

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 job description where appropriate.

6/01 - Present	Assistant Attorney General U.S. Department of Justice 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530
5/94 - 5/01	Partner, Latham & Watkins One Newark Center, 16 th Floor Newark, New Jersey 07101-3174
1997 - 2001	Trustee, Association of Criminal Defense Lawyers New Jersey
2000 - 2001	Special Counsel N.J. Senate Judiciary Committee Trenton, New Jersey
1995 - 1999	Investigations Officer N.Y. Mason Tenders District Council (Court-appointed)
1994 - 1996	Special Counsel U.S. Senate Whitewater Committee (includes service as minority counsel to the Banking Committee)
1994 - 2001	Director New Brunswick Development Corporation New Brunswick, New Jersey
6/90 - 4/94	United States Attorney U.S. Attorney's Office, D.N.J. Department of Justice 970 Broad Street, Rm. 702 Newark, NJ 07102
7/87 - 6/90	First Assistant U.S. Attorney U.S. Attorney's Office, D.N.J. Department of Justice 970 Broad Street, Rm. 702 Newark, NJ 07102

9/83 - 6/87	Assistant U.S. Attorney U.S. Attorney's Office, S.D.N.Y. Department of Justice One St. Andrews Plaza New York, NY 10007
8/80 - 8/83	Associate, Latham & Watkins 1300 New Hampshire Ave. NW Washington, D.C.
7/79 - 7/80	Law Clerk, Justice William J. Brennan, Jr. United States Supreme Court One First Street, N.E. Washington, D.C.
7/78 - 7/79	Law Clerk, Judge Murray Gurfein U.S. Court of Appeals, 2d Circuit Foley Square, New York, NY 10007
6/78	Summer Associate, Miller, Cassidy, Larroca & Lewin 2555 M Street, N.W. Washington, D.C. 20037
4/78 - 5/78	Part-time Staff, Massachusetts Legislative Oversight Commission State Capitol Boston, MA
9/77 - 4/78	Research Assistant, Harvard University School of Law Cambridge, MA
6/77 - 7/77	Summer Associate, Sullivan & Cromwell 125 Broad Street, New York, NY 10004
6/76 - 7/76	Summer Associate, McCarter & English Gateway Four Newark, NJ 07102

6/75 - 7/75 Intern, Tax Analysts & Advocates
6830 N. Fairfax
Arlington, VA

8. **Military Service:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number and type of discharge received.

NONE.

9. **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.

2002 - Juris Doctor honoris causa, Seton Hall Law School, Newark, N.J.

2002 - Trial Attorneys of New Jersey, Trial Bar Award for "Distinguished Service in the Cause of Justice"

1976-1978 - Member and Note Editor, Harvard Law Review

1986 - Annual Legal Award Association of Federal Investigators (for successful prosecution of corruption in Sullivan County, New York)

1987 U.S. Department of Justice John Marshall Award for Outstanding Achievement in Trial of Litigation (for successful prosecution of leaders of Mafia's national "Commission," United States v. Salerno, et al.)

1992 Anti-Defamation League Distinguished Public Service Award

1994 U.S. Department of Health & Human Services Inspector General Prosecutive Leadership Award

1997 Fellow, American Bar Foundation

10. **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.

Master, Edward Bennett Williams Inn of Court, Washington, D.C. 2001 -;

Ex Officio Member, Executive Committee, International Association of Prosecutors, 2001 -;

Editorial Board, New Jersey Law Journal 1994-2001;

N.J. Supreme Court Criminal Practice Committee, 1997-2000;

Association of the Federal Bar of the State of New Jersey; 1994-2001

Trustee, Association of Criminal Defense Lawyers - New Jersey 1997-2001;

Association of the Bar of the City N.Y., 1984 -
 - Committee on Legal Education, 1984 - 1987
 - Committee on Criminal Advocacy, 1987 - 1990;

Federal Bar Council (NY). 1989 - 2001;

New Jersey State Bar Association, 1989 - present
 - Executive Board, Federal Practice Committee, 1989 - 1990;

Lawyers Advisory Committee, U.S. District Court,
 District of New Jersey (ex officio), 1990 - 1994

American Bar Association, 1980 - 1983, 1997 - present
 - Antitrust Section, 1980 - 1983
 - American Bar Foundation, 1997 - present

11. **Bar and Court Admission:** List each state and court in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

District of Columbia	12/19/80
U.S. District Court, District of Columbia	2/2/81
U.S. Court of Appeals, D.C. Circuit	3/10/81
State of New York	12/7/87
U.S. Court of Appeals, 2d Circuit	1/5/84
State of New Jersey	6/7/90
U.S. District Court, S. District of New York	Jan. 1995
U.S. District Court, D.N.J.	6/7/90
U.S. Court of Appeals, 3d Circuit	5/26/95

U.S. Court of Appeals, 7th Circuit
 Supreme Court of the U.S.

5/25/00
 11/04/02

12. **Memberships:** List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, charitable, or other organizations since graduation from college, other than those listed in response to Questions 10 or 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion - 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.

Associated Harvard Alumni; Nomahegan Swim Club, Westfield, NJ; Westfield, N.J., College Men's Club, Westfield, NJ (Raises scholarship money for college-bound students) Cosmos Club, 2121 Massachusetts Avenue, N.W., Washington, D.C.; Harvard Law Review; London School of Economics Alumni.

During my membership periods, none of these organizations discriminated on the basis of race, sex, or religion.

13. **Published Writings:** List the titles, publishers, and dates of books, articles, reports, or other material you have written or edited, including material published on the Internet. Please supply four(4) copies of all published material to the Committee, unless the Committee has advised you that a copy has been obtained from another source. Also, please supply four(4) copies of all speeches delivered by you, in written or videotaped form over the past ten years, including the date and place where they were delivered, and readily available press reports about the speech.

Author: Note, Valuation of Conrail Under the Fifth Amendment, 90 Harv.L.Rev. 596 (1977)

Case Note, U.S. Trust Co. v. New Jersey, 91 Harv.L.Rev. 83 (1977)

Book Review (with R. Hills) Shareholder Litigation, 60 Wash U.L.Q. 735 (1981)

Book Review of Confessions, Truth and the Law, 93 U.Mich.L.Rev. 1713 (1995)

Article: Changing Definitions of Willfulness in Federal Criminal Law, Washington Legal Foundation Legal Backgrounder, 10/21/94

Article: "Whitewater: Why It Matters" Newsweek

Presentation: "Corporate Self-Examination:
Internal Investigation of Company
Wrongdoing in the U.S." (Undated)

Editor: Note, Constitutional Problems in the Execution of Foreign Penal Sentences, 90 Harv.L.Rev.1500 (1977)

Note, The Finality Rule for Supreme Court Review of State Court Orders, 91 Harv.L.Rev. 1004 (1978)

Substantially wrote following editorials for N.J. Law Journal:

"Tools Against Terrorism," June 1996;

"Celebrity Jurors," September 1998;

"Unsolomonic Compromise," March 2000.

Victims Attain a Voice in the Criminal Justice Process, *New Jersey Lawyer* February/March 1994;

Letters: "People v. Sol Wachtler," *New York Times Book Review*;

Hill Interview: "Michael Chertoff, Senate
Whitewater counsel says it's hard to conceal the
truth," *The Hill*, by Jamie Stiehm.

Participation in a Symposium on Securities Law Enforcement, 17 *Seton Hall Legis. J.* 1 (1993).

Letter in support of Frederic Woocher as nominee to U.S. District Court, Central District of California, submitted as part of the record by Senator Boxer, November 10, 1999.

Copies of above articles and testimony are attached.

Taped Interviews with Court TV - Harvard Forum on the O.J. Simpson Case, Oct. 5, 1994; C-Span, Spring 1996 (Whitewater Hearings); CNNfn, 4/22/97 and 7/14/97 (Campaign Finance Rules), Fox News 5/11/97 (Whitewater); White Collar Crime Report "Famous White Collar Cases," (undated); A&E American Justice: Defending the Mob (undated). One copy of each tape is being supplied to the Committee.

Additionally, in November 1999, I testified before the N.J. Senate on the question of peremptory challenges in death penalty cases. There was no prepared text and I have no record of the testimony.

I have from time to time spoken to client groups, bar groups and community groups on legal issues involving corporate compliance and practical criminal law issues. I speak extemporaneously and have no recording of these remarks. These presentations included:

Remarks on Law and Humanity, Temple Beth Judah, Margate, NJ, April 28, 2001 (news article submitted).

Panelist, NY Law Journal Conference: Civil Litigation: A View from the Bench and Bar, New York, N.Y., March 22-23, 2001, March 1999, March 1998 (no notes or record except for audiotape of March 1999 session, one copy submitted to the Committee).

Remarks: "Anti-violence Initiatives by the Federal Government," Symposium on Violence held by the NJ Public Health Association and various NJ state agencies, Jamesburg, N.J., Oct. 13, 1993 (rough notes enclosed).

Participant: National Research Council, Urban Violence Conference, Washington, D.C., Oct. 7-9, 1993 (no notes or record).

Speaker on topic of victims' rights, NJ Bar Association Convention, Atlantic City, N.J., May 22, 1993 (no notes or record).

Speaker, "Environmental Regulation in New Jersey," Institute of Business Law, East Brunswick, N.J., April 14-15, 1993 (rough notes enclosed).

Speaker, "Environmental Compliance and Enforcement," Shanley & Fisher Conference, Morristown, N.J., April 1, 1993 (no notes or record).

Speaker on fraud issues, Conference of National Association of Certified Fraud Examiners, Edison, N.J., March 18, 1993 (no notes or record).

Panelist on Government Policy, ABA National Institute on Health Care Fraud, Orlando, Fla., February 12, 1993 (no notes or record).

- Panelist, Anatomy of a Sentence, Seton Hall Law School, Newark, N.J., March 2, 1993 (no records or record).
- Panelist, Hate and Bias Crimes Seminar, Institute for Continuing Legal Education of New Jersey, New Brunswick, N.J., January 8, 1993 (no notes or record).
- Panelist, Civil and Criminal Liability of Officers, Directors and Professionals: Bank and Thrift Litigation in the 1990's. Practising Law Institute, Washington, D.C., October 15-16, 1991 (no notes or record).

Apart from the foregoing, I have no record relating to other presentations I have given over the years prior to my assuming my current position.

From June 1995 to June 1996, while serving as Special Counsel to the Senate Whitewater Committee, I appeared on numerous news shows, and was interviewed by the media. These remarks are contained in various news databases.

Also, as Special Counsel to the Whitewater Committee, and as Special Counsel to the N.J. Senate Judiciary Committee from 2000 - 2001, I participated in numerous hearings, which were transcribed. One copy of the N.J. Senate transcripts is enclosed herewith.

Also, as U.S. Attorney I held press conferences from time to time on various cases and legal issues. I spoke extemporaneously and have no recording of these conferences. Quotes may appear in various news databases, however.

Since assuming my current position as Assistant Attorney General, I have spoken at the following events. I almost always speak without text; any prepared remarks are enclosed herewith.

- July 24, 2001 Speaker at Citizen Crime Commission Conference, Manhattan, NY "Law Enforcement Challenges"
- August 9, 2001 Speaker at the Army Navy Country Club, Arlington, Va. "Fraud Schemes" (text enclosed)
- August 26, 2001 Speaker at the Weed & Seed Conference, Philadelphia, PA.
- October 10, 2001 Speaker at Conference in NY

- October 22, 2001 ABA Money Laundering Enforcement Seminar: "Money Laundering Issues in 2001" - Arlington, Virginia
- October 23, 2001 Speaker at University of Virginia Law School, Charlottesville, Va "Terrorism"
- November 8, 2001 Speaker - The B'Nai B'Rith International Distinguished Achievement Award Dinner
- November 13, 2001 Anti-Terrorism Conference through Executive Office of United States Attorneys, Washington, DC "Terrorism"
- January 24, 2002 ABA White Collar Crime Conference
Terrorism: "Proposed restructuring of the Department of Justice in the Wake of the 9/11 Terrorist attacks."
- February 2, 2002 ABA Philadelphia, PA - "Defending the Homeland: "Roles and Responsibilities"
- February 10, 2002 13th National Young Leadership Conference, Washington, D.C.
Terrorism: "Are we Ready on Our Homefront"
- February 12, 2002 Anti Defamation League Legal Conference Terrorism Democracy:
"Striking the Balance Between Security and Civil Liberties" New York
- February 13, 2002 The City Bar - Program sponsored by the Association's Council on Criminal Justice, Speaker, New York "Terrorism"
- February 27, 2002 ABA White Collar Crime Conference, Miami, Florida
Speaker at Dinner Topic: "Terrorism"
- March 6, 2002 American Criminal Law Review Panel - U.S. Patriot Act and Civil Liberties" Washington, D.C.
- March 18, 2002 National Academic of Sciences - Roundtable Discussion "Terrorism" Washington, D.C.
- March 20, 2002 The Association of the Federal Bar of the State of New Jersey - Panelist
"Civil & Criminal Legal Issues Arising Out of the Events of 9/11"
New Jersey

April 30, 2002 OCDETF National Conference - Washington, D.C.
 "Meeting the Demands of the New OCDETF and where DOJ fits into
 The New OCDETF" (text enclosed)

May 15, 2002 ABA - Health Care Fraud Institute, San Francisco, California
 "Current State and Future of Health Care Fraud Enforcement by DOJ"

May 22, 2002 New Jersey State Bar Annual Meeting, Atlantic City, NJ
 "Responses to Terrorism"

May 31, 2002 Seton Hall Law School - Keynote Speaker and honorary degree recipient
 Newark, New Jersey "Terrorism"

June 6, 2002 Delaware Bench Bar 2002 - Wilmington, DE - Panel "Terrorism"

August 9, 2002 ABA - Plenary Program: "Federal Enforcement 2002", Washington D.C.

August 10, 2002 ABA - Washington, D.C. "Leadership in a Time of Crisis: The Aftermath
 of 911"

Sept. 8-12, 2002 7th Annual IAP Conference, London - "the Threat of Global Crime:
 Trafficking in Humans, Drugs and Money"

September 9, 2002 Jesus College Cambridge, London
 12th International Symposium on Economic Crime

September 18, 2002 Speaker at Georgetown University - Honors Grad Program

September 26, 2002 Panelist - Washington, D.C. - Corporate Fraud Conference "Investigation
 & Prosecution Strategies Panel"

October 29, 2002 New York University Law School
 "Civil Liberties in Post 911 America: A Debate"

Nov. 7-11, 2002 Asian American Journalist Association, Dallas, TX "Terrorism" Panel

November 9, 2002 Federal Judicial Conference, St. Thomas, Virgin Island, Speaker at Dinner
 "Terrorism"

Nov. 14-16, 2002 Federalist Society's Twentieth Anniversary. Panelist "Law Enforcement
 and War Against Terrorism, Washington, D.C."

- December 4, 2002 Chicago Crime Commission Stars of Distinction Awards Dinner, "Remarks" Chicago, IL.
- December 11, 2002 Roundtable on Social & Behavioral Sciences & Terrorism: "Modeling Terrorist Organizations", Washington, D.C. - Opening Remarks
- November 15, 2002 Panelist - The Federalist Society for Law and Public Policy Studies - "Law Enforcement and the War Against Terrorism" "Putting the Crooks out of Business"
- Jan. 12-14, 2003 NACDL's Advanced Criminal Law Seminar, Aspen, Colorado "Defending Against Terror: Freedoms in the Balance"
- January 22, 2003 Washington, D.C. - Corporate General Counsel Forum - Speaker at Luncheon - "Changes in Corporate Governance".
- Jan. 26-28, 2003 Workshop for Judges of the Ninth Circuit, Santa Barbara, CA., Civil Rights/National Security - "Cutting Edge Issues in Civil Liberties and National Security"

14. **Congressional Testimony:** List any occasion when you have testified before a committee or subcommittee of the Congress, including the name of the committee or subcommittee, the date of the testimony and a brief description of the substance of the testimony. In addition, please supply four(4) copies of any written statement submitted as testimony and the transcript of the testimony, if in your possession.

Testimony as invited commentator before the Senate Foreign Relations Committee regarding the constitutionality of proposed Penal Treaties with Mexico and Canada, 95th Cong. 1st Sess., June 16, 1977, pp. 135-171 (including Text of Note).

Testimony before the U.S. Senate Finance Committee on U.S. Customs Oversight, 5/18/99

Testimony before the U.S. House of Representatives Committee on Ways and Means, Subcommittee on Social Security, Sept. 24, 1992, on "Illegal Disclosure of Social Security Earnings Information by Employees of the Social Security Administration and Department of Health and Human Services Office of Inspector General."

Since my nomination as Assistant Attorney General I have given the following congressional testimony (copies supplied herewith):

- May 9, 2001 Transcript of Chertoff confirmation Hearing

June 12, 2001 House Judiciary, Subcommittee on Crime

July 18, 2001 Senate Committee on Governmental Affairs, Permanent Select Subcommittee on Investigations

September 26, 2001 Senate Committee on Banking, Housing, and Urban Affairs

October 3, 2001 House Committee on Financial Services

November 14, 2001 House Judiciary, Subcommittee on Crime

November 15, 2001 House Permanent Select Committee on Intelligence

November 28, 2001 Senate Judiciary Committee

November 29, 2001 House Judiciary, Subcommittee on Crime

January 29, 2002 Senate Committee on Banking, Housing, and Urban Affairs

July 10, 2002 Senate Judiciary, Subcommittee on Crime and Drugs

October 9, 2002 Senate Finance committee

15. **Health:** Describe the present state of your health and provide the date of your last physical examination.

Excellent health. Last physical examination was January 2003.

16. **Citations:** If you are or have been a judge, provide:

- (a) a short summary and citations for the ten (10) most significant opinions you have written;
- (b) a short summary and citations for all ruling of yours that were reversed or significantly criticized on appeal, together with a short summary of an citations for the opinions of the reviewing court; and
- (c) a short summary of and citations for all significant opinions on federal or state constitutional issues, together with the citation for appellate court ruling on such opinions.

If any of the opinions or rulings listed were in state court or were not officially reported, please provide copies of the opinions

N/A. I have never been a judge.

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

- (a) List chronologically any public offices you have held, federal, state or local, 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 nominations for appointed office for which were not confirmed by a state or federal legislative body.

Assistant U.S. Attorney, Southern District of New York (Appointment by U.S. Attorney Rudolph Giuliani 1983 - 1987

First Assistant U.S. Attorney, District of New Jersey (Appointment by U.S. Attorney Samuel A. Alito, Jr.) 1987 - 1990

United States Attorney, District of New Jersey (Appointment by U.S. District Court, then by President George H.W. Bush), with Senate advice and consent) 1990-1994

Investigations Officer, N.Y. Mason Tenders District Council (Court Appointment by U.S. District Judge Robert Sweet) 1995-1999

Commissioner, N.J. Election Law Enforcement Commission (Appointment by Governor Whitman, with state Senate advice and consent) 1996

Special Counsel, U.S. Senate Special Committee to Investigate Whitewater and Related Matters (including service as Minority Special Counsel to Banking Committee) (Appointment by Senate Committee) 1994-1996

Special Counsel, N.J. Senate Judiciary Committee (Appointment by Senate Committee) 2000-2001

Assistant Attorney General, U.S. Department of Justice, Criminal Division (Appointment by President George W. Bush with Senate advice and consent) 2001-Present

Have you ever held a position or played a role in a political campaign? If so,

please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I was an alternate delegate to the 2000 Union County, N.J. Republican Convention.

I supplied occasional advice on criminal justice issues to the Bush for President Campaign in 2000, and was a vice chair of the N.J. finance committee in 2000.

From 1997-2000, from time to time I served on finance committees in the campaigns of N.J. State Senators Donald Di Francesco, John Bennett and Joseph Kyrillos.

In the fall of 1996, I did some fundraising for U.S. Senate Candidate Dick Zimmer of New Jersey, and I introduced Bob Dole at a campaign event.

During 1998 and 1999, I served as occasional outside counsel to the local campaign organization of Essex County, N.J., Executive James Treffinger.

Over the years, I have contributed to various political campaigns.

18. **Legal career:** Please answer each part separately.

(a) Describe chronologically your law practice and legal experience after graduation from law school including:

(1) whether you served as clerk to a judge, and if so, the name of the judge, the court and dates of the period you were a clerk:

7/78-7/79: Law clerk to the Honorable Murray I. Gurfein, U.S. Court of Appeals for the Second Circuit (now deceased).

7/79-7/80: Law clerk to the Honorable William J. Brennan, Jr., Associate Justice of the U.S. Supreme Court (now deceased).

(2) whether you practiced alone, and if so, the addresses and dates;

I have never been a sole practitioner

- (3) the date, 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.
- 8/80-8/83: Associate, Latham, Watkins & Hills formerly at 1333 New Hampshire Ave., N.W., Washington, DC; and 1001 Pennsylvania Ave., N.W., Washington, DC; now located at: Lincoln Square, 555 Eleventh Street, N.W., Washington, DC
- 9/83-6/87: Assistant U.S. Attorney Southern District of New York, One St. Andrews Plaza, New York, NY 10007
- 6/87-5/94: First Assistant and then U.S. Attorney, District of New Jersey, 970 Broad Street, Newark, NJ 07102
- 5/94-5/01: Partner, Latham & Watkins, One Newark Center, Newark, NJ 07101
- 1995-1999: Investigations Officer, N.Y. Mason Tenders District Council (Court Appointment) c/o Latham & Watkins, 885 Third Avenue, New York, NY 10022-4802
- 1996: Commissioner, N.J. Election Law Enforcement Commission, National State Bank Building, 12th Floor, 28 W. State Street, CN 185, Trenton, NJ 08625-0185 (Appointment, with state Senate advice and consent)
- 1994-1996: Special Counsel, U.S. Senate Special Committee to Investigate Whitewater and Related Matters, United, United States Senate, Washington, D.C. (Including service as Minority Special Counsel to Banking Committee) (Appointment)
- 2000-2001: Special Counsel, N.J. Senate Judiciary Committee, New Jersey Senate, N.J. Senate Majority Office, State House, P.O. Box 099, Trenton, NJ 08625-0068
- 2001-present: Assistant Attorney General, Criminal Division, U.S. Department of Justice, 10th & Constitution Avenue, N.W. Rm. 2107, Washington, D.C.
- (b) (1) Described the general character of your law practice and indicate by date if and when its character has changed over the years.

As a law firm associate (1980-83) my practice was principally large firm litigation, civil and criminal. Some portion of my work involved antitrust counseling, analysis of administrative action, and miscellaneous research.

As a federal prosecutor (1983-1994), I had extensive experience in all phases of criminal investigation and prosecution, including grand jury presentations, trial of cases, and appellate argument. I handled major organized crime, fraud, and corruption prosecutions.

As First Assistant and United States Attorney in New Jersey (1987-1994), I supervised and participated in all types of criminal and civil litigation pursued by my Office, and personally tried organized crime and fraud cases.

As a partner (1994-2001) at Latham & Watkins, I was national chair of the firm's white collar criminal practice. I personally tried numerous criminal and civil cases; represented clients in criminal and SEC investigations, legislative hearings, and business disputes. I was retained by government bodies and corporations to conduct sensitive investigations. For example, I was appointed by U.S. District Judge Robert W. Sweet of the S.D.N.Y. to serve as investigative officer for a labor union under court supervision, and by the New Jersey Senate Judiciary Committee to serve as counsel investigating both state inmate release practices and the issue of state police racial profiling.

As Assistant Attorney General, my practice has involved the prosecution of criminal matters nationally, including, but not limited to, terrorism prosecutions and prosecution of various corporate frauds.

- (2) Described your typical former clients, and mention the areas, if any, in which you have specialized.

I have specialized in practice in criminal and enforcement proceedings. My clients in private practice, have varied and have included large and small public corporations, private companies, prominent political and public figures, individual business people, lawyers, police officers, and news reporters. Currently, my client is the United States.

- (c) (1) Describe whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe each such variance, providing dates.

I have appeared in court frequently, both when I was a prosecutor and as a private practitioner. As Assistant Attorney General, I appear occasionally

(2) Indicate the percentage of these appearances in

- (A) federal courts (80-90%)
- (B) state courts of record; (10-20%)
- (C) other courts. (0%)

(3) Indicate the percentage of these appearances in:

- (A) civil proceedings;
- (B) criminal proceedings.

In private practice from 1994-2001, about 75% criminal and 25% civil.

As a prosecutor, 95% criminal, 5% civil.

(4) State the number of cases in courts of record you tried to verdict or judgment rather than settled, indicating whether you were sole counsel, chief counsel, or associate counsel.

Approximately 30-35 trials to verdict or judgment. In almost all, I was sole or chief counsel.

(5) Indicate the percentage of these trials that were decided by a jury.

- (a) jury: About 90%
- (b) non-jury: About 10%

(d) Describe your practice, if any, before the United States Supreme Court. Please supply four(4) copies of any briefs, an amicus or otherwise, and, if applicable, any oral argument transcripts before the U.S. Supreme Court in connection with your practice.

In private practice I participated in writing a amicus brief on behalf of Sears, Roebuck in Sony Corp. v. Universal Studios, No. 81-1687 (Jan. 17, 1984). I do not have a copy of the brief.

In November 2002, I argued before the Supreme Court as amicus in Living v. California, Dkt. No. 01-6978

As Assistant Attorney General, my name appears as a matter of course on

all briefs filed by the U.S. in criminal matters, but I normally do not see the briefs before they are filed.

- (e) Describe legal services that you have provided to disadvantaged persons or on a pro bono basis, and list specific examples of such service and the amount of time devoted to each.

During my first period in private practice (1980-1983) I represented three indigent defendants on death row in Arkansas through a program operated by the NAACP Legal Defense Fund, and also another indigent defendant in a local criminal appeal. I estimate devoting at least several hundred hours to these cases over three years.

During my second period in practice, my firm and I devoted hundreds of hours, pro bono to conducting a state senate investigation into racial profiling by the state police. At the request of the presiding judge, I also represented pro bono, Elizabeth Felton in U.S. v. Felton, a tax and bankruptcy prosecution. The case resulted in a favorable disposition and involved about 27 hours of work.

19. **Litigation:** Describe the ten(10) most significant litigated matters which you personally handled, and for each provide the date of representation, the name of the court, the name of the judge or judges before whom the case was litigated and the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties. In addition, please provide the following:

- (a) the citations, if the cases were reported, and the docket number and date if unreported.
- (b) a detailed summary of the substance of each case outlining briefly the factual and legal issues involved;
- (c) the party or parties whom you represented; and
- (d) described in detail the nature of your participation in the litigation and the final disposition of the case.

1. **United States v. Thomas Smith, et al.**
U.S. Dist. Ct., D.N.J.
Dkt. No. 00-399 (JCL)
Before Honorable John Liffand and a jury.
Tried - Oct - December 2000

I was defense counsel for Thomas Smith, a former police officer, charged in this multi-defendant case with a violation of civil rights arising from the death of an individual in police custody. After the trial of approximately 8 weeks, my client was convicted of civil rights conspiracy and a misdemeanor substantive violation. Post-trial motions are now pending.

At trial, I argued virtually all of the motions, conducted virtually all witness examination, and addressed the jury on behalf of my client.

Co-Counsel:

For Brian Smith Peter Willis
Willis & Young
921 Bergen Avenue
Jersey City, NJ 07306
(201) 659-2090

For Andrew Garth Anthony Iacullo
Iacullo Saluti & Martino
103 Park Street, Third Floor
Montclair, NJ 07042
(973) 746-5858

For Tyrone Payton William Sayers
293 Eisenhower Parkway
Livingston, N.J. 07601
(973) 992-5800

For Paul Carpentieri Robert Galantucci
Galantucci & Patuto
55 State Street
Hackensack, NJ 07601
(201) 646-1100

Prosecution:

Patty Schwartz, AUSA
U.S. Attorney's Office
970 Broad Street
Newark, NJ 07102
(973) 645-2700

2. **State v. Michael Francis**
NJ Supr. Ct., Mercer County
Ind. No. 97-07-022
Before the Honorable Andrew Smithson and a jury.
Tried January 2000

I was defense counsel in this high profile state criminal case, in which the former Chairman of the New Jersey Sports and Exposition was charged with multiple counts of alleged official misconduct through conflict of interest, extortion, and false statements. Before trial, most of the charges were dismissed on defense motion, on the ground that the allegations did not amount to a crime under state law or were the product of entrapment. The remaining extortion charges were tried to a jury over several days. At the close of the evidence, the trial judge granted the defense motion for acquittal.

I argued the pretrial motions, gave all jury addresses, and conducted all witness examinations.

Prosecution:

John A. Matthews, III
Deputy Attorney General
State of New Jersey
Hughes Justice Complex
Trenton, NJ 08625
(609) 984-6500

3. **United States v. John Kelly**
U.S. Dist. Ct., D.N.J.
Dkt No. Cr. 98-194 (JBS)
Before the Honorable Jerome B. Simandle and a jury
Tried August 1998

I was defense counsel in this tax evasion case, in which a doctor and his partner were charged with three years of tax evasion. After a 2-week trial, the defendant was acquitted by the jury.

I argued all motions, gave all jury addresses and conducted all witness examinations.

Co-Counsel:

For Michael Gentile

Kevin A. Marino
One Newark Center
Newark, NJ 07102-5211
(973) 824-0300

For Philip Alampi

Walter Weir, Jr.,
Weir & Partners, L.L.P.
215 Fries Mill Road
Turnersville, NJ 08012
(856) 740-1490

Prosecutor:

Carlos Ortiz, AUSA
U.S. Attorney's Office
970 Broad Street, 7th Floor
Newark, NJ 07102
(973) 645-2700

4. **United States v. Antar**
U.S.D.C., D.N.J.
Dkt No. Cr. 92-347 (NHP)
Before Honorable Nicholas Politan and a jury
Tried June and July 1993
Rev'd and remanded, 53 F.3d 568 (1995)

I was chief trial prosecutor in this five week racketeering and securities fraud trial which alleged that consumer electronics king "Crazy Eddie" Antar manipulated his stock over a period of years. Antar and his brothers were convicted of racketeering and securities fraud. The conviction was later reversed (after I had left office) because of comments made by the trial judge at sentencing.

At trial, I delivered the opening and rebuttal summations, presented many of the witnesses on direct examination, and conducted the cross-examinations.

Co-Counsel:

Paul Weissman, AUSA
U.S. Attorney's Office
970 Broad Street, 7th Floor
Newark, NJ 07102
(973) 645-2700

Defense Counsel:

For Eddie Antar

John Arseneault
Arseneault & Fassett
560 Main Street
C'atham, NJ 07928
(973) 635-3366

For Mitchell Antar

Jack Ford

American Broadcasting Company
77 West 66th Street
New York, NY 10023
(212) 456-1000

For Alan Antar

Gerald Krovatin
Krovatin & Associates, LLC
744 Broad Street
Newark, NJ 07102
(973) 424-9777

5. **United States v. Gerald McCann**
U.S. Dist. Ct., D.N.J.
Dkt. No. Cr. 91-347 (JEL)
Before Honorable John Lifland and jury
Tried December 1991
Aff'd by Order, U.S. Court of Appeals 3rd Cir.

I was chief trial prosecutor and successfully handled the appeal in this mail fraud, bank fraud and tax evasion trial of the Mayor of Jersey City, New Jersey. The case arose out of an investment fraud perpetrated by the defendant when he was out of office. The defendant was convicted of 14 felonies, sentenced to jail and removed from office.

I supervised the investigation, argued motions, delivered the opening and rebuttal summation, and examined many witnesses, including the defendant himself.

Defense Counsel: Matthew Boylan
Lowenstein, Sandler
65 Livingston Avenue
Roseland, NJ 07068
(973) 597-2324

6. **United States v. Louis Manna et al.**
U.S. Dist. Ct., D.N.J.
Dkt. No. 88-239 (MTB)
Before the Honorable Maryanne Trump Barry and a jury.
Tried - February 28 - June 26, 1989
Aff'd by order. U.S. Ct. App., 3d Cir. Nov. 21, 1990

I was chief trial prosecutor and successfully argued the appeal in this complex, four-month RICO murder prosecution of the consigliere (number 3 ranking member) of the Genovese LCN Family and his associates. The principal defendants were convicted, inter alia, of conspiring to murder John Gotti, boss of the Gambino LCN Family, and

Irwin Schiff, an organized crime-connected businessman, and of various other offenses. Manna and his chief associates received 75-to-80-year prison terms.

I (1) supervised the investigation, (2) argued many of the pretrial motions, (3) delivered the opening and two day-long summations to the jury, (4) presented most of the direct testimony and (5) conducted cross-examination of all the numerous defense witnesses.

Co-Counsel:

Maria Beardell, Esq.
P. O. Box 712
Waverly, PA 1847
(717) 586-5971

Defense Counsel:

For Louis Manna

Raymond A. Brown
Brown, Brown & Kologi
Gateway One
Newark, NJ 07102
(973) 622-1846

For Martin Casella

William C. Cagney
Windels, Marx, Lane &
Mittendorf, LLP
120 Albany Street Plaza
New Brunswick, NJ 08901
(732) 846-7600

For Richard DeSciscio

David Ruhnke
Ruhnke & Barrett
47 Park Avenue
Montclair, NJ 07042
(973) 744-1000

For Frank Daniello

Louis C. Esposito
411 Pompton Avenue
Cedar Grove, NJ 07009
(973) 857-5104

For John Derrico

Jerome Ballarotto
830 Bear Tavern Road
West Trenton, NJ 08628
(609) 882-2225

For Rocco Napoli

Michael J. Sluka
Sluka & Minasian, L.L.C
638 Newark Avenue

Jersey City, NJ 07306
(201) 798-6500

7. **United States v. David Friedland**
U.S. Dist. Ct., D.N.J.
Dkt. No. 85 Cr. 322 (JFG)
Before the Honorable John F. Gerry and a jury.
Tried - Sept. 1988
No appeal.

In December 1987, former New Jersey State Senator David Friedland was apprehended in the Maldive Islands on a fugitive warrant. Friedland had been an international fugitive from a pension fund fraud and RICO indictment.

After Friedland's apprehension, I was chief prosecutor at the pretrial and trial stages of the case. I conducted some of the direct and all of the cross-examination at a pretrial suppression hearing, prepared for trial and conducted most of the direct examination at trial, which ended after one week of testimony when Friedland abruptly pled guilty to the RICO charge.

Co-Counsel:

J. Fortier Imbert
425 Park Avenue
New York, NY 10043
(212) 559-0825

Defense Counsel:

Peter Willis, Esq.
Willis & Young
921 Bergen Avenue
Jersey City, NJ 07306
(201) 659-2090

8. **United States v. Anthony Salerno, et al.**
U.S. Dist. Ct., S.D.N.Y.
Dkt. No. 85 Cr. 139 (RO)
Before the Honorable Richard Owen and a Jury
Tried - Sept. 6 - Nov. 19, 1986
Aff'd. U.S. Ct App., 2d Cir.
865 F.2d 1370 (1989); 868 F.2d 524 (1989)

I was chief trial prosecutor in the Mafia "Commission case," which charged the Bosses of all five New York La Cosa Nostra Families, and other high ranking Mafia Members, with operating La Cosa Nostra's presiding national "Commission" through a pattern of racketeering acts such as extortion, loan sharking, and the murders of Mafia Boss Carmine Galante and two associates.¹ After a three-month trial, all eight defendants (including three I.C.N. Bosses) were convicted on all counts, and seven were sentenced to 100-year prison terms.

I supervised the two-year investigation and was lead attorney at trial. During the trial, I delivered the opening address and day-long rebuttal summation, conducted much direct examination - including the examination of major cooperators - and conducted all cross-examination. My co-counsel and I received the 1987 John Marshall Award of the Department of Justice for our handling of the trial.

Co-Counsel:

John F. Savarese
Watchell, Lipton, Rosen & Katz
299 Park Avenue
New York, NY 10171
(212) 371-9220

J. Gilmore Childers
Goldman Sachs & Co
85 Broad Street
New York, NY 10004
(212) 902-1000

Defense Counsel:

For Anthony Salerno

Anthony Cardinale
One Commercial Wharf West
Boston, MA 02110
(617) 523-6163

For Anthony Corallo

Albert Guadelli
14 Tennis Place
Forest Hills, NY 11375
(718) 268-4343

¹ One defendant (Castellano) was murdered and two others died before trial commenced.

For Salvatore Santoro	Samuel H. Dawson (Deceased) 305 Madison Avenue New York, NY 10165 (212) 922-1080
For Christopher Furnari	James LaRossa LaRossa, Mitchell & Ross 41 Madison Ave., 34 th Floor New York, NY 10010 (212) 696-9700
Carmine Persico, Jr.	Pro Se
Gennaro Langella	Frank Lopez Last known address: 20 Vesey Street New York, NY 10007 (212) 964-2121
Ralph Scoppo	John Jacobs 225 Broadway New York, NY 10007 (212) 571-0805
Anthony Indelicato	Robert Blossner 225 Broadway New York, NY 10007 (212) 571-0805

9. United States v. Joseph Massino, et al.
U.S. Dist. Ct., S.D.N.Y.
Dkt. No. 81 Cr. 803 (RWS)
Before the Honorable Robert W. Sweet and a jury.
Tried - April-June, 1987

After defendant Joseph Massino was apprehended as a fugitive, I was asked to try him and another defendant as co-prosecutor in a racketeering case. The indictment charged the defendants with committing several murders and hijackings as part of the Bonanno La Cosa Nostra Family.

During the six-week trial, I presented the jury opening and rebuttal summation, and conducted approximately half of the direct examination. At the conclusion of the

trial, the defendants were found to have committed several hijacking racketeering acts and acquitted of the murders; the case was then dismissed on the ground that none of the racketeering acts found by the jury fell within the applicable statute of limitations period.

Co-Counsel:

Helen Gredd
Lankler, Siffert & Wohl
500 5th Avenue
New York, NY 10110
(212) 921-8399

Defense Counsel:

For Joseph Massino

Samuel Dawson (Deceased)
305 Madison Avenue
New York, NY 10165
(212) 922-1080

For Salvatore Vitale

Bruce Cutler
41 Madison Ave., 34th Floor
New York, NY 10010
(212) 233-6100

10. **United States v. Ingber, et al.**

U.S. Dist. Ct., S.D.N.Y.

Dkt. No. 85 Cr. 795 (CLB)

Before the Honorable Charles L. Bricant (Bench Trial)

Tried - February - April, 1986 (intermittently)

Aff'd by order, U.S. Ct. App., 2d Cir., Feb. 4, 1987

See also Ingber v. Enzor, 841 F.2d 450 (2d Cir. 1988)

I was sole prosecutor in this corruption and fraud case which charged Brian Ingber, the Chairman of the Board of Supervisors of Sullivan County, New York, and three others with racketeering, mail fraud and false statements to EPA in connection with a federally-funded environmental (sewer plant) project. The case was the culmination of an 18-month investigation which I supervised. At the conclusion of trial, the trial judge found a second defendant, the project manager, guilty of false statements. Two other defendants were acquitted. Both convicted defendants were sentenced to jail terms. I was awarded the 1986 Annual Legal Award of the Association of Federal Investigators for this investigation and prosecution.

Defense Counsel:

For Brian Ingber	Elkan Abramowitz Morvillo & Abramowitz 565 5 th Avenue New York, NY 10017 (212) 880-9500
For Wayne Pimos	William I. Aronwald Aronwald & Pykett 925 Westchester Avenue White Plains, NY 10604 (914) 946-6565
For Howard Ingber	Frederick P. Hafetz 500 5 th Avenue New York, NY 10110 (212) 997-7400
For Thomas Peck	Frank Zeccola Levinson, Zeccola, Reineke Box 244 Central Valley, NY 10917 (845) 928-9444

10. **United States v. Brian Ingber**
 U.S. Dist. Ct., S.D.N.Y.
 Dkt. No. 85 Cr. 795 (CLB)
 Before the Honorable Charles L. Bricant and a jury.
 Tried January 6-16, 1986
 Aff'd by order, U.S. Ct. App., 2d Cir., Feb. 4, 1987
 See also Ingber v. Enzor, 841 F 2d 450 (2d Cir. 1988)

This trial proceeded on a charge severed from the overall Ingber case described above. Ingber was accused of violating the federal mail fraud statute by fraudulently tampering with absentee ballots for a local election. I was sole prosecutor and the defendant was convicted. The conviction was affirmed but subsequently overturned by collateral attack after the Supreme Court issued its McNally decision limiting the application of the mail fraud statute in corruption cases.

Defense Counsel:

For Brian Ingber

Elkan Abramowitz
 Morvillo & Abramowitz
 Suite 1500
 1120 Ave. of the Americas
 New York, NY 10036
 (212) 221-1414

20. **Criminal History:** State whether you have ever been convicted of a crime, within ten years of your nomination, other than a minor traffic violation, that is reflected in a record

available to the public, and if so, provide the relevant dates of arrest, charge and disposition and describe the particulars of the offense. **NONE**

21. **Party to Civil or Administrative Proceedings:** State whether you, or any business of which you are or were an officer, have ever been a party or otherwise involved as a party in any civil or administrative proceeding, within ten years of your nomination, that is reflected in a record available to the public. If so, please describe in detail the nature of your participation in the litigation and the final disposition of the case. Include all proceedings in which you were a party in interest. Do not list any proceedings in which you were a guardian *ad litem*, stakeholder, or material witness.

I was a defendant in an automobile accident in which my car was struck from behind. The lawsuit was filed in 1998 and the court entered judgment in my favor in April 2000.

In 1981, I received a divorce on consent in Superior Court, D.C.

Additionally, in my official capacity as U.S. Attorney, I was named as a party in a number of civil suits. I was not found liable in any of them (See attached).

22. **Potential Conflict of Interest:** Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts of interest during your initial service in the position to which you have been nominated.

I will consult with judicial ethics officials regarding any issues and follow the Code of Judicial Conduct 28 U.S.C. §455. I do not envision any categories of litigation likely to present near-term potential conflicts, except for any litigation

involving the Criminal Division of the Department of Justice, during my tenure.

23. **Outside Commitments During Court Service:** Do you have any plans, commitments, or arrangements to pursue outside employment, with or without compensation, during your service with the court? **NO** If so, explain.
24. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding the nomination, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding \$500.00. 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 attached Ethics in Government Act filing.

25. **Statement of Net Worth:** Complete and attach the financial net worth statement in detail. Add schedules as called for.

See attached Net Worth Statement.

26. **Selection Process:** Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? Not for Court of Appeals

- (a) If so, did it recommend your nomination?
- (b) Describe your experience in the judicial selection process, including the circumstances leading to your nomination and the interviews in which you participated.

I met with officials of the White House Counsel's Office and of the Department of Justice to discuss my interest in this judicial position. completed forms, underwent another FBI background investigation..

- (c) Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking or seeking a commitment as to how you would rule on such case, issue, or question? If so, please explain fully.

No.

55.

Case Selection Page

Case Number	Title	Filing Date	Last Updated
<u>1-97cv04792</u> ✓	DALENE v. GERRY	09/29/97	04/16/98
<u>2-91cv02426</u> ✓	SASSOWER v. CHERTOFF	06/04/91	09/23/91
<u>2-92cv04400</u> ✓	PALKHIWALA v. USA	10/20/92	05/24/93
<u>2-93cv02740</u> ✓	GAYDOS v. CHERTOFF	06/24/93	08/17/95
<u>2-93cv03684</u> ✓	CRUDUP v. UNITED STATES INC	08/18/93	07/17/95
<u>2-93cv05588</u> ✓	HARLOW v. STATE OF NEW JERSEY	12/20/93	12/27/93
<u>2-94cv00026</u> ✓	EDMOND v. PARELL	01/03/94	10/03/94
<u>2-94cv00396</u> ✓	LYDEN v. IRS	01/24/94	06/22/94
<u>2-95cv05434</u> ✓	RIVERA v. WINTER	10/24/95	11/01/95
<u>3-94cv04741</u> ✓	BETHANCOURT v. RAFFERTY	09/21/94	12/13/99
<u>3-96cv02038</u> ✓	MAYLES v. LECHNER	05/02/96	10/30/96
<u>3-96cv04075</u> ✓	MAYLES v. LECHNER	08/19/96	01/26/98

There were 12 matching case records found.

PACER Service Center			
Transaction Receipt			
01/07/2001 11:33:22			
PACER Login:	us3697	Client Code:	us attorney & office
Description:	case select	Search Criteria:	CHERTOFF, MICHAEL
Billable Pages:	1	(Cost:	0.00)

MICHAEL CHERTOFF 136-38-6790

U.S. District Court
USDC District of Columbia (Washington)
CIVIL DOCKET FOR CASE #: 02-CV-1676

SMITH v. ASHCROFT, et al

Filed: 08/22/02
Assigned to Judge UNASSIGNED
Demand: \$1,000,000
Nature of Suit: 440
Lead Docket: None
Jurisdiction: US Defendant
Dkt# in other court: None
Cause: 42-1985 Civil Rights Act

Case Type: 1 - Civil Rights
THOMAS W. SMITH
Plaintiff

THOMAS W. SMITH
Assistant to
The Attorney General
4000 Reservoir Road, NW
Washington, DC 20007

v.
JOHN ASHCROFT, US Attorney
General
Federal defendant
LARRY THOMPSON, Asst. Attorney
General
Federal defendant
MICHAEL CHERTOFF, Director,
Criminal Division, DOJ
Federal defendant
ROBERT S. MUELLER
Federal defendant
JOHN I. JUMPER, Chief of Staff,
USAF
Federal defendant
UNITED STATES AIR FORCE,
Department of Military Branch
Federal defendant
METROPOLITAN POLICE DEPARTMENT
defendant
KATHY McWILLIAMS
defendant
- CHEEMA, Dr.
defendant

DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
8/22/02	1	COMPLAINT filed by plaintiff THOMAS W. SMITH; attachments (c)pdf (Entry date 08/27/02)
8/22/02	--	COMMONS NOT ISSUED. (c)pdf (Entry date 08/27/02)
8/22/02	2	APPLICATION by plaintiff THOMAS W. SMITH to proceed in forma pauperis. (c)pdf (Entry date 08/27/02)
8/22/02	3	MOTION filed by plaintiff THOMAS W. SMITH to stay order. (c)pdf (Entry date 08/27/02)
8/22/02	4	MEMORANDUM AND DISMISSAL ORDER of Judge Ellen S. Huvelle granting motion to proceed in forma pauperis (c)pdf, by THOMAS W. SMITH dismissing complaint filed without prejudice. (c)pdf (Entry date 08/27/02)
8/22/02	5	FINAL DISMISSAL entered by the Clerk dismissing the complaint without prejudice. (c)pdf (Entry date 08/27/02)

Case Flags:
TYPE:
L CLOSED

END OF DOCKET: E:02cv1676

PACER Service Center

Transaction Receipt

02/26/2003 09:03:40

PACER Login:	us7570	Client Code:	jlh
Description:	docket report	Search Criteria:	E:02cv01676
Billable Pages:	3	Cost:	0.31