMYqKuyg>.

July 19, 2019: Speaker, The Trials of Gambino Family Boss John Gotti, Debevoise & Plimpton LLP, New York, New York. PowerPoint presentation supplied (audio clips removed).

June 6, 2019: Speaker, Me Too – Who's Watching the Courts?, New York City Bar Association, New York, New York. If I recall it correctly, this conference was about the Judiciary's efforts to address allegations of sexual harassment within the Third Branch. I have no notes, transcript, or recording. The address for the New York City Bar is 42 West 44th Street, New York, New York 10036.

June 17, 2019: Speaker, Rewriting the Sentence: Summit on Alternatives to Incarceration: The Road Ahead: Winding Down From Mass Incarceration, The Aleph Institute and Columbia Law School, New York, New York. Video available at https://www.youtube.com/watch?v=P_y2OI3yhy0.

May 2019 (Date Unknown): The First Step Act: The Expansion of Criminal Justice Reform and What's Next, Federal Bar Council. I spoke about the alterations in the sentencing landscape affected by the First Step Act. I have no notes, transcript or recording. The address for the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038.

April 2019 (Date Unknown): The Sixth Amendment Guarantee: Eroded or Not?, The District Conference of the U.S. District Court for the Northern District of California, Napa Valley, California. I spoke about the reduced incidence in trials in the federal system generally and in the NDCA, and the possible reasons for it. I have no notes, transcript, or recording. The address for the United States District Court for the Northern District of California is 450 Golden Gate Avenue, San Francisco, California 94102.

March 2019 (Date Unknown): Seventh Annual Criminal Law Update, Federal Bar Association, Central Islip, New York. This is another event that, except during the pandemic, I have done for many years each March in the Central Islip

courthouse of my old court, the Eastern District of New York. I moderate a panel that presents on the previous year's developments in federal criminal law. Every year we have done it, the panel has included my former colleague Judge Joe Bianco, and we also include a prosecutor and defense lawyer each year. I have no notes, transcript, or recording; I speak from the copies of the relevant cases, Guidelines amendments, DOJ policies, etc. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201. The address for the United States District Court for the Eastern District of New York is 225 Cadman Plaza East, Brooklyn, New York 11201.

January 29, 2019: Presenter, Negotiation Skill-Building Event, Debevoise & Plimpton, Société Générale, and KIPP Academy Middle School, New York, New York. This was a discussion with high school students, many of them first generation like me, about the prospect of joining the legal profession, and what that looks like from their perspective. I have no notes, transcript, or recording. The address for the KIPP Academy Middle School is 250 E. 156th Street, Fourth Floor, Bronx, New York 10451. The address for Société Générale is 245 Park Avenue New York, New York 10167. The address for Debevoise and Plimpton LLP is 919 Third Avenue, New York, New York 10022.

November 9, 2018: Speaker, Trials and the Trial Penalty, National Association of Criminal Defense Lawyers, Washington, D.C. These oral remarks tracked closely the content of my Foreword to the NACDL's Trial Penalty Report, supplied above. I have no notes, transcript, or recording. The address for the National Association of Criminal Defense Lawyers is 1660 L Street, Northwest, 12th Floor, Washington DC 20036.

November 8, 2018: Speaker, Sentencing Reform: A Conversation with Wassertein Fellow Carter Burwell and Judge John Gleeson, Harvard Law School, Cambridge, Massachusetts. This appearance at Harvard, which occurred about six weeks before the enactment of the First Step Act, focused on how legislative policy changes come about. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

November 7, 2018: Speaker, Ethical Issues in Jury Trials, Practising Law Institute, New York, New York. See the entry above for the November 2021 installment of this CLE program. I have no notes, transcript, or recording. The address for the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor, New York, New York 10036.

October 12, 2018: Panelist, Monitors as Stewards of Effective Compliance, Program on Corporate Compliance and Enforcement at New York University School of Law, New York, New York. I do not recall with any greater precision than the title of the program suggests what I spoke about at this event. I have no notes, transcript, or recording. The address for the New York University School

of Law is 40 Washington Square South, New York, New York 10012.

August 3, 2018: Panelist, The Future of Problem-Solving Courts: Where Do We Go From Here, American Bar Association, Chicago, Illinois. I have no notes, transcript, recording, or recollection of this event. The address for the American Bar Association is 1050 Connecticut Avenue, Northwest, Suite 400, Washington, DC 20036.

May 2018 (Date Unknown): Speaker, Sentencing Reform, Cambridge Forums, Boulder, Colorado. This was an oral presentation about current issues relating to sentencing reform. I have no notes, transcript, or recording. The address of Cambridge Forums is 55 University Avenue, Suite 550, Toronto, Ontario, Canada M5J 2H7.

May 2018 (Date Unknown): Speaker, Trial Practice for Antitrust Lawyers from DOJ, United States Department of Justice, Antitrust Division, New York, New York. I and two other former U.S. District Judges provided advice and trial practice tips for DOJ's Antitrust Division attorneys. I have no notes, transcript, or recording. The address for the Department of Justice is 950 Pennsylvania Avenue, Northwest, Washington, DC 20530.

April 5, 2018: Presenter, A Response to Overincarceration: No Entry Programs in the Federal System, University of Virginia School of Law, Charlottesville, Virginia. PowerPoint presentation supplied (audio clips removed).

April 2018: Speaker, White Collar Criminal Law and Procedure, Harvard Law School, Criminal Justice Policy Program, Cambridge, Massachusetts. I was a guest in Antonia Apps's White Collar class to talk about government investigations of corporate criminal activity and Deferred Prosecution Agreements. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

March 29, 2018: Presenter, A Response to Overincarceration: No Entry Programs in the Federal System, Harvard Law School, Cambridge, Massachusetts. PowerPoint presentation supplied (audio clips removed).

March 26, 2018: Panelist, Sentencing Reform from the Bench: The Emerging Role of District Court Judges, Annual Survey of American Law, New York University School of Law, New York, New York. This program focused on how judges can influence sentencing policy. I have no notes, transcript, or recording. The address for the New York University School of Law is 40 Washington Square South, New York, New York 10012.

March 2018 (Date Unknown): Sixth Annual Criminal Law Update, Federal Bar Association. See the description above from the March 2019 installment of this annual CLE program, Central Islip, New York. I have no notes, transcript, or

recording. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201. The address for the United States District Court for the Eastern District of New York is 225 Cadman Plaza East, Brooklyn, New York 11201.

November 2017 (Date Unknown): Speaker, Ethical Considerations in Jury Trials, Practising Law Institute, New York, New York. See the entry from November 2021 above about this annual event. I have no notes, transcript, or recording. The address for the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor, New York, New York 10036.

July 26, 2017: Moderator, Alternatives to Incarceration: POP, SOS and STAR Courts, CJA Committee of the Eastern District of New York and the Federal Defenders of New York, Brooklyn, New York. This was a program for lawyers working in the EDNY about the alternative to incarceration programs there. I have no notes, transcript, or recording. The address for the United States District Court for the Eastern District of New York is 225 Cadman Plaza East, Brooklyn, New York 11201. The address for the Federal Defenders is 52 Duane Street, 10th Floor, New York, New York 10007.

July 2017 (Date Unknown): Speaker, Saving Communities, Changing Lives: The No-Entry Response to Mass Incarceration, United States Court of Appeals for the Ninth Circuit, Ninth Circuit Judicial Conference, San Francisco, California. PowerPoint presentation supplied.

July 2017 (Date Unknown): Keynote Speaker, Annual Post-Conviction Capital Defense Training Program, Association of the Bar of the City of New York, New York, New York. I have no notes, transcript, recording, or recollection of this program. The address for the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

May 11, 2017: Moderator, Former White Collar Defendants Speak, Association of the Bar of the City of New York, New York, New York. I moderated a panel discussion that included previously convicted and acquitted white collar defendants discussing their experiences. I have no notes, transcript, or recording. The address for the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

April 2017 (Date Unknown): Speaker, White Collar Criminal Law and Procedure, Harvard Law School, Criminal Justice Policy Program, Cambridge, Massachusetts. I was a guest in John Savarese's White Collar class to talk about government investigations of corporate criminal activity and Deferred Prosecution Agreements. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

March 2017 (Date Unknown): Fifth Annual Criminal Law Update, Federal Bar

Association, Central Islip, New York. See the description above from March 2019 installment of this annual CLE program. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201. The address for the United States District Court for the Eastern District of New York is 225 Cadman Plaza East, Brooklyn, New York 11201.

November 2016 (Date Unknown): President Obama's Clemency Initiative: Perspectives From the Released and Their Advocates, Federal Bar Council, New York, New York. This was a panel focused on releasees and how they earned clemency. I have no notes, transcript, or recording. The address for the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038.

November 2016 (Date Unknown): Speaker, Ethical Considerations in Jury Trials, Practising Law Institute, New York, New York. See the entry from November 2021 above about this annual event. I have no notes, transcript, or recording. The address for the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor, New York, New York 10036.

July 2016 (Date Unknown): Speaker, Special Purpose Courts, Federal Judicial Center, San Diego, California. I believe this was a presentation either to U.S. Magistrate Judges of U.S. District Judges about the EDNY drug court. I have no notes, transcript, or recording. The address for the Federal Judicial Center is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, DC 20002.

June 20, 2016: Speaker, Restorative Justice and Federal Court Sentencing: A Case Study, Association for Conflict Resolution, New York, New York. I have no notes, transcript, recording, or recollection of this event. The address for the Association for Conflict Resolution is P.O. Box 5, Eagle, Nebraska 68347.

June 1, 2016: Keynote Speaker, National Seminar for Federal Defenders: Some Things Federal Criminal Defense Lawyers Should Be Thinking About in 2016, The Federal Judicial Center and the Administrative Office of the U.S. Courts, Pittsburgh, Pennsylvania. PowerPoint presentation supplied.

May 14, 2016: Commencement Speaker, Salmon P. Chase College of Law at the Northern Kentucky University, Highland Heights, Kentucky. Video available at <https://www.youtube.com/watch?v=ZcPZimq3aB8>.

May 12, 2016: Speaker, Commencement Pre-Graduation Dinner, Salmon P. Chase College of Law at the Northern Kentucky University, Highland Heights, Kentucky. These consisted of light-hearted remarks about the University President, Geoffrey S. Mearns, who worked under my supervision when we were organized crime prosecutors. I have no notes, transcript, or recording. The address for the Northern Kentucky University is Nunn Drive, Highland Heights,

Kentucky 41099.

May 11, 2016: Speaker, Personal Responsibility for Company Crimes under U.S. Law: Recent Trends and Effective Response, Japan Institute for Overseas Investment & Debevoise & Plimpton LLP, Tokyo, Japan. I have no notes, transcript, recording, or recollection of this event. The address for Debevoise & Plimpton LLP is 919 Third Avenue, New York, New York 10022.

May 6, 2016: Speaker, Comparative Substantive Laws, U.S. District Court, Southern District of New York, New York, New York. I have no notes, transcript, recording, or recollection of this event. The address for the United States District Court for the Southern District of New York is 40 Foley Square, New York, New York 10007.

April 27, 2016: Speaker, Alternatives to Incarceration in the Federal Courts, Federal Judicial Center, Charleston, South Carolina. I believe this was a presentation either to U.S. Magistrate Judges or U.S. District Judges about the EDNY drug court. I have no notes, transcript, or recording. The address for the Federal Judicial Center is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, DC 20002.

April 13, 2016: Presenter, Reforming Sentencing Reform: 3 Simple Fixes for Federal Over-Incarceration, University of Virginia School of Law, Charlottesville, Virginia. Video available at <https://www.youtube.com/watch?v=jiNnTCQunNQ>.

April 8, 2016: Panelist, Independent Consultants and Monitors, New York University School of Law Program on Corporate Compliance and Enforcement, New York, New York. I do not recall with any greater precision than the title of the program suggests what I spoke about at this event. I have no notes, transcript, or recording. The address for the New York University School of Law is 40 Washington Square South, New York, New York 10012.

April 2016 (Date Unknown): Keynote Speaker, National Workshop for District Judges: Federal Drug Court, Federal Judicial Center, Charleston, South Carolina. This was a presentation to U.S. District Judges about the EDNY drug court. I have no notes, transcript, or recording. The address for the Federal Judicial Center is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, DC 20002.

March 9, 2016: Fourth Annual Criminal Law Update, Federal Bar Association, Central Islip, New York. See the description above from the March 2019 installment of this annual CLE program. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201. The address for the United States District Court for the Eastern District of New York is 225 Cadman Plaza East, Brooklyn, New

York 11201.

March 7, 2016: Panelist at the Aleph Institute Summit on Prison Sentencing Laws, Washington, DC. Video available at <https://www.c-span.org/video/?406063-2/aleph-institute-summit-prison-sentencing-laws-part-2>.

January 25, 2016: Presenter, 2016 Guarini Government Lecture, New York University School of Law, New York, New York. Video available at <https://www.youtube.com/watch?v=IpqCx8ILW3k>. Press coverage supplied.

November 2015 (Date Unknown): Speaker, Ethical Considerations in Jury Trials, Practising Law Institute, New York, New York. See the entry from November 2021 above about this annual event. I have no notes, transcript, or recording. The address for the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor, New York, New York 10036.

July 17, 2015: Presenter, Current Problems in Criminal Law, Institute of Judicial Administration at New York University School of Law, New York, New York. Each summer when I was on the bench, for a period of about ten years, I participated as a teacher in an educational program for newly-appointed appellate judges in both federal and state courts. The presentations would focus on recent Supreme Court cases and on developing doctrines (e.g., the *Apprendi* doctrine in sentencing, the *Crawford* Confrontation Clause doctrine). I have no notes, transcript, or recording, but press coverage is supplied. The address for the New York University School of Law is 40 Washington Square South, New York, New York 10012.

March 2015 (Date Unknown): Third Annual Criminal Law Update, Federal Bar Association, Central Islip, New York. See the description above from March 2019 installment of this annual CLE program. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201. The address for the United States District Court for the Eastern District of New York is 225 Cadman Plaza East, Brooklyn, New York 11201.

February 24, 2015: Speaker, Dedication to Judge Jack Weinstein, Annual Survey of American Law, New York, New York. Video available at <https://www.youtube.com/watch?v=TKNo9wyygxY>. Press coverage supplied.

November 2014 (Date Unknown): Speaker, Ethical Considerations in Jury Trials, Practising Law Institute, New York, New York. See the entry from November 2021 above about this annual event. I have no notes, transcript, or recording. The address for the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor, New York, New York 10036.

July 18, 2014: Presenter, Current Problems in Criminal Law, Institute of Judicial

Administration at New York University School of Law, New York, New York. See the description above of the July 2015 installment of this event. I have no notes, transcript, or recording. The address for the New York University School of Law is 40 Washington Square South, New York, New York 10012.

April 4, 2014: Panelist, Non-Monetary Corporate Sanctions: Appropriate Use and Content of Structural Reforms and Monitorships, Program on Corporate Compliance and Enforcement at New York University School of Law, New York, New York. I do not recall with any greater precision than the title of the program suggests what I spoke about at this event. I have no notes, transcript, or recording. The address for the New York University School of Law is 40 Washington Square South, New York, New York 10012.

March 27, 2014: Presenter, Second Annual Federal Criminal Practice Update, U.S. District Court, Eastern District of New York, Central Islip, New York. See the March 2019 description of this annual CLE, above. I have no notes, transcript, or recording. The address for the United States District Court for the Eastern District of New York is 225 Cadman Plaza East, Brooklyn, New York 11201.

February 14 – 15, 2014: Speaker, Symposium: Leading from Below, University of Miami Law Review, Coral Gables, Florida. I have no notes, transcript, or recording from this program, which focused on the impact judicial decisions can have. The address for the University of Miami is 1320 South Dixie Highway, Coral Gables, Florida 33146.

November 21, 2013: Judicial Moderator, Reining in Mandatory Minimums: Perspectives from both sides of the “V,” New York University School of Law, New York, New York. I moderated this panel presentation, which addressed mandatory sentencing provisions from the perspective of a legislator, a sentencing reform organization, and a criminal defense attorney. I have no notes, transcript, or recording. The address for the New York University School of Law is 40 Washington Square South, New York, New York 10012.

November 20, 2013: Presenter, Handling Ethical Issues in Jury Trials, Practising Law Institute, New York, New York. Please see the November 2021 description of this event, above. I have no notes, transcript, or recording. The address for the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor, New York, New York 10036.

July 19, 2013: Presenter, Current Problems in Criminal Law, Institute of Judicial Administration at New York University School of Law, New York, New York. See the description above of the July 2015 installment of this event. I have no notes, transcript, or recording. The address for the New York University School of Law is 40 Washington Square South, New York, New York 10012.

June 7, 2013: Panelist, Pre-Trial Advocacy: Programs, Benefits, & Improved Outcomes, Federal Defenders of New York & Second Circuit Judicial Council, New York, New York. On this panel I spoke about the EDNY drug and youthful offender courts. I have no notes, transcript, or recording. The address for the Federal Defenders is 52 Duane Street, 10th Floor, New York, New York 10007. The address for the Second Circuit Judicial Council is 40 Foley Square, Room 2904, New York, New York 10007.

March 2013 (Date Unknown): Annual Criminal Law Update, Federal Bar Association, Central Islip, New York. See the description above from March 2019 installment of this annual CLE program. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201. The address for the United States District Court for the Eastern District of New York is 225 Cadman Plaza East, Brooklyn, New York 11201.

November 2012 (Date Unknown): Speaker, Ethical Considerations in Jury Trials, Practising Law Institute, New York, New York. See the entry from November 2021 above about this annual event. I have no notes, transcript, or recording. The address for the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor, New York, New York 10036.

July 20, 2012: Presenter, Current Problems in Criminal Law, Institute of Judicial Administration at New York University School of Law, New York, New York. See the description above of the July 2015 installment of this event. I have no notes, transcript, or recording. The address for the New York University School of Law is 40 Washington Square South, New York, New York 10012.

June 18, 2012: Presenter, "Mandatory Minimum Sentences" and "Sentencing Disparities in Fraud Cases," Non-Capital Mitigation: Effective Advocacy with Real Results, Federal Defenders of New York & Second Circuit Judicial Council, New York, New York. I have no notes, transcript, recording, or recollection of this event. The address for the Federal Defenders is 52 Duane Street, 10th Floor, New York, New York 10007. The address for the Second Circuit Judicial Council is 40 Foley Square, Room 2904, New York, New York 10007.

June 14, 2012: Panelist, Economic Crimes: Loss Determination and Other Issues, United States Sentencing Commission and ABA Criminal Justice Section, New Orleans, Louisiana. I have no notes, transcript, recording, or recollection of this event. The address for the United States Sentencing Commission is One Columbus Circle, Northeast, Suite 2-500, South Lobby, Washington, DC, 20002. The address of the American Bar Association is 1050 Connecticut Avenue, Northwest, Suite 400, Washington, DC 20036.

May 24, 2012: Panelist, Federal Sentencing: Views from the Bench and Fraud/Theft Offenses I, The Tampa Bay Chapter of the Federal Bar Association,

The National Association of Criminal Defense Lawyers, and Criminal Justice Section of the American Bar Association, St. Petersburg, Florida. I have no notes, transcript, recording, or recollection of this event. The address of the American Bar Association is 1050 Connecticut Avenue, Northwest, Suite 400, Washington, DC 20036. The address for the National Association of Criminal Defense Lawyers is 1660 L Street, Northwest, 12th Floor, Washington DC 20036. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

May 21, 2012: Moderator, Alternatives to Incarceration, New York University School of Law, Center on the Administration of Criminal Law and Federal Bar Council, New York, New York. This was a panel presentation focused on the newly-created EDNY drug court. I have no notes, transcript, or recording. Press coverage supplied. The address for the New York University School of Law is 40 Washington Sq. South, New York, New York 10012. The address for the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038.

May 14, 2012: Speaker at White Collar Crime Institute, New York City Bar Association, New York, New York. I have no notes, transcript, recording, or recollection of this event. The address for the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

November 2011 (Date Unknown): Speaker, Ethical Considerations in Jury Trials, Practising Law Institute, New York, New York. See the entry from November 2021 above about this annual event. I have no notes, transcript, or recording. The address for the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor, New York, New York 10036.

October 14 & 15, 2011: Faculty, Federal Criminal Practice Institute, Federal Bar Council. I have no notes, transcript, recording, or recollection of this event. The address for the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038.

March 25, 2011: Keynote Speaker, The 89th Annual Dinner in the Honor of the Federal Judiciary, The New York Intellectual Property Law Association, New York, New York. Audio available at https://www.nyipla.org/nyipla/89th_Judges_Dinner.asp?SnID=1111117389.

December 1, 2010: Presenter, Ethical Considerations in Jury Trials, Practising Law Institute, New York, New York. Please see the November 2021 description of this event, above. I have no notes, transcript, or recording. The address for the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor, New York, New York 10036.

November 18, 2010: Question Asker/Audience Member, Conversation on Urban Crime, Center of the Administration of Criminal Law, New York, New York. I

have no notes, transcript, recording, or recollection of this event. Press coverage supplied. The address for the New York University School of Law is 40 Washington Square South, New York, New York 10012.

July 11 – 16, 2010: Presenter at the Institute of Judicial Administration's New Appellate Judges Seminar, New York, New York. See the description above of the July 2015 installment of this event. I have no notes, transcript, or recording. The address for the New York University School of Law is 40 Washington Square South, New York, New York 10012.

May 24, 2010: Moderator, Federal Sentencing at a Crossroads: A Call for Leadership, New York University School of Law, Center on the Administration of Criminal Law and Federal Bar Council, New York, New York. Video available at <https://www.youtube.com/watch?v=5ehTL2ChTfE>. Press coverage supplied.

June 7, 2003: Interviewer, Interview with Justice Ruth Bader Ginsburg and Justice Stephen Breyer, Second Circuit Judicial Conference, Bolton Landing, New York. Video available at <https://www.c-span.org/video/?177666-1/america-courts-circuit>.

Approximately Autumn 2002: Moderator, Cooperation With the Government in Federal Criminal Cases: Practical, Legal and Ethical Issues. I have no notes, transcript, recording, or recollection of this event. The address for the New York University School of Law is 40 Washington Square South, New York, New York 10012.

- 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.

Armchair MBA, *The Man Who Took Down John Gotti | The Gotti Wars | Judge John Gleeson* (May 6, 2022). Video available at https://www.youtube.com/watch?v=_3WysjMMqbg.

The Sitdown: A Mafia History Podcast, *The Young Prosecutor That Took Down John Gotti: Judge John Gleeson* (May 3, 2022). Video available at <https://www.youtube.com/watch?v=1v3EJulLiU>.

Eric Williamson, *John Gleeson '80 on First Step Act, Second Looks and Restoring Judicial Discretion*, UVA Lawyer (Fall 2021). Copy supplied.

Debevoise & Plimpton LLP, "Debevoise Receives a 2021 Beacon of Justice Award from NLADA for The Holloway Project" (June 10, 2021). Copy supplied.

Justin Fenton, *Federal Judge Grants Release to Baltimore Man Who Served Decades for Drug Crimes*, BALT. SUN (Feb. 19, 2021). Copy supplied.

Debevoise & Plimpton LLP, “Leveraging The First Step Act to Reduce Excessive Prison Sentences” (2021). Video available at <https://www.debevoise.com/news/2021/07/debevoise-video-highlights-debevoise-fight>.

Talking Feds, “Anatomy of a Prosecution” (2021). Video available at <https://www.youtube.com/watch?v=xkyJKn2mrt4>.

The Journal, “This Judge Put Criminals Away. Now He’s Trying to Set Them Free.” (2021), Wall Street Journal. Recording available at <https://www.wsj.com/podcasts/the-journal/this-judge-put-criminals-away-now-he-trying-to-set-them-free/694d4a60-c93d-484d-8a3e-5369697cc9f5>.

Corinne Ramey, *Former Judge Seeks to Shorten Mandatory Prison Terms He Once Imposed*, Wall Street Journal (Dec. 1, 2020). Copy supplied.

United States Courts, “How Courts Care for Jurors in High Profile Cases” (Jan. 24, 2020). Copy supplied.

LegalSpeak, “From Federal Judge to Private Practice: Why This Debevoise Partner Left His Ultimate Dream Job” (Oct. 5, 2018), Law.com. Recording available at <https://www.law.com/2018/10/05/from-federal-judge-to-private-practice-why-this-debevoise-partner-left-his-ultimate-dream-job>. Press coverage supplied.

Michael Orey, *The Reformers, Sidebar: Sentencing*, NYU Law Magazine (Sept. 4, 2018). Copy supplied.

NYU Law News, *At the NAACP LDF, Natasha Merle '08 Works To Do Justice* (May 23, 2018). Copy supplied.

Law.com, *EDNY Judge Leonard Wexler Dies at 93* (Apr. 2, 2018), Yahoo!News. Copy supplied.

The Marshall Project, “We Are Witnesses” (Nov. 20, 2017). Video available at <https://www.youtube.com/watch?v=tte61XJFBU>.

Joe Palazzolo, *An Exit Interview with a Federal Judge* (Mar. 23, 2016), The Wall Street Journal. Copy supplied.

Colby Hamilton, *The Gotti Antagonist Who Brought Down a Sentencing Regime* (Mar. 17, 2016), Politico. Copy supplied.

Debevoise & Plimpton LLP, *U.S. District Court Judge John Gleeson Joins Debevoise* (Mar. 10, 2016). Copy supplied (reprinted in multiple outlets).

Nat and Nick Hentoff, *Who Is In Charge at Obama's Justice Department?*, World Net Daily (Dec. 30, 2015).

Michelle Tsai, *Courting Innovations* (2015), NYU Law Magazine. Copy supplied (reprinted in multiple outlets).

Carrie Johnson, *Judge Regrets Harsh Human Toll of Mandatory Minimum Sentences*, NPR (Dec. 16, 2014). Copy supplied.

Leah McGrath Goodman, *Nonsensical Sentences for White Collar Criminals*, Newsweek Magazine (June 26, 2014).

NYU Law News, *NYU Law Welcomes Deirdre von Dornum as New Assistant Dean for Public Service* (Aug. 13, 2013). Copy supplied.

Prosecutor: 'It's Been a Long Road', New York Times (Apr. 03, 1992). Copy Supplied.

13. Public Office, Political Activities and Affiliations:

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

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.

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 clerked for the Honorable Boyce Martin of the Sixth Circuit Court of Appeals from 1980 to 1981.

- 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.

1981 – 1985

Cravath, Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, New York 10019-7475
Associate

1985 – 1995

Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
Assistant United States Attorney
Chief, Criminal Division
Chief, Organized Crime and Racketeering
Chief, Special Prosecutions
Chief, Appeals

2016 – Present

Debevoise & Plimpton LLP
919 Third Avenue
New York, New York 10022
Partner

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

I have served as a mediator in approximately eight matters since leaving the bench in March 2016. All of those mediations were confidential.

b. Describe:

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

Since March 2016, I have been a trial and appellate lawyer and company advisor in the White Collar & Regulatory Defense and Commercial Litigation Groups of Debevoise & Plimpton LLP. My practice focuses on white collar defense, complex civil litigation, internal investigations, and dispute resolution. I have argued cases in numerous federal and state courts of appeals, conducted trial proceedings in federal and state courts, appeared in multiple bankruptcy proceedings, acted as both a mediator and arbitrator in commercial disputes, conducted independent investigations, advised boards of directors on corporate governance matters, and provided expert testimony on United States law in multiple foreign tribunals. I have been appointed as amicus curiae on three occasions in separate federal courts to argue important issues of federal criminal law and procedure. I have a very active pro bono practice, and I co-chair the firm's Pro Bono Committee.

From 1994 to 2016 I served as a federal district judge.

From 1985 to 1994 I was an Assistant U.S. Attorney. My practice consisted of investigating and prosecuting a wide array of federal crimes, and supervising others in the office. I personally tried 20 cases, argued 25 appeals in the Second Circuit, and argued another appeal in the Third Circuit.

From 1981 to 1985 I was a litigation associate at Cravath, Swaine & Moore. My practice consisted of helping to defend against allegations of securities violations and antitrust violations, and I also helped bring lawsuits against large utility companies in the Pacific Northwest after they defaulted on bonds sold to finance nuclear power plants. I had an active *pro bono* practice as well.

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

My typical clients include large companies, their boards, executives in large companies, and individuals suspected of or charged with a wide variety of crimes.

As an Assistant U.S. Attorney I represented the United States in federal criminal prosecutions.

My typical client at Cravath was a large company. In my pro bono cases I represented indigent criminal defendants and indigent civil litigants.

- 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. Indicate the percentage of your practice in:

1. federal courts: 85%
2. state courts of record: 15%
3. other courts: 0%
4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

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

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.

As a practicing lawyer (including as a prosecutor), I have tried more than 30 cases to verdict. In at least 22 of those I was lead or sole counsel; in two I was the junior lawyer of a two-person team; in about six I was "second chair," meaning I was the supervising lawyer at counsel table helping a less-experienced one; in the remaining trials I played a supportive role in larger teams.

i. What percentage of these trials were:

1. jury: 96%
2. non-jury: 4%

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 never argued before the Supreme Court of the United States. I have appeared as counsel of record in the following cases:

Barton Crandall v. United States, No. 21-1414 (petition for writ of certiorari). Copy supplied.

Eric Andrews v. United States, No. 21-1208 (petition for writ of certiorari), cert. denied 142 S. Ct. 1446 (Apr. 4, 2022). Copy supplied.

Ross Thacker v. United States, No. 21-877 (petition for writ of certiorari), cert. denied 142 S. Ct. 1363 (Mar. 21, 2022). Copy supplied.

Nathaniel Rimpson III v. United States, 21-905 (petition for writ of certiorari), cert denied 142 S. Ct. 1121 (Feb. 22, 2022). Copy supplied.

Clinton Williams v. United States, No. 21-757 (petition for writ of certiorari), *cert denied*, 142 S. Ct. 1207 (Feb. 28, 2022). Copy supplied.

John J. Watford v. United States, No. 21-551 (petition for writ of certiorari), *cert. denied*, 142 S. Ct. 760 (Jan. 10, 2022). Copy supplied.

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

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *U.S. v. McCoy*, 981 F.3d 271 (4th Cir. 2020)

Judges Diaz, Thacker, Harris. I argued this appeal, in which the Fourth Circuit became the first federal appellate court to hold that sentence reductions are available to inmates subjected to the since repealed consecutive sentences mandated by 18 U.S.C. § 924(c) for “second or successive” convictions under that law when those convictions are obtained in the same case as the first such conviction. The court affirmed four such reductions.

Co-counsel

Marisa Taney
919 Third Avenue, 34W53
New York, NY 10022
(212) 909-6134

Principal counsel for the government:

Joseph Attias
919 East Main Street, Suite 1900
Richmond, VA 23219
(804) 819-5400

Jason Daniel Medinger
36 South Charles Street
Baltimore, MD 21201
(410) 209-4800

2. *U.S. v. Maumau*, 993 F.3d 821, No. 20-4056 (10th Cir. 2021)

Chief Judge Tymkovich and Judges Briscoe and Bacharach. I argued this appeal, in which the Tenth Circuit became the second federal appellate court to hold that sentence reductions are available to inmates subjected to the since repealed consecutive sentences mandated by 18 U.S.C. § 924(c) for “second or successive” convictions under that law when those convictions are obtained in the same case as the first such conviction. The court affirmed such a reduction.

Co-counsel

Marisa Taney
919 Third Avenue, 34W53
New York, NY 10022
(212) 909-6134

Principal counsel for the government:

Ryan D. Tenney
Matheson Courthouse 450 South State Street, 5th Floor
P.O. Box 140230
Salt Lake City, UT 84114
(801) 578-3950

3. *U.S. v. John Gotti et al.*, 90 CR 1051 (1992)

Judge I. Leo Glasser, U.S. District Court for the Eastern District of New York. I was the lead prosecutor in this prosecution of the Boss, the Underboss, and the Acting Consigliere of the Gambino Crime Family of La Cosa Nostra for numerous crimes, including murder. All defendants were convicted.

Co-counsel

Hon. Laura Ward
100 Centre Street
New York, NY 10013
(646) 386-4747

Patrick Cotter
200 West Madison, Suite 3300
Chicago, IL 60606
(312) 345-5088

James Orenstein
231 Ryder Road
Yarmouth, ME 04096
(646) 334-2490

Principal Counsel for Parties

J. Gotti: Albert Krieger (deceased)

S. Gravano: Benjamin Brafman
256 Fifth Avenue, Floor 2
New York, NY 10001
(212) 750-7800

F. Locascio: Anthony Cardinale
655 Summer Street
Boston, MA 02210
(617) 429-3772

4. *U.S. v. John Gotti et al.*, 85 CR 178 (1987)

Judge Eugene H. Nickerson, U.S. District Court for the Eastern District of New York. I was the junior of two prosecutors in this prosecution of the Boss of the Gambino Crime Family of La Cosa Nostra and six others for numerous crimes, including murder. All defendants were acquitted.

Co-counsel

Diane Giacalone
(I am unable to locate business contact information)

Principal Counsel for Parties:

J. Gotti: Bruce Cutler
260 Madison Avenue, Floor 22
New York, NY 10016
(212) 679-6669

G. Gotti: Jeffrey Hoffman
156 West 56th Street
New York, NY 10019
(212) 347-1018

Rampino: David DePetris (deceased)

Corrozzo: Michael Santangelo
75 South Broadway Suite 454195
White Plains, NY 10601
(914) 304-4242

DiMaria: Susan Kellman
25 8th Avenue
Brooklyn, NY 11217
(718) 783-8200

Johnson: Richard Rehbock
(I am unable to locate business contact information)

Carneglia: Barry Slotnick
640 5th Avenue, Floor 9
New York, NY 10019
(212) 440-4444

5. *U.S. v. George Pape* 1993

Judge I. Leo Glasser, U.S. District Court for the Eastern District of New York. I supervised this prosecution but did not appear at trial because I was a witness at the trial. The defendant was a juror in the case described immediately above (the 1987 case against Gotti) and was charged with taking a \$60,000 bribe from Gotti. He was convicted.

Co-counsel
Geoffrey S. Mearns
2000 West University Avenue
Muncie, IN 47306
(765) 285-5555

Principal Counsel for Defendant George Pape
Barbara Hartung (no information available)

6. *U.S. v. Orena* (1992)

Judge Jack B. Weinstein, U.S. District Court for the Eastern District of New York. I was the lead of prosecutor in this prosecution of the Boss of the Colombo Crime Family of La Cosa Nostra for numerous crimes, including murder. The defendant was convicted.

Co-counsel
Andrew Weissmann
40 Washington Square South
New York, NY 10012
(212) 998-6119

George Stamboulidis
45 Rockefeller Plaza
New York, NY 10111
(212) 589-4211

Principal Counsel for Defendant
Gustave Newman (deceased)

7. *U.S. v. Coiro* (1989)

Judge Joseph M. McLaughlin, U.S. District Court for the Eastern District of New York. I was the sole prosecutor in this trial of a lawyer charged with racketeering and obstructing justice in his role as "house counsel" to the Gotti crew of the Gambino Crime Family of La Cosa Nostra. The defendant was convicted.

Principal Counsel for Defendant

Bruce Cutler
260 Madison Avenue, Floor 22
New York, NY 10016
(212) 679-6669

8. *U.S. v. Squitieri and Sisca* (1988)

Judge Stanley Brotman, U.S. District Court for the District of New Jersey. I was the sole prosecutor in this prosecution of two members of the Gambino Crime Family of La Cosa Nostra for heroin trafficking. The defendants were convicted.

Principal Counsel for Parties

Squitieri: David Breitbart
(I am unable to locate business contact information)

Sisca: Robert Koppelman
585 West End Avenue
New York, NY 10024
(917) 699-0435

9. *U.S. v. Edwards* (1989)

Judge Raymond J. Dearie, U.S. District Court for the Eastern District of New York. I was the lead prosecutor in this prosecution of the head of a gang for numerous crimes, including murder. The defendant was convicted.

Co-counsel

Jonny Frank
17 State Street
New York, NY 10004
(212) 430-343

Principal Counsel for Edwards

David Gordon
(I am unable to locate business contact information)

10. *U.S. v. Conte et al.* (1993)

Judge I. Leo Glasser, U.S. District Court for the Eastern District of New York. I was the

lead prosecutor in this prosecution of a captain and two soldiers in the Gambino Crime Family of La Cosa Nostra for murder and heroin trafficking. There was a hung jury and the defendants subsequently pled guilty.

Co-counsel

Andrew Weissmann
40 Washington Square South
New York, NY 10012
(212) 998-6119

Principal Counsel for Parties:

Conte: Larry Bronson (no information available)
Graziano: I do not recall the attorney for Graziano
Vinciullo: Joel Winograd (deceased)

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

As a judge, I founded the Pretrial Opportunity Program, a pre-sentence drug court in the Eastern District of New York. For a description of the drug court and an equally innovative youthful offender court, *see*

<https://www.nyep.uscourts.gov/sites/nyept/files/QL%20>

[%20ATIAnnualReport%282017%29.pdf](https://www.nyep.uscourts.gov/sites/nyept/files/QL%20%20ATIAnnualReport%282017%29.pdf). I designed the program, convinced my colleagues on the court to embrace it in January 2012, and then conducted the drug court each month until leaving the bench in March 2016. The program has diverted many defendants from prison and quite a few of them avoided a conviction altogether.

At Debevoise I founded and the firm embraced the Holloway Project, a pro bono project that seeks sentence reductions for inmates serving unusually long sentences mandated by a since-amended firearm statute. Thus far, the project has obtained relief for 35 clients, shaving a total of more than 1,100 years off their sentences. For a full description of the ongoing Holloway Project, *see* John Gleeson, *Debevoise's Holloway Project and "Second Looks": How Challenging One Discrete Racial Inequity in Federal Criminal Justice Can Help Produce Systematic Change*, 33 Federal Sentencing Reporter 319 (June 2021).

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.

Complex Federal Investigations (1990 – present)

From 1990 to 1995, I taught Complex Federal Investigations at Brooklyn Law School. I taught the same course at University of Virginia School of Law in 1994. From 1995 to 2016 I taught the course at New York University School of Law. From 2019 to 2021 I taught the course at Harvard Law School, and hope to continue to do so in the future. Fall 2020 syllabus supplied.

The seminar examines many of the problems and issues that arise during complex federal criminal investigations. Among the topics addressed are the powers and use of the federal grand jury; the impact of anti-terrorism legislation on such investigations; the investigative use of immunity, contempt and perjury; the use of “bugs,” “wiretaps,” and confidential informants; the negotiation of cooperation agreements and the use of accomplice witnesses; investigative contacts with persons represented by counsel; the various ways such investigations can intrude upon the attorney-client relationship (including through attorney subpoenas and disqualification); the investigation of corporate misconduct; and the RICO statute.

Sentencing (1995 – present)

From 1995 to present I have taught Sentencing at New York University School of Law. I have also taught the same course at Yale Law School from 2021 to present. Syllabi supplied for Fall and Spring 2021 and Spring 2022 semesters.

This seminar examines the theories and purposes of sentencing, and how this has come to be known as the era of mass incarceration in America. We study the United States Sentencing Guidelines, and learn in depth how they are applied to produce advisory sentencing ranges in particular cases. The seminar also explores the effects, in the courts, the Congress, and the United States Sentencing Commission, of the Supreme Court’s 2005 decision in *Booker v. United States*, which found the mandatory federal guidelines unconstitutional. We examine mandatory minimum sentences and other forms of sentence enhancements, and study the history and current state of the death penalty in the United States. We learn about the state of the law relating to compassionate release petitions, and alternatives to incarceration, both in the state courts and in the federal courts. The seminar benefits from the participation of several guest speakers who occupy various roles in the sentencing process: judge, prosecutor, and defense attorney, among others.

Federal Criminal Law (1994)

In 1994, I taught Federal Criminal Law at the University of Virginia School of Law. The course examined the basic principles of and limitations of federal jurisdiction over crimes, the construction of federal penal statutes, and the origins and reaches of the RICO statute, the mail fraud statute, the Hobbs Act, and several other common federal crimes.

18. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all

anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have no such arrangements. Depending on the number of years I serve as a Debevoise partner, I may qualify for a retirement benefit.

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

I plan to remain a Debevoise partner if I am confirmed to serve on the Commission.

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).

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.

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.

None

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

I represent criminal defendants in federal courts. As a general matter, I do not believe that poses a conflict of interest if I am confirmed as a Commissioner. That said, I do not think it appropriate for a sitting Commissioner to make arguments in court regarding the meaning or intent of Guidelines, Policy

Statements, or commentary in the Guidelines Manual, and I would refrain from doing so on behalf of my clients if confirmed.

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.

I am the co-chair of my firm's Pro Bono Committee, and I founded the Holloway Project at Debevoise & Plimpton. The project helps prisoners who received excessive prison sentences under 18 U.S.C. § 924(c). The project seeks sentence reductions under 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act of 2018. It asks federal judges, to revisit the onerous sentences imposed on our clients, taking into account the unusual length of the sentences and our clients' rehabilitation during their time in prison. The project has been extremely successful thus far: We have obtained relief for 31 clients, and the average sentence reduction is 34 years. More information about the Holloway Project can be found at <https://www.youtube.com/watch?v=B5bH8zBa-C0> and in John Gleeson, *Debevoise's Holloway Project and "Second Looks": How Challenging One Discrete Racial Inequity in Federal Criminal Justice Can Help Produce Systematic Change*, 33 Federal Sentencing Reporter 319 (June 2021).

Additionally, in one of my current pro bono representations we are seeking a new trial for our client in light of the Supreme Court's 2017 holding that jury deliberations are no longer sacrosanct when they are infected by explicit racial animus. In our client's case, an investigator interviewed the members of the Ohio jury that in 2002 found our client guilty of murder and sentenced him to death. The investigation revealed that both the guilt- and penalty-phase deliberations were permeated by extreme racial bias.