

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Amit Priyavadan Mehta

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

United States District Court for the District of Columbia

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.

Office:           Zuckerman Spaeder, LLP  
                    1800 M Street, N.W., Suite 1000  
                    Washington, D.C. 20036

Residence:     Washington, D.C.

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

1971; Patan, Gujarat, India

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.

1994 – 1997, University of Virginia School of Law; J.D., 1997

1990 – 1993, Georgetown University; B.A., 1993

1989 – 1990, James Madison University; no degree

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2007 – present, August – December 2003, 1999 – 2002  
Zuckerman Spaeder, LLP  
1800 M Street, N.W., Suite 1000  
Washington, D.C. 20036  
Partner (2010 – present)  
Counsel (2007 – 2010)  
Associate (1999 – 2002)

2002 – 2007 (on leave of absence from August – December 2003)  
Public Defender Service for the District of Columbia  
633 Indiana Avenue, N.W.  
Washington, D.C. 20004  
Staff Attorney

1998 – 1999  
The Honorable Susan P. Graber  
United States Court of Appeals for the Ninth Circuit  
The Pioneer Courthouse  
700 SW 6th Avenue  
Portland, Oregon 97204  
Law Clerk

1997 – 1998, Summer 1996  
Latham & Watkins, LLP  
505 Montgomery Street  
Suite 2000  
San Francisco, California 94111-6538  
Associate (1997 – 1998)  
Summer Associate (Summer 1996)

Summer 1995  
United States Attorney's Office for the District of Maryland  
36 South Charles Street, Fourth Floor  
Baltimore, Maryland 21201  
Law Clerk

1993 – 1994  
Patton Boggs, LLP  
2550 M Street, N.W.  
Washington, D.C. 20037  
Paralegal

Other affiliations (uncompensated):

2011 – present  
Edward Bennett Williams Inn of Court

United States District Court for the District of Columbia  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001  
Secretary

2009 – present  
Mid-Atlantic Innocence Project  
2000 H Street, N.W.  
Washington, D.C. 20052  
Vice-President, Board of Directors (2013 – 2014)  
Board of Directors (2009 – present)

Approximately 2007 – 2011  
Facilitating Leadership in Youth  
2021 Martin Luther King Jr. Avenue, S.E.  
Washington, D.C. 20020  
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 did not serve in the military. I did timely register for selective service.

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

*Super Lawyers* (2013 – present)

*Benchmark Litigation* (2011 – present)

*Fellow, Litigation Counsel of America* (2011 – present)

*The Economic Times, 7 Prominent Legal Eagles of Indian Origin in the U.S.* (2013)

*The National Law Journal, Minority 40 Under 40* (2011)

Order of the Coif, University of Virginia School of Law (1997)

The Virginia Journal of Social Policy and the Law (1996 – 1997)

George F. Baker Scholar, Georgetown University (1992 – 1993)

Phi Beta Kappa, Georgetown University (1993)

Alpha Sigma Nu, Georgetown University (1993)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association

White Collar Crime, Public Corruption and Extortion Subcommittee, Co-Chair  
(2013 – present)

Council for Court Excellence

Committee Member, District of Columbia Expungement Project Subcommittee

District of Columbia Bar Association

Criminal Law and Individual Rights Steering Committee (2004 – 2010), Co-Chair  
(2008 – 2009)

National Association of Criminal Defense Lawyers

South Asian Bar Association, District of Columbia Chapter

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, 2000  
California, 1997 (inactive)

There have been no lapses in membership, although as indicated, my membership in California is inactive.

- 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.

California courts, 1997 (inactive)  
District of Columbia courts, 2000  
Supreme Court of the United States, 2014  
United States Court of Appeals for the District of Columbia Circuit, 2000  
United States Court of Appeals for the Fifth Circuit, 2011  
United States Court of Appeals for the Ninth Circuit, 1998  
United States Court of Appeals for the Tenth Circuit, 2001  
United States Court of Appeals for the Eleventh Circuit, 2013

United States District Court for the District of Columbia, 2007  
United States District Court for the Northern District of California, 1997

There have been no lapses in membership to my knowledge, although as indicated, my membership in California is inactive.

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.

Edward Bennett Williams Inn of Court (2001 – present)  
Secretary (2011 – present)

Facilitating Leadership in Youth (approximately 2007 – 2011)  
Board of Directors

George F. Baker Scholars (1997 – present)

John Eaton Home and School Association (2012 – present)

Litigation Counsel of America (2011 – present)  
Selection Committee, Thomas A. Mesereau Cup (February 2014 – present)

Mid-Atlantic Innocence Project (2009 – present)  
Board Vice-President (2013 – 2014)

North Grounds Softball League (1994 – 1997)  
Commissioner

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

To the best of my knowledge, none of the listed organizations 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.

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.

Frederika A. Kaestle, Ricky Kittles, et al., *Database Limitations on the Evidentiary Value of Forensic Mitochondrial DNA Evidence*, 43 Am. Crim. L. Rev. 53 (Winter 2006) (served as reviewer). Copy supplied.

My law firm maintains a website ([www.zuckerman.com](http://www.zuckerman.com)). Much of the content was prepared by our firm's marketing staff, but I personally prepared some of the web content and have overall responsibility for the website.

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

I am not aware of any materials responsive to this request.

- 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.

In 2005, I served as a representative for the District of Columbia Public Defender Service on a subcommittee sponsored by the Council for Court Excellence in Washington, D.C. At the time, the District of Columbia lacked a comprehensive criminal records expungement statute. The subcommittee examined the issue and made recommendations to the Council for the District of Columbia for legislative action in 2006. The subcommittee produced a report entitled "Creating an Expungement Statute for the District of Columbia: A Report and Proposed Legislation," Council for Court Excellence, Washington, D.C., April 14, 2006. 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 public speaking events in which I have participated. To compile the list, I consulted my own files and Internet sources. However, there may be public speaking events that I have been unable to recall or identify.

December 5, 2013: Moderator, "Recalibrating Privacy in the 21st Century: Government Intelligence Gathering and the Fourth Amendment," Plenary Session, District of Columbia Courts Annual Judicial Training, Washington, D.C. The panel discussed NSA surveillance programs and implications for Fourth Amendment jurisprudence. I have no notes, transcript or recording. The address for the District of Columbia Courts is 555 Indiana Avenue, N.W., #6000, Washington, D.C. 20001.

June 21, 2013: Panelist, "Criminalizing the Traditional Practice of Law," North American South Asian Bar Association, 2013 Annual Convention, San Francisco, California. I have no notes, transcript or recording. I am unable to locate a mailing address for the North American South Asian Bar Association.

November 15, 2012: Panelist, "Political Indictments: Criminalizing Violations of the Public Trust," National Association of Criminal Defense Lawyers, White Collar Seminar, New York, New York. The panel discussed legal developments in the law on political corruption and practice pointers in defending political corruption prosecutions. I have no notes, transcript or recording, but press coverage is supplied. The mailing address for the National Association of Criminal Defense Lawyers is 1660 L Street, N.W., 12th Floor, Washington, D.C. 20036.

September 5, 2012: Speaker, "Dinner with Mr. Amit Mehta," Network of South Asian Professionals, Washington, D.C. The event concerned general career advice to young South Asian professionals. I have no notes, transcript or recording. I am unable to locate a mailing address for the Network of South Asian Professionals in Washington, D.C.

June 24, 2012: Moderator, "An Evening with Neal Katyal," sponsored by the South Asian Bar Association of Washington, D.C. The presentation involved a question and answer session with Neal Katyal of Hogan Lovells LLP. I have no notes, transcript or recording. The mailing address for the South Asian Bar Association of Washington, D.C., is P.O. Box 65349, Washington, D.C. 20035.

May 19, 2012: Speaker, "Health Care Fraud and Abuse: What Physicians Need

to Know,” sponsored by the Florida Association of Physicians of Indian Origin, Tampa, Florida. The presentation generally discussed federal health care enforcement and statutes applicable to practicing physicians. PowerPoint supplied.

September 2, 2011: Panelist, “Litigation 101: What Business Executives & In-House Counsel Should Think About When Faced With Litigation,” Network of Indian Professionals of North America, 2011 Annual Conference, Washington, D.C. The panel discussed the obligations and responsibilities of business executives whose companies face civil or criminal litigation. I have no notes, transcript or recording. I am unable to locate a mailing address for the Network of Indian Professionals of North America.

May 4, 2011: Panelist, “Beware the Invisible Export Controls,” American Bar Association Section of International Law, Washington, D.C. The panel discussed recent developments in export control laws and enhanced export control enforcement. Audio recording is available at:  
[http://www.americanbar.org/content/dam/aba/multimedia/international\\_law/mp3/20110504\\_export\\_controls.authcheckdam.mp3](http://www.americanbar.org/content/dam/aba/multimedia/international_law/mp3/20110504_export_controls.authcheckdam.mp3).

April 9, 2010: Moderator, panel for the District of Columbia Judicial and Bar Conference, Washington, D.C. The panel discussed *Brady* reform in the aftermath of the prosecution of Senator Ted Stevens. I have no notes, transcript or recording. The mailing address of the District of Columbia Bar Association is 1101 K Street, N.W., Suite 200, Washington, D.C. 20005.

- 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.

Articles:

WorldECR, “D.C. Focus. The City. The Law. The Lawyers,” 2014. Copy supplied.

Arise America News, “US India Diplomatic Flap,” Dec. 18, 2013. Video clip available at <https://www.youtube.com/watch?v=o-3MLiRNnE4>.

Litigation Commentary and Review, “Fellow Spotlight,” February/March 2012. Copy supplied.

Aziz Haniffa, *Meet Strauss-Kahn’s Defender, One of America’s Top Young Lawyers*, India Abroad, Nov. 18, 2011, at A14 & A16. Copy supplied.



*Indictments Postponed for Welch, Johnson*, Associated Press, July 28, 2000.  
Copy supplied.

Press Statements:

The following represents my best effort to compile case-related press statements. To compile the list, I consulted news sources and my own files. There may be case-related press releases that I have been unable to recall or identify.

December 10, 2012: Press statement concerning settlement in *Diallo v. Strauss-Kahn*, Index No. 307065/2011 (Supreme Court, Bronx County). Representative press coverage supplied.

November 30, 2012: Press statement concerning reporting of potential settlement in *Diallo v. Strauss-Kahn*, Index No. 307065/2011 (Supreme Court, Bronx County). Representative press coverage supplied.

June 12, 2012: Press statement concerning filing of notice of appeal in *Diallo v. Strauss-Kahn*, Index No. 307065/2011 (Supreme Court, Bronx County). I have been unable to obtain representative press coverage.

May 1, 2012: Press statement concerning denial of motion to dismiss in *Diallo v. Strauss-Kahn*, Index No. 307065/2011 (Supreme Court, Bronx County). Representative press coverage supplied.

September 26, 2011: Press statement held with co-counsel concerning filing of motion to dismiss in *Diallo v. Strauss-Kahn*, Index No. 307065/2011 (Supreme Court, Bronx County). Press statement and representative press coverage supplied.

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

I have not served as a judge.

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

- i. Of these, approximately what percent were:

jury trials:	_____%
bench trials:	_____% [total 100%]
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 the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
  - 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 served as a judge.

- 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.

I have not held public office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

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

In 2013, my wife and I hosted fundraisers for the campaign of Gregg Bernstein for Baltimore City State's Attorney. In 2010, my wife and I hosted a fundraiser for the campaign of Gregg Bernstein for Baltimore City State's Attorney. Additionally, we volunteered on election day for Mr. Bernstein's campaign by displaying signs near a polling station. In 2008, on a volunteer basis, I raised and collected from friends, to the best of my recollection, no more than \$500 in contributions for the presidential campaign of Senator Barack Obama.

**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 1998 to 1999, I served as a law clerk to The Honorable Susan P. Graber on the United States Court of Appeals for the Ninth Circuit.

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

I have not practiced alone.

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

1997 – 1998  
Latham & Watkins, LLP  
505 Montgomery Street  
Suite 2000  
San Francisco, CA 94111-6538  
Associate (1997 – 1998)

2002 – 2007 (on leave of absence from August – December 2003)  
Public Defender Service for the District of Columbia  
633 Indiana Avenue, N.W.  
Washington, D.C. 20004  
Staff Attorney

1999 – 2002, August – December 2003, 2007 – present  
Zuckerman Spaeder, LLP  
1800 M Street, N.W.  
Washington, D.C. 20036  
Partner (2010 – present)  
Counsel (2007 – 2010)  
Associate (1999 – 2002, 2003)

- 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.

I first began practicing law in 1997 at the law firm of Latham & Watkins LLP. My work there consisted mainly of legal research, drafting pleadings in trial and appellate proceedings, writing legal and factual memoranda, and reviewing documents in white-collar criminal investigations and in business dispute litigation.

Following my clerkship, in September 1999, I joined the law firm of Zuckerman Spaeder LLP as an associate. During this period, I worked primarily in the areas of criminal defense and civil litigation.

In 2002, I joined the Public Defender Service for the District of Columbia as a staff attorney. At the Public Defender Service, I spent five years representing indigent clients charged with crimes in proceedings before the Superior Court for the District of Columbia and in quasi-criminal proceedings before the United States Parole Commission. I was lead counsel in approximately 100 felony and misdemeanor cases, of which approximately 15 to 20 were tried to verdict before juries or judges. By the end of my tenure at the Public Defender Service, almost all of my representations involved serious felonies, including homicides, sexual assaults, and other violent crimes. I was part of the Agency's Forensic Practice Group, which provided support to lawyers on forensic science issues. I also represented over 100 clients in parole or supervised release revocation proceedings before the United States Parole Commission. Finally, I argued two cases before the Court of Appeals for the District of Columbia.

I returned to Zuckerman Spaeder in 2007 as counsel and became a partner in 2010. My practice at Zuckerman Spaeder has focused on representing companies and individuals in criminal prosecutions and investigations, and federal civil enforcement actions, and in complex civil litigation. My criminal and civil enforcement representations have included cases involving financial fraud, public corruption, antitrust laws, sanctions and export control regimes, securities laws, gaming prohibitions, and environmental regulations. My civil matters have included business disputes, antitrust laws, and tort claims. I also have briefed and argued cases before the federal courts and the District of Columbia Court of Appeals in criminal and post-conviction cases.

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

At Latham & Watkins LLP, my typical clients were companies and individuals involved in criminal investigations or civil disputes in federal and state courts.

At the Public Defender Service, my clients were persons charged with felony or misdemeanor offenses in the District of Columbia Superior Court or accused of violating the terms of parole or supervised release before the United States Parole Commission.

At Zuckerman Spaeder LLP, my typical clients have been companies and

individuals involved in criminal prosecutions and investigations, federal civil enforcement actions, or civil disputes in federal and state courts. I also have represented individuals in post-conviction proceedings in the federal and District of Columbia trial and appellate courts.

- 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.

Over 95% of my practice has been devoted to litigation or litigation-related matters (such as representing clients involved in pre-indictment investigations or conducting internal investigations). My counseling work for clients has been limited. As an associate at Latham & Watkins, LLP, I recall only one court appearance in a pro bono case. As an associate at Zuckerman Spaeder LLP, I was involved in a federal criminal case in the District of Utah that resulted in the acquittal of the former President of the Salt Lake Olympic Organizing Committee. Except for that case, my court appearances as an associate were rare. While at the Public Defender Service, as a full-time trial-division attorney, I appeared in court, on average, three to four times per week. I also argued two cases before the District of Columbia Court of Appeals. Since rejoining Zuckerman Spaeder in 2007, I have appeared in federal court and District of Columbia Superior Court on a consistent basis. I would estimate that, over the last seven years, on average, I have appeared in trial courts three to seven times per year. I also have had two appellate court arguments during that period.

- i. Indicate the percentage of your practice in:

1. federal courts:	45%
2. state courts of record:	50%
3. other courts:	0%
4. administrative agencies:	5%

- ii. Indicate the percentage of your practice in:

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

- 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.

Over the course of my career, I have tried approximately 20 cases to verdict, most of which took place while I was a staff attorney at the Public Defender Service. As a public defender, I was the lead counsel in most of my tried cases. At Zuckerman Spaeder, I have been lead counsel in one civil bench trial and one misdemeanor bench trial. When I was an associate, I was the junior member of a criminal defense team in a case tried in federal court.

- i. What percentage of these trials were:
  1. jury: 70%
  2. non-jury: 30%
- 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 filed one petition for certiorari before the Supreme Court of the United States in *Reddy v. United States*, No. 14-5191 (2014). Copy supplied.

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. *In re Oil Spill By the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, Case No. 2:10-md-2179-CJB-SS, *Bon Secour Fisheries, Inc. v. BP Exploration & Production, Inc.* (E.D. La.) (Judge Carl Barbier, presiding)

Since September 2013, I have served as counsel to Mr. Lerner in the Deepwater Horizon Oil Spill multi-district litigation. Mr. Lerner is a partner in AndryLerner, LLC, a law firm in New Orleans, Louisiana, which represents claimants before the Deepwater Horizon Economic & Real Property Claims Center. Mr. Lerner is the subject of an Order to Show Cause, which proposes to deny him payment of attorney's fees, after Special Master Louis J. Freeh issued an investigative report accusing Mr. Lerner of making payments to an employee of the Claims Center to influence the claims process. On behalf of Mr. Lerner, we have sought to obtain discovery, objected to the scope of the Special Master's powers, and responded to the report's accusations. A decision on the Order to Show Cause is pending.

Co-counsel to Lerner

William W. Taylor, III

Zuckerman Spaeder, LLP  
1800 M Street, N.W., Suite 1000  
Washington, D.C. 20036  
(202) 778-1800

Pauline Hardin  
Jones Walker  
201 St. Charles Avenue, #5000  
New Orleans, LA 70170  
(504) 582-8000

Counsel to Other Show Cause Parties

Douglas S. Draper  
Heller, Draper, Patrick, Horn & Dabney, LLC  
650 Poydras Street, Suite 2500  
New Orleans, LA 70130  
(504) 299-3300  
Counsel to AndryLerner, LLC

Stephen M. Gele  
Smith & Fawer, LLC  
201 St. Charles Avenue, Suite 3702  
New Orleans, LA 70170  
(504) 525-2200  
Counsel to The Andry Law Firm

Mary Olive Pierson  
Attorney at Law  
8702 Jefferson Highway  
Baton Rouge, LA 70809  
(225) 927-6765  
Counsel to Reitano

Lewis O. Unglesby  
Unglesby Law Firm  
246 Napoleon Street  
Baton Rouge, LA 70802  
(225) 387-0120  
Counsel to Andry

Michael S. Walsh  
Taylor Porter, LLP  
Post Office Box 2471  
Baton Rouge, LA 70821



(225) 387-3221  
Counsel to Sutton

Counsel to the Special Master

Gregory A. Paw  
Pepper Hamilton, LLP  
3000 Two Logan Square  
Eighteenth and Arch Streets  
Philadelphia, PA 19103  
(215) 981-4000

2. *Steinbronn v. UCI*, 2009 CA 9127 (D.C. Super. Ct.) (Judge Franklin A. Burgess, Jr.)

From 2010 to 2013, I was primary counsel to UCI (f/k/a Unification Church International), a District of Columbia non-profit corporation, in a suit brought against UCI by its former in-house counsel, Mr. Steinbronn. Mr. Steinbronn filed suit against UCI and others in December 2009, alleging, in part, that UCI had converted certain personal property and documents in August 2009, when UCI locked Mr. Steinbronn out of his office after learning that he had aligned himself with interests adverse to the company. Mr. Steinbronn's single claim of conversion of property went to a bench trial before the Honorable Franklin A. Burgess in October 2012. Judge Burgess found substantially in favor of UCI, awarding Mr. Steinbronn \$1 in damages and ordering the return of certain personal documents. The District of Columbia Court of Appeals affirmed the judgment in November 2013 in an unpublished memorandum opinion (80 A.2d 864 (table)). I drafted the briefs and presented the oral argument before the District of Columbia Court of Appeals.

Co-counsel for UCI

Blair G. Brown  
Zuckerman Spaeder LLP  
1800 M Street, N.W., Suite 1000  
Washington, D.C. 20036  
(202) 778-1800

Counsel of Plaintiff Steinbronn

Robert Boraks  
Kalbian Hagerty LLP  
888 17th Street, N.W.  
10th Floor  
Washington, D.C. 20006  
(202) 223-5600

Following entry of judgment, Mr. Steinbronn proceeded *pro se*, including before the District of Columbia Court of Appeals.

3. *United States v. Mitchell*, Nos. 11-CO-1677 & 12-CO-1412 (D.C.), 1993 FEL 011175 (D.C. Super. Ct.) (Judge Russell F. Canan, presiding)

Mr. Mitchell and his co-defendant, Mr. Gathers, were convicted of first-degree murder in 1994 and continue to serve a lengthy prison term. Since 2010, I have been lead counsel to Mr. Mitchell *pro bono* in post-conviction proceedings in the District of Columbia courts. On behalf of Mr. Mitchell, I filed a petition under the Innocence Protection Act, which asserted Mr. Mitchell's actual innocence, and a motion under D.C. Code § 23-110, which argued that Mr. Mitchell was entitled to a new trial because the conviction rested on material false testimony. Following a multi-day evidentiary hearing, the trial court denied Mr. Mitchell relief. The trial court's denial of relief is pending before the District of Columbia Court of Appeals. I co-authored the petitioners' appellate briefs.

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Counsel for the United States

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4. *Cloverleaf Enterprises, Inc. v. Maryland Thoroughbred Horsemen's Ass'n, Inc., et al.*, Civil Action No. RDB 10-407 (D. Md.) (Judge Richard D. Bennett, presiding)

Reported decisions:       730 F. Supp. 2d 451 (D. Md. 2010)  
                                  2010 WL 4293338 (D. Md. Nov. 1, 2010)

In 2010, I was principal counsel for Cloverleaf Enterprises, Inc., the owner and operator of Rosecroft Racecourse, a Maryland standardbred racetrack, in a suit brought by Cloverleaf Enterprises against, among others, the Maryland Jockey Club of Baltimore City, Inc., and the Maryland Thoroughbred Horsemen's Association for violations of Sections 1 and 2 of the Sherman Antitrust Act. Cloverleaf Enterprises alleged that the defendants had engaged in a group boycott orchestrated to destroy

competition in off-track betting and to monopolize the off-track betting market in the state of Maryland. The defendants filed motions to dismiss, and I drafted the oppositions and argued them before the trial court. The court denied defendants' motions, allowing the Sherman Act claims to proceed. The case was resolved soon thereafter.

Co-counsel for Cloverleaf Enterprises

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5. *United States v. Cabelly*, No. 09-278 (D.D.C.) (Judge John Bates, presiding)

Since 2008, I have served as co-counsel to Mr. Cabelly, a former State Department official and consultant accused of violating the Sudan sanctions regulations. Mr. Cabelly was alleged to have provided business consulting and brokering services to Sudanese government officials and businessmen. Following pre-trial litigation, including challenges to the government's collection of evidence under the Foreign Intelligence Surveillance Act and search warrants executed on Mr. Cabelly's place of business, Mr. Cabelly accepted a plea bargain to a single felony count. At sentencing, Mr. Cabelly received an eight-month term of incarceration.

Co-counsel for Cabelly

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Counsel for the United States

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6. *United States v. Hanson*, Crim. No. 09-0071 (PLF) (D.D.C. 2011) (Judge Paul L. Friedman, presiding)

Reported decisions: 613 F. Supp. 2d 85 (D.D.C. 2009)

From 2009 to 2011, I was lead counsel for Ms. Hanson. Ms. Hanson and her husband were charged with violating U.S. export control laws for shipping allegedly regulated items without an export license. If convicted, Ms. Hanson faced a multi-year jail sentence. Following pre-trial litigation, the government dropped the export control charges and agreed to resolve the case on a no-jail basis. The *Hanson* case remains one of the few cases in which a defendant charged with export control violations has not been convicted on that charge.

Counsel for Defendant Hanson

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7. *In re Grand Jury Subpoenas*, No. 08-3056 (D.C. Cir.) (Judges Ginsburg and Kavanaugh, and Senior Judge Williams), No. 1:07mc00319 (D.D.C. 2007) (Chief Judge Thomas Hogan, presiding)

Reported decisions: 571 F.3d 1200 (D.C. Cir. 2009)

From 2007 to 2009, I was the second-chair counsel representing a Congressman who was the subject of a grand jury investigation concerning alleged false statements made to the House Ethics Committee. The grand jury sought documents from the Congressman's lawyers who assisted him in preparing responses to the Ethics Committee. The district court denied the motion to quash the grand jury subpoenas. On appeal, the D.C. Circuit reversed, holding that the Congressman's lawyers' files were protected from disclosure under the Speech or Debate Clause. The D.C. Circuit's decision affirmed that the Speech or Debate Clause protects from Executive Branch scrutiny statements made by a Congressman to an ethics committee. I was the primary drafter of the pleadings in the district court and the briefs in the District of Columbia Court of Appeals.

Co-counsel for the Congressman

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8. *United States v. Drayton*, No. 03-CM-658 (D.C. 2005) (Judges Terry, Farrell, and Senior Judge King)

Reported Decision: 877 A.2d 145 (D.C. 2005)

In 2004, I represented Ms. Drayton on appeal from her conviction for attempted possession of a prohibited weapon and simple assault arising out of an altercation with her minor son. The government's evidence against Ms. Drayton consisted almost entirely of the testimony of two police officers who responded to the scene and interviewed her son. Her son did not testify at trial. I briefed and argued the matter before the District of Columbia Court of Appeals. The court reversed her convictions on the ground that the government's presentation of hearsay evidence violated her Sixth Amendment right to confront her accuser, as interpreted by the Supreme Court of the United States in *Crawford v. Washington*, 541 U.S. 36 (2004). *Drayton* was one of the first post-*Crawford* decisions published in the District of Columbia.

Co-counsel for Drayton

James Klein

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Counsel for the United States

The Honorable Roy W. McLeese III  
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9. *United States v. Speaks*, F-1001-05 (D.C. Super. Ct. 2005) (Judge Hiram Puig-Lugo, presiding)

Reported decision: 959 A.2d 712 (D.C. 2008)

In 2005, I represented Mr. Speaks, in what, at the time, was the most serious felony case I had tried to verdict. Mr. Speaks was charged with, among other things, armed carjacking, armed kidnapping, and cruelty to children, arising from his entry into a car containing three minors. As part of the defense, I cross-examined government experts, including a DNA expert. After a two-week trial, the jury acquitted Mr. Speaks of the most serious felony charges, but convicted on lesser offenses. He was sentenced to time served. On appeal, the District of Columbia Court of Appeals addressed a novel question about the application of the voluntary D.C. Sentencing Guidelines. The Court of Appeals held that it is not an abuse discretion for a trial court to impose a sentence that is inconsistent with an interpretative guidance to the D.C. Sentencing Guidelines, so long as the sentence is statutorily lawful.

Counsel for the United States

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10. *United States v. Welch*, Case No. 00-CR-324 S. (D. Utah) (Judge David Sam, presiding; Magistrate Judge Ronald N. Boyce)

Reported decisions: 198 F.R.D. 545 (D. Utah 2001)

201 F.R.D. 521 (D. Utah 2001)  
248 F. Supp. 2d 1047 (D. Utah 2001), *rev'd*, 327 F.3d 1081  
(10th Cir. 2003)

From 1999 to 2002 and October to December 2003, I was the junior member of the defense team that secured the acquittal of Mr. Welch, the former head of the Salt Lake City Olympic Organizing Committee. The grand jury charged Mr. Welch with, among other things, racketeering, mail/wire fraud, and commercial bribery in federal court in Utah. In July 2001, the district court dismissed the indictment on the ground that the government failed to charge a crime as a matter of law. On appeal, the Tenth Circuit Court of Appeals reinstated the charges in April 2003. The case went to trial at the end of October 2003. After six weeks of government evidence, Mr. Welch was acquitted by the court under Federal Rule of Criminal Procedure 29.

Co-counsel for Defendant Welch

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Counsel for Defendant Johnson

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The Honorable Robert J. Shelby  
(formerly an attorney with Snow Christensen & Martineau)  
Judge, United States District Court for the District of Utah  
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Counsel for the United States

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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.)

A substantial part of my practice at Zuckerman Spaeder has been in the areas of white-collar criminal defense and civil enforcement actions. As a result, many of my client representations have involved companies and individuals in internal investigations or government investigations that did not result in litigation or ended with settlements before trial. For instance, I conducted an internal investigation for a public company under investigation by the U.S. Department of Justice for criminal anti-trust violations. Additionally, I was part of a team of lawyers who represented the former CFO of Canadian pharmaceuticals manufacturer, Biovail, in a civil enforcement matter brought by the U.S. Securities and Exchange Commission, which settled on the eve of trial. I also have represented multiple individuals against whom no criminal or enforcement proceeding was brought.

At the District of Columbia Public Defender Service, I participated in legislative activity by serving on a committee under the auspices of The Council for Court Excellence whose purpose was to develop legislation that would broaden the right of individuals to seal records of arrests and certain convictions for District of Columbia Code violations. I have not, however, performed 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.

I have not taught any courses.

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.

Upon leaving my law firm, I would receive payment of my remaining share of partnership and bonus income. The timing of these payments would be based on firm policy and the relevant ethics rules.

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.

I do not have any plans, commitments, or agreements to pursue outside employment, with or without compensation, if confirmed to serve on the court.

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).

See Financial Disclosure Report.

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

See Statement of Net Worth.

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, the main conflict of interest I would likely confront involves my law firm, where my wife is also presently a partner. I would handle all matters concerning recusal by consulting the rules and decisions that address what constitutes a conflict of interest or the appearance of a conflict of interest. I also would recuse myself from any case handled by the Mid-Atlantic Innocence

Project or any case in which the Project was a party, to the extent that my membership on the organization's Board of Directors remains consistent with my judicial responsibilities.

Moreover, cases involving former clients could present a conflict of interest or create the appearance of a conflict of interest. In such cases, I would refer to 28 U.S.C. §§ 455, Canon 3 of the Code of Conduct for United States Judges, as well as any other applicable canons, rules, and statutes. I would notify the parties of the potential conflict and seek their input, and consult with other judges, if needed. I would take all of these factors into account in determining the appropriate action, including possible recusal.

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

I would refer to 28 U.S.C. §§ 455, Canon 3 of the Code of Conduct for United States Judges, as well as any other applicable canons, rules, and statutes. I also would notify the parties of the potential conflict and seek their input, and consult with other judges, if needed. I would take all of these factors into account in determining the appropriate action, including possible recusal.

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.

Since 2010, I have represented Keith Mitchell *pro bono* in post-conviction proceedings in the District of Columbia courts. Mr. Mitchell was convicted of first-degree murder in May 1994. In 2009, evidence came to light that the sole eyewitness against Mr. Mitchell had recanted his testimony and that additional investigation had identified other possible perpetrators of the offense. Furthermore, other evidence showed that key testimony presented by a Metropolitan Police Department detective was in fact false. On behalf of Mr. Mitchell, I filed a petition under the Innocence Protection Act and under D.C. Code § 23-110. The trial court denied relief, and the matter is now pending before the District of Columbia Court of Appeals. I have worked over 450 pro bono hours on Mr. Mitchell's case since 2010.

Since 2009, I have served on the Board of Directors of the Mid-Atlantic Innocence Project, a legal services organization whose purpose is to correct and prevent wrongful convictions.

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 April 14, 2014, I submitted a Judicial Candidate Questionnaire to Representative Eleanor Holmes Norton's District of Columbia Federal Law Enforcement Nominating Commission. I interviewed with the Commission on May 6, 2014, and with Congresswoman Norton on June 2, 2014. Since June 4, 2014, I have been in contact with officials from the Department of Justice Office of Legal Policy. On July 15, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On July 31, 2014, the President submitted my nomination to the Senate.

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

No.

AFFIDAVIT

I, Amit Priyavadan Mehta, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

8/1/14  
(DATE)

Amit Mehta  
(NAME)



Julie L. Allard  
(NOTARY) 8/1/14