

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Paul Joseph Fishman

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

United States Attorney for the District of New Jersey

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:

Friedman Kaplan Seiler & Adelman LLP
One Gateway Center, 25th Floor
Newark, NJ 07102

1633 Broadway, 46th Floor
New York, NY 10019

Residence:

Montclair, NJ

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

1957; New York, NY

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

Harvard Law School, 1979-82; J.D., *cum laude*, 1982

Princeton University, 1974-78; A.B., *magna cum laude*, 1978

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.

- 1997-present Partner
Friedman, Kaplan, Seiler & Adelman LLP
1633 Broadway, New York, NY 10019
One Gateway Center, Newark, NJ 07102
- 2006-present Security Monitor
Alcatel USA, Inc.
Lucent Technologies Inc.
600 Mountain Avenue, Murray Hill, NJ 07974
(part-time engagement; payment made to Friedman Kaplan Seiler & Adelman LLP)
- 1994-97 Office of the Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW, Washington, DC 20530
- 1997 Principal Associate Deputy Attorney General
1995-97 Associate Deputy Attorney General
1994-95 Counsel to the Deputy Attorney General
- 1983-94 Assistant United States Attorney
Office of the United States Attorney for the District of New Jersey
970 Broad Street, Newark, NJ 07102
- 1991-94 First Assistant United States Attorney
1989-91 Chief, Criminal Division
1987-89 Deputy Chief, Criminal Division and Chief of Narcotics
- 1982-83 Law Clerk
Hon. Edward R. Becker
United States Court of Appeals for the Third Circuit
601 Market Street, Philadelphia, PA 19106
- 6/82-7/82 Summer Associate
Shea & Gardner
1800 Massachusetts Avenue, NW, Washington, DC 20036
- Fall 1981 Teaching Assistant
Professor Archibald Cox
Department of Government, Harvard College
Cambridge, MA

6/81-8/81 Summer Associate
Debevoise & Plimpton
919 Third Avenue, New York, NY 10022

6/80-8/80 Summer Intern
Office of the United States Attorney for the District of New Jersey
970 Broad Street, Newark, NJ 07102

1978-79 Paralegal
Covington & Burling
1201 Pennsylvania Avenue, NW, Washington, DC 20004

Non-Profit Boards

2003-present Yogi Berra Museum and Learning Center
8 Quarry Road, Little Falls, NJ 07424
Member, Board of Trustees (unpaid)
Secretary (2006-present) (unpaid)

1997-2001 British American Project
U.S. Executive Committee (unpaid)

1993-1998 Princeton University Class of 1978 Foundation
Princeton, NJ
Board member (unpaid)

1986-1994 908 Willow Avenue Condominium Association
Hoboken, NJ
Treasurer (unpaid)

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

I have had no military service and was not required to 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.

Harvard Law Review, Managing Editor (1981-82); Editor (1980-81)
United States Department of Justice, Special Achievement Award (1987)
Federal Bar Association, Younger Federal Lawyer Award (1992)
Harvard Law School, Wasserstein Public Interest Fellow (1993)
British-American Project, Delegate (1993)
Various commendations from law enforcement agencies for my work as an attorney with the Department of Justice.

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 (1998-present)
Section of Litigation (2002-present)
White Collar Crime Committee (1998-present), Vice-Chair (1998-2000)
Criminal Justice Section (2002-present)
Antitrust Section (2008-present)
Association of the Federal Bar of New Jersey (approximately 1990-present)
Trustee (2002-present)
Treasurer (2006-07)
Secretary (2007-08)
Second Vice-President (2008-present)
Federal Bar Council of the Second Circuit (1998-present)
Trustee (2006-present)
Chair, Criminal Justice Institute (2002-present)
Federal Courts Committee (2008-present)
New Jersey Bar Association (1991-present)
Criminal Practice Committee (1991-present)
New York City Bar Association (2003-present)
New York State Bar Association (1999-present)
Third Circuit Bar Association (2006-present)
Member, Board of Governors (2006-present)

Lawyers' Advisory Committee, U.S. Court of Appeals for the Third Circuit
Member (1999), Vice-Chair (2000), Chair (2001)
C. Willard Heckel Inn of Court (approximately 1992-approximately 2003)
National Association of Criminal Defense Lawyers (2003-present)
Task Force on Access to Courts for Indigent Litigants, U.S. District Court, DNJ

10. **Bar and Court Admission:**

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

New Jersey (12/15/83)
District of Columbia (1/5/96)
New York (12/1/98)

I have had no lapses in membership.

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

United States Supreme Court (12/3/96)
United States Court of Appeals for the Second Circuit (5/21/98)
United States Court of Appeals for the Third Circuit (1/23/95)
United States District Court for the District of New Jersey (12/15/83)
United States District Court for the Eastern District of New York (10/27/98)
United States District Court for the Southern District of New York (10/27/98)
United States District Court for the Northern District of New York (8/5/04)
United States District Court for the District of Columbia (4/12/99)

I have had no lapses in membership.

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.

New Jersey Law Journal, Editorial Board (10/06-2/09)
American Constitution Society (2004-present)
British American Project, Delegate (1993), Fellow (1994-present),
U.S. Executive Committee (1997-2001)
American Museum of Natural History
Friends of Lincoln Center
Friends of the New York Philharmonic
Metropolitan Museum of Art
Montclair Beach Club
New York Botanical Gardens
Wildlife Conservation Federation

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations have discriminated or do so.

12. Published Writings and Public Statements:

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

I have written two articles:

Comment, Rostker v. Goldberg, 95 Harv. L. Rev. 161 (1981).
“Summary Evidence,” Litigation, Vol. 25, No. 3 (Spring 1999)

In addition, because I was an Editor (from September 1980) and then the Managing Editor (from March 1981 through March 1982) of the Harvard Law Review, there were a number of articles, notes, and comments for which I had some editorial responsibility.

- 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.

The Association of the Federal Bar of New Jersey has adopted five resolutions or policy statements during the time I have served as an officer. Although I did not prepare any of them, I participated in the discussion of each.

- 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 June 1994, while serving as First Assistant United States Attorney, I appeared before a special committee appointed by the New Jersey Supreme Court analyzing the policy implications of Rule of Professional Conduct 4.2 in the corporate context. While I do not have a copy of my remarks, they are discussed in the Committee’s final report. Although the report recites that there were notes taken of my testimony, I am informed that those notes no longer exist.

In March of 1999, I testified before the United States House of Representatives Task Force on Warner Creek, which was established under the auspices of the Committee on Natural Resources to examine how the executive branch had responded to a logging protest in Oregon. Because I had been an Associate Deputy Attorney General with the Department of Justice at the time of the protest, I was called to explain how the Department had handled the incident and to

describe my interaction with other executive branch officials. Because it was a closed proceeding, I have been unable to obtain a transcript of my testimony or to determine whether one exists.

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

I have made three speeches of which I have a transcript:

- 12/4/98 Dedication of the portrait of Hon. Edward R. Becker, Chief Judge of the U.S. Court of Appeals for the Third Circuit. Those remarks are published at 184 F.3d LV, LXXIII-LXXVIII (1998).
- 6/10/04 Association of the Federal Bar of New Jersey, West Orange, NJ, presentation of the William J. Brennan, Jr. award to the Hon. Edward R. Becker.
- 5/21/07 Special session of the U.S. Court of Appeals for the Third Circuit in memory of Hon. Edward R. Becker.

In addition, I was a moderator, speaker, or panelist on the following occasions. I have not retained any prepared remarks, outlines, or notes:

- 9/15/90 New Jersey Institute for Continuing Legal Education, New Brunswick, NJ "New Jersey Criminal Practice Update" (panelist)
- 4/12/90 New Jersey Institute for Continuing Legal Education, New Brunswick, NJ "Forfeiture Law and Procedure" (panelist)
- 12/5/90 New Jersey State Bar Association, Environmental Law Section, "Federal "Prosecution of Environmental Crimes" (panelist)
- 4/18/92 New Jersey Institute for Continuing Legal Education, New Brunswick, NJ "1992 Criminal Practice Forum" (panelist)
- 6/24/93 New Jersey Certified Public Accountants Association, Litigation Conference, "The Many Faces of White Collar Crime Seen by the CPA," East Brunswick, NJ (speaker)

- 1994 Duke University Law School, Frontiers of Legal Thought Conference, Durham, NC (panelist).
- 10/12/95 Georgetown University Law Center, Washington, DC; Federal Enforcement 1995: New Directions in White-Collar Criminal Defense (cosponsored by the American Bar Association, Section of Litigation, Criminal Litigation Committee), "Justice Department and Defense Counsel Roundtable" (panelist)
- 3/7/96 American Bar Association, White Collar Crime Institute, San Francisco, CA, "From Mouthpiece to Bull's Eye: Defense Counsel as Targets of Choice for Federal Prosecutors" (panelist)
- 10/5/96 New Jersey Institute for Continuing Legal Education, New Brunswick, NJ "Litigating Parallel Proceedings" (panelist)
- 3/7/97 American Bar Association, White Collar Crime Institute, New Orleans, LA, "Preindictment Practice, Strategy & Style" (panelist)
- 3/6/98 American Bar Association, White Collar Crime Institute, San Francisco, CA, "Guarding the Guardians: Investigative Tactics Used by Law Enforcement" (panelist)
- 10/12/98 Health Care Compliance Association, Advanced Compliance Institute, New Orleans, LA, "Life and Death of the Attorney Client Privilege" (panelist)
- 3/3/00 American Bar Association, White Collar Crime Institute, Miami, FL, "Obstruction of Justice and Perjury: New Trends and New Dangers" (moderator)
- 2/23/01 Federal Bar Council of the Second Circuit, St. John, VI, "Truth Telling and Fact Gathering" (panelist)
- 5/29/02 Princeton University Program in Law and Public Affairs, Princeton, NJ, "Privacy, Surveillance, and the Internet" (panelist)
- 5/20/03 Princeton University, Princeton, NJ, Alumni-Faculty Forum, "Corporate Governance: Just Because It's Legal, Does That Mean It's Ethical?" (panelist)
- 4/7/05 Association of the Federal Bar of New Jersey, 29th Annual District Court Conference, West Orange, NJ, "Investigation and Prosecution of Corporations" (moderator)

- 3/23/06 Association of the Federal Bar of New Jersey, 30th Annual District Court Conference, West Orange, NJ, “Representing Corporations and Corporate Officers in Federal Investigations” (moderator)
- 1/24/07 Harvard Law School, Cambridge, MA, “‘My Cousin Vinny’ and the Art of Cross-Examination” (speaker)
- 5/14/08 Seton Hall Law School, Newark, NJ “Executive Accountability: When Should Corporate Executives Be on the Hook?” (panelist)

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

I have done my best to identify all items called for in this question, including a thorough review of my personal files and searches of publicly available electronic databases. I have located the following:

VISUAL MEDIA

Court TV, Washington Watch, June 1996

CNBC, Business Center, 2/5/02 (a copy of the show is not available, but I was able to locate a transcript)

CNBC, Early Today, 7/16/02 (a copy of the show is not available, but I was able to locate a transcript)

CNBC, Kudlow and Cramer, 6/17/02, 7/15/02, 1/27/03, 9/30/03, 10/24/03, 2/2/04

CNBC, Kudlow and Cramer, 1/20/04, 1/27/04, 2/2/04, 2/20/04, 7/16/04, 1/12/05 (copies of the shows are not available, but I was able to locate transcripts)

CNBC, America Now, 1/10/02, 1/15/02, 1/22/02, 2/4/02, 2/8/02, 3/12/02, 5/6/02, 5/9/02

CNBC, Open Exchange, 6/5/03

CNN, Burden of Proof, 5/14/98 (a copy of the show is not available, but I was able to locate a transcript)

CNN, The Situation Room, 10/31/05 (a copy of the show is not available, but I was able to locate a transcript)

CNN, American Morning, 11/1/05 (a copy of the show is not available, but I was able to locate a transcript)

CNN, CNN Live Today, 12/1/05 (a copy of the show is not available, but I was able to locate a transcript)

Fox News, *The O'Reilly Factor*, July 1998 (I have been unable to locate a copy or transcript)

NBC, *NBC Nightly News*, 7/15/02 (a copy of the show is not available, but I was able to locate a transcript)

NBC, *Today*, 1/21/04 (a copy of the show is not available, but I was able to locate a transcript)

News Show, November 1992 (filmed remarks following trial, not an interview)

NPR, *All Things Considered*, 2/27/98 (a copy of the show is not available, but I was able to locate a transcript)

NPR, *NPR Morning Edition*, 7/31/98 (a copy of the show is not available, but I was able to locate a transcript)

PBS, *Frontline*, May 1998 (no copies or transcripts are available)

PRINT MEDIA

States News Service, Eliza Newlin, 10/20/89

Reuters, n/a, "Eight Nigerians, two Americans charged with heroin smuggling," 11/26/91

Reuters, n/a, "Marcoses plotted to use force to regain power - New York banker," 3/6/92

The New York Times, Joseph Lipari, "Passaic Mayor Pleads Not Guilty to Charges of Extortion," 3/25/92

AP, n/a, "Passaic Mayor Convicted on Tax, Extortion Charges," 11/28/92

The New York Times, Joseph Lipari, "The Mayor of Passaic is Convicted of Corruption," 11/29/92

Orlando Sentinel, n/a, "Passaic, N.J., Mayor Convicted of Corruption," 11/30/92

The Philadelphia Inquirer, n/a, "South Jersey News in Brief," 4/5/94

The Philadelphia Inquirer, Joseph Slobodzian, "Lower fines ordered in kidnap and killing of Exxon official the appeals court said the judge erred in exceeding federal guidelines. New amounts are to be imposed," 4/8/94

Los Angeles Times, Max Vanzi, "Government may reach a deal on card club; Gambling: British firm makes an offer for bicycle club in Bell Gardens. U.S. has long tried to unload the property, acquired in breakup of drug crime ring," 7/4/96

Los Angeles Times, Jeff Leeds, "Casino Political misdeeds alleged; Inquiry: State watchdog says U.S.- controlled bicycle club spent \$1 million in trying to defeat proposed gambling centers – and failed to properly account for donations," 11/29/97

Jack O'Dwyer's Newsletter, Jack O'Dwyer, "Four on Washington Mutual depart GA&C," 3/18/98

The Bulletin's Frontrunner, n/a, "Burton vows to bring contempt charge to House floor," 8/10/98

AP, Laurence Arnold, Clinton nominates federal judge for Court of Appeals," 6/18/99

The Record, Frank R. Lautenberg, "Why I support Fishman for U.S. Attorney," 11/19/99

The Wall Street Journal, n/a, "Union fund requests ruling to force Chubb on 'Poison Pill' vote," 2/7/00

The Star-Ledger, n/a, "Pirating suspects face bail of \$900,000," 5/15/01

USA Today, Jayne O'Donnell, "Congress digs into documents, deeds," 1/24/02

Detroit Free Press, Stella Hopkins, "Enron's auditor refuses to testify; shredded records focus of House hearing today," 1/24/02

Los Angeles Times, Eric Lichtblau and David Savage, "The Fall of Enron," 1/28/02

Los Angeles Times, Walter Hamilton, "Enron report could bolster criminal case; Probe: Panel's allegations of financial subterfuge increase likelihood of indictment, legal experts say," 2/5/02

The Wall Street Journal, Nicholas Kulish and John R. Wilke, "Andersen: Called to Account: Indictment puts Andersen's fate on line," 3/15/02

Los Angeles Times, Jerry Hirsch, "Volcker aims to control auditor; Andersen: The proposal by the former Federal Reserve chairman calls for Justice Department to suspend its criminal prosecution of the firm," 3/23/02

The Seattle Times, Los Angeles Times, "Andersen seeks settlement NW offices in talks for buyout by KPMG," 4/6/02

Reuters, Kevin Drawbaugh and C. Bryson Hull, "UPDATE 1-Anderson, feds discuss obstruction charge deal." 4/6/02

Los Angeles Times, Eric Lichtblau, Walter Hamilton and Jerry Hirsch, "Andersen, U.S. meet to resolve Criminal Charge; Accounting: Sides talk at audit firm's request in increased effort to reach a pretrial settlement." 4/6/02

AP, Jeffrey Gold, "Chinese accused of stealing secrets," 4/12/02

USA Today, Edward Iwata, "Experts say Andersen faces tough time at trial," 4/22/02

USA Today, Edward Iwata, "Witness Duncan lends weight to prosecution," 5/6/02

Los Angeles Times, Eric Lichtblau, "THE NATION; 'SWAT Team' to ferret out white-collar crimes; Inquiries: Bush creates a federal task force to help pursue and prosecute business lawbreakers," 7/10/02

Reuters, n/a, "US corporate reform little use in current scandals," 7/24/02

The Philadelphia Inquirer, Rita Giordano, "Judge drops indictments of two in test-taking case; The men were charged with mail fraud, accused of having others take English exams for them," 9/24/02

Los Angeles Times, Bloomberg News, "Bristol-Myers targeted by federal prosecutors; Probe: Already under SEC scrutiny, the company says U.S. attorney is investigating whether it inflated sales," 10/10/02

The Star-Ledger, Kevin Coughlin, "Judge in Lucent case allows trip to China," 10/17/02

The Star-Ledger, Robert Cohen, "Witness isn't credible, sniper hunters admit," 10/18/02

Los Angeles times, Walter Hamilton, "Chertoff touted as new SEC Chairman; The Justice Department official is seen as a frontrunner, but he appears uninterested," 11/15/02

Daily News, Corky Siemaszko, "BUSH'S BENCH PRESS Prez naming Clinton investigator to be judge," 1/18/03

The Star-Ledger, Kevin Coughlin, "Judge sets trial date in Lucent trade case," 5/17/03

The Wall Street Journal, Mark Maremont, "Tyco's 'Special Bonus' on trial – Credits added to loan accounts are seen as strong ammunition in prosecution of top executives," 10/3/03

The Asian Wall Street Journal, Susan Carey, "Two executives leave Bank One amid fund probe," 10/17/03

The New York Times, Riva Atlas, "Bank One settles trading case for \$90 million," 6/30/04

Chicago Tribune, Robert Manor, "Bank One settles for \$90 million; Allowed improper trades, SEC says," 6/30/04

Money Management Executive, Kevin Burke, "Bank One coughs up \$90M for shady deals: Beeson banned from fund industry," 7/5/04

The Star-Ledger, Jeff Whelan and Josh Margolin, "McGreevey calls U.S. probe a smear," 7/8/04

The New York Post, Al Guart, "Cops' docu-trauma; Upcoming shocks on TV's '24/7' have NYPD sweating," 7/11/04

Newsday, Randi Marshall, "Eyes on Fannie Mae," 10/6/04

The Baltimore Sun, Robert Timberg and David Greene, "Judge is pick for security agency; Homeland Security chief nominee helped draw strategy against terrorists; Civil liberties stances a concern," 1/12/05

AP, Jeffrey Gold, "3 more arrested in corruption probe of Monmouth County," 3/10/05

The Star-Ledger, John P. Martin, "Three more arrested in Monmouth graft probe," 3/11/05

The Record, Amy Klein, "3 more arrested in graft probe; 14 accused so far in Central Jersey," 3/11/05

Courier News, Giovanna Fabiano, David Bergeland and Ed Pagliarini, "Trio charged in money laundering scheme," 3/11/05

Courier News, Giovanna Fabiano and Peter Spencer, "Official might get tax charges," 3/12/05

The Star-Ledger, Kate Coscarelli, "Supremely Qualified," 5/23/05

Dow Jones International News, n/a, "US co to offer millions in refunds over cancer claims," 10/25/05

Pittsburgh Post-Gazette, n/a, "Iraq war vet; in senate race," 10/25/05

New Jersey Lawyer, Robert Seidenstein, "FDA legal remedy affirmed; Judge has power to order restitution," 10/31/05

The Record, Amy Klein, "Alito respects precedent; now he may have to set it," 11/1/05

The Boston Globe, Susan Milligan and Tatsha Robertson, "Soft-spoken but sharp, Alito has shown focus," 11/1/05

AP, MaryClaire Dale, "Alito strong conservative on liberal appeals court," 11/1/05

The New York Times, Elisabeth Bumiller, "After Miers failure, White House begins aggressive effort to sell new court choice," 11/2/05

The New York Times, David Kirkpatrick, "Interlocking friendships connect a chairman and a nominee," 11/8/05

Time Magazine, Daniel Eisenberg, "How Alito looks under the lens; The judge delivers his conservative opinions in a soft voice. Will that be enough to avert a showdown over his nomination?" 11/14/05

Reuters, John Poirier, "UPDATE 3-CIBC sanctioned over political contributions rules," 12/12/05

Los Angeles Times, Bloomberg News, "WALL ST. ROUNDUP; CIBC settles probe of political giving," 12/13/05

The Bond Buyer, Lynn Hume, "Enforcement: CIBC fined for G-37 violations; Calif. Contribution leads to SEC penalty," 12/13/05

Manila Bulletin, Joseph Lariosa, "US court allows Michael Ray's lawyer to take depositions here; Metro & National News," 7/2/06

The Star-Ledger, Ted Sherman and Josh Margolin, "A legal quandary: To subpoena or not before an election," 9/9/06

The Star-Ledger, Katie Wang, "Ex-Far Hills councilman admits money-laundering conspiracy," 5/11/07

The Philadelphia Daily News, Kitty Caparella, "Becker is remembered as 'a judge's judge,'" 5/22/07

The New York Times, David Chen and Ronald Smothers, "Both parties expect Corzine's choice for Chief Justice to be a fair and moderate voice," 6/5/07

The Star-Ledger, Ralph Ortega, "Ex-councilman gets 20-month sentence," 12/14/07

AP, n/a, "State union boss questioned over donation to Booker campaign," 5/8/08

The Star-Ledger, Josh Margolin, "Labor leader sues union for retaliation," 5/15/08

The Record, John Brennan and Jeff Pillets, "Feds subpoena EnCap; Billing records demanded," 6/19/08

The Star-Ledger, Maura McDermott, "Failed Meadowlands developer to start submitting records on billing to the feds," 6/20/08

The Wall Street Journal, Dan Slater, "Best of the Law Blog / Excerpts form Recent Entries at WSJ.com's Law Blog," 6/25/08

The Star-Ledger, Maura McDermott, "N.J. may get stuck holding a costly bag; Rehab of Meadowlands trashed by bankruptcy," 7/7/08

The Star-Ledger, Jeff Whelan and Maura McDermott, "Mob taint suspected in EnCap project; Payoffs may be linked to fill at Meadows site," 7/11/08

The Star-Ledger, Josh Margolin, "CWA finds Katz took advantage; probe alleges misuse of union staff and cash," 7/11/08

The Star-Ledger, n/a, "Katz sues CWA to block 'overthrow' of local board; She blasts allegations of misappropriation as 'false and baseless,'" 7/12/08

Asbury Park Press, Gregory Volpe, "Katz, board fail to get reinstated," 7/17/08

The Star-Ledger, Josh Margolin, "U.S. probes activities of Katz as union chief; Corzine's ex-girlfriend loses bid to regain post," 7/17/08

The Star-Ledger, Claire Heininger, "Katz argues Corzine e-mails should be exempt," 9/26/08

The Star-Ledger, Claire Heininger, "Corzine continues to fight against release of e-mails; State appeals court will hear the arguments tomorrow," 11/12/08

The Star-Ledger, Claire Heininger, "Panel considers Katz e-mail case; Corzine cites exec privilege," 11/14/08

Herald News, Elise Young, "AG backs Corzine on e-mails," 11/14/08

Courier-Post, Gregory Volpe, "Appeals court hears arguments on Corzine e-mail," 11/14/08

Herald News, Herb Jackson, "Bergen native backed for nod as U.S. attorney; Ex-prosecutor had high-profile clients," 2/15/09

University Wire/The Daily Princetonian, Aaron Hosios, "Princeton alumnus recommended for U.S. Attorney post," 2/17/09

13. Public Office, Political Activities and Affiliations:

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

1994-95 Counsel to the Deputy Attorney General, U.S. Department of Justice (appointed by Deputy Attorney General Jamie S. Gorelick)

1995-97 Associate Deputy Attorney General, U.S. Department of Justice (appointed by Deputy Attorney General Jamie S. Gorelick)

1997 Principal Associate Deputy Attorney General, U.S. Department of Justice (appointed by Acting Deputy Attorney General Seth Waxman)

I have never held or sought elective office and have not previously been nominated for an 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.

I have not held any formal role in a political party or campaign. However, I have hosted or co-hosted events in support of certain candidates:

2005 – Jon S. Corzine for Governor of New Jersey

2005, 2006 – Deval Patrick for Governor of Massachusetts

2007 – Hillary Clinton for President

2007, 2008 – Frank Lautenberg for U.S. Senate

14. Legal Career: Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I clerked for the Honorable Edward R. Becker of the United States Court of Appeals for the Third Circuit from August 1982 through August 1983.

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

I have not been engaged in solo practice.

- 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.

From 1983-1997, I was employed as an Assistant U.S. Attorney for the District of New Jersey, 970 Broad Street, Newark, NJ. From 1987 to 1989, I was the Deputy Chief of that Office's Criminal Division, as well as Chief of Narcotics. In 1989, I became Chief of the Criminal Division and, in 1991, was promoted to First Assistant U.S. Attorney.

In 1994, while still employed by the U.S. Attorney's Office, Deputy Attorney General Jamie S. Gorelick asked that I be detailed to her office. I served as Counsel to Ms. Gorelick from 1994 to 1995, when I became an Associate Deputy Attorney General on her staff. In 1997, Seth Waxman, who was then the Acting Deputy Attorney General, asked me to serve as Principal Associate Deputy Attorney General. I remained in that position under Deputy Attorney General Eric H. Holder, Jr., until I left the Department of Justice in December 1997.

In late December, 1997, I became a partner in Friedman Kaplan & Seiler LLP, with offices at 875 Third Avenue, New York, NY. In March 1998, the firm opened an office at One Gateway Center, 25th Floor, Newark, NJ. In 1999, the firm changed its name to Friedman Kaplan Seiler & Adelman LLP. And, in 2001, the firm moved its New York office to 1633 Broadway, New York, NY. Since March of 1998, I have split my time between the Newark and New York offices.

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

I have never served as a mediator or an arbitrator.

b. Describe:

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

From 1983, when I joined the U.S. Attorney's Office, until the fall of 1985, I was assigned to the Criminal Division, and handled criminal matters, including narcotics, counterfeiting, interstate theft, bank robbery, income tax evasion, money laundering, and RICO violations. In doing so, I handled bail hearings, suppression hearings, pretrial motions, and grand jury presentations; drafted wiretap and search warrant applications; wrote briefs; and tried cases. In 1985, I was reassigned to the Special Prosecutions Division, where I handled investigations of political corruption and labor racketeering. In addition, while assigned to that division, I was lead counsel in the successful four-month RICO and narcotics trial of eight defendants who were members of a nationwide cocaine distribution ring.

In 1987, I was promoted to the position of Deputy Chief of the Criminal Division and Chief of Narcotics. In that capacity, I supervised the Office's narcotics investigations and prosecutions, as well as other investigations and prosecutions handled by the Criminal Division. In addition, during that period, I was lead counsel in the successful investigation and trial of the business manager of Ironworkers Local Union 350, headquartered in Atlantic City.

In 1989, I became Chief of the Criminal Division, the largest Division in the Office, and supervised approximately 30 Assistant U.S. Attorneys who were investigating and prosecuting violent crime, civil rights, money laundering, arms export, tax evasion, counterfeiting, narcotics, and RICO violations. I also had primary responsibility for the training and supervision of all new prosecutors hired by the Office.

In January 1991, I was promoted to the position of First Assistant U.S. Attorney, a position I held until October 1994. As First Assistant, I supervised the Office's six divisions and two branch offices, whose caseload included organized crime, political corruption, insurance fraud, financial institution fraud, securities fraud, narcotics, civil and criminal appeals, and affirmative and defensive civil litigation to which the United States was a party. I was the primary adviser to the United States Attorney and had final authority on a variety of case-related and policy matters. I also oversaw the day-to-day administration of the Office, including its budget, facilities, and personnel.

As First Assistant, I coordinated the effort of the federal government in Trenton's Weed & Seed program, a partnership among the community and federal, state, and local agencies to implement a comprehensive and multi-

disciplinary approach to the problems of drug trafficking, violent crime, and neighborhood decay.

As First Assistant, I also continued to do investigative work, as well as to handle hearings, write briefs, and appear in court. During this period, I served as lead counsel for the government in the six-week trial of the Mayor of Passaic for extortion, bribery, and income tax evasion. That trial resulted in his conviction.

In October 1994, I left the U.S. Attorney's Office to become Counsel to Jamie S. Gorelick, the Deputy Attorney General of the United States. In 1995, I assumed the position of Associate Deputy Attorney General and, in April 1997, I became the Principal Associate Deputy Attorney General. In all of those positions, I served as a senior adviser to the Attorney General and Deputy Attorney General on a variety of law enforcement, policy, national security, and case-related matters.

Since December 1997, I have been a partner in the law firm of Friedman Kaplan Seiler & Adelman, LLP, where I have specialized in white-collar criminal matters, corporate investigations, and complex civil litigation. I represent individual and corporate clients in federal and state court, and before various regulatory agencies such as the Securities and Exchange Commission. My practice includes the representation of individuals and corporations being investigated for (among other violations) insider trading, health care fraud, environmental violations, defense contractor fraud, export control violations, fraudulent marketing of securities, market timing, accounting fraud, money laundering, and tax evasion; internal investigations for publicly traded and privately held corporations; civil litigation of breach of contract, breach of fiduciary duty, Lanham Act, copyright, securities, employment, and RICO claims in a variety of state and federal courts and before arbitration panels; and the drafting and revision of compliance programs.

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

From 1983 through the end of 1997, I was employed by the Department of Justice and I represented the United States. Since entering private practice, my clients have been individuals and corporations, many of whom have been plaintiffs or defendants in civil litigation involving commercial disputes. I have handled matters involving issues such as covenants not to compete; the valuation of stockholdings; loan agreements; breach of fiduciary duty; breach of contract; and copyright infringement. I have also been engaged by corporations and other entities to conduct internal investigations of employee wrongdoing. Finally, I have been retained by individuals and entities that have been the subject of investigations by various components of the Department of Justice, the

Securities and Exchange Commission, and other federal or state law enforcement or regulatory agencies.

- 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.

From 1983 through 1994, I appeared in court regularly, handling all aspects of criminal practice, including trials, pleas, motions, sentencing, bail hearings, suppression and other pretrial hearings, grand jury proceedings, and appellate arguments. When I began my tenure as an Assistant-U.S. Attorney, my court appearances were quite frequent, often daily. As my caseload became more complex and sophisticated, and as my management and supervisory responsibilities increased, my court appearances became less frequent, although I continued to handle significant matters and appeared in court on dozens of occasions.

During my service in the Deputy Attorney General's office (from 1994-1997), I appeared in court on approximately three occasions to handle matters for which I retained responsibility from my tenure in the U. S. Attorney's office.

From 1997 to the present, I have been in private practice, and have appeared in court frequently in civil, criminal, regulatory, and appellate matters.

- i. Indicate the percentage of your practice in:
1. federal courts;
 2. state courts of record;
 3. other courts;
 4. administrative agencies.

Until the end of 1997, when I left the Department of Justice, 100% of my appearances had been in federal court. Since entering private practice in 1998, approximately 75% of my appearances have been in federal court, 15% in state court, and 10% before administrative agencies or arbitral panels.

- ii. Indicate the percentage of your practice in:
1. civil proceedings;
 2. criminal proceedings.

When I was employed by the U.S. Attorney's Office and the Department of Justice, 100% of my litigation was in criminal proceedings, although I supervised some civil matters. Since entering private practice, my practice has been approximately 35% civil and 65% criminal.

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried twelve cases to verdict, judgment, or final decision: six as lead counsel; five as sole counsel; and one as associate counsel.

- i. What percentage of these trials were:

1. jury - 75%;
2. non-jury - 25%.

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

I have not practiced before the United States Supreme Court.

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

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

1. United States v. Joseph Lipari

In November 1992, after a six-week trial, Mayor Joseph Lipari of Passaic was convicted by a jury of conspiring to extort and accept bribes from the city's towing contractor, and of attempting to evade federal income taxes for a five-year period. In April 1993, Lipari was sentenced to 42 months in jail and \$186,000 fine. The Third Circuit affirmed his conviction without opinion. (Docket No. 92-5238).

The case was litigated in the U.S. District Court for the District of New Jersey before Hon. Alfred M. Wolin. (Cr. No. 92-164). I represented the United States and served as lead counsel, which included giving the opening statement, rebuttal summation, direct examination of half of the government's witnesses, cross-examination of 19 of the 21 defense witnesses, and oral argument before the Court of Appeals.

Co-counsel: J Fortier Imbert (former Assistant U.S. Attorney)
Citibank, N.A., Legal Department
399 Park Avenue
New York, NY
212-559-0825

Defense counsel: Justin P. Walder & James Plaisted
Walder Hayden & Brogan
5 Becker Farm Road
Roseland, NJ 07068
973-992-5300

2. United States v. Thomas Kepner

In 1988, after an 18-month grand jury investigation, and a two-month trial, a jury convicted Thomas Kepner of RICO, labor racketeering, and income tax evasion. Kepner had been the long-time business manager (the de facto head) of Local 350 of the Bridge, Structural, and Ornamental Ironworkers Union in Atlantic City, NJ. In September 1988, he was sentenced to 10 years' imprisonment and a \$170,000 fine. His co-defendants were acquitted.

I represented the United States and was lead counsel. During the investigative stage, I supervised the grand jury investigation and drafted the search warrant application for Kepner's apartment. When the district court judge suppressed key evidence before trial, I had primary responsibility for drafting the appellate brief and I argued the government's successful appeal of the suppression order before the Third Circuit. At trial, I gave the opening statement, closing argument, and rebuttal summation, conducted the direct examination of all major witnesses for the government, and cross-examined all of the defense witnesses. Kepner did not appeal his conviction.

The case was litigated before the Hon. Joseph H. Rodriguez, United States District Court for the District of New Jersey (Cr. No. 87-364). The only reported decision in the case was Third Circuit's opinion reversing the district court's suppression of certain evidence. United States v. Kepner, 843 F.2d 755 (3d Cir. 1988).

Co-counsel: Alicia Olivera Valle
U.S. Attorney's Office for the Southern District of Florida
99 N.E. 4th Street
Miami, FL 33132
305-961-9153

Defense counsel:	Edward J. Plaza Weir & Plaza 321 Broad Street Red Bank, NJ 07701 732-741-8181	Joseph A. Hayden, Jr. Walder Hayden & Brogan 5 Becker Farm Road Roseland, NJ 07068 973-992-5300
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Richard Coughlin
Federal Public Defender
800-840 Hudson Square
Camden, NJ 08102
856-757-5341

Mario Iavicoli
45 Kings Highway West
Haddonfield, NJ 08033
856-429-0201

Ernest DeStefano
No information available

John Russell (deceased)

3. United States v. Elkin Echeverri, et al

This four-month trial involved the prosecution of ten defendants who were running a multi-million dollar cocaine distribution network in New Jersey, Florida, California, Texas, and Colorado from 1977 through 1984. In addition to violations of the narcotics laws, the RICO charges against the defendants included an allegation of homicide.

I represented the United States and served as lead counsel. I gave the government's opening statement, closing argument, and rebuttal summation. I also conducted the direct examination of the four main witnesses, all of whom were coconspirators and three of whom were in the federal witness protection program. I also cross-examined the seven defendants who testified at trial.

The case was tried in the U.S. District Court for the District of New Jersey before the Hon. Stanley Brotman from November 1986 through March 1987 (Cr. No. 86-99). Two of the defendants pled guilty before trial; seven of the remaining eight were convicted by the jury. The lead defendant, Elkin Echeverri, was sentenced to 25 years in prison, which was subsequently reduced to 17 years when the Court of Appeals reversed his conviction on one count. All of the remaining convictions were sustained on appeal. The case was not reported in the district court; the appellate opinion was published: United States v. Echeverri, 854 F.2d 638 (3d Cir. 1988).

Co-counsel Mark S. Olinsky (former AUSA)
 Sills, Cummis, Epstein & Gross
 1 Riverfront Plaza
 Newark, NJ 07102-5400
 973-643-5402

Defense counsel: Joshua Markowitz Francis J. Hartman
 Markowitz & Zindler 505 S Lenola Road
 3131 Princeton Pike Moorestown, NJ 08057
 Lawrenceville, NJ 08648 856-235-0220
 609-896-2660

Thomas M. Barron
Barron & Posternock
400 N Church Street
Moorestown, NJ 08057
856-642-6445

Donald F. Manno
601 Longwood Avenue
Cherry Hill, NJ 08002
856-665-6464

Jack J. Zappacosta
Zarrillo & Zappacosta
1930 Route 70
Cherry Hill, NJ 08003
856-751-0300

Mark P. Tarantino
37 Grant Street
Mt. Holly, NJ 08060
609-267-1100

Lawrence Lustberg
Gibbons
One Gateway Center
Newark, NJ 07102
973-596-4731

Jose E. Martinez
Martinez, Gutierrez &
De Cordoba
601 Brickell Key Drive
Miami, FL 33131-2651
305-577-4500

4. United States v. Stephen Michael Fleck, et al

This prosecution, in 1984, of fifteen defendants involved what was at that time (and may still be) the largest conspiracy to import P-2-P, one of the main ingredients in the illegal manufacture of methamphetamine. The investigation involved cooperation between and electronic surveillance by drug enforcement agents in the United States and Germany.

I represented the United States, and supervised the electronic surveillance in the United States (including the drafting of all necessary affidavits, applications, and court orders), handled all aspects of the investigation, traveled to Germany to coordinate the prosecution with German authorities, and served as co-counsel during the investigative and pretrial period.

The case was litigated in the U.S. District Court for the District of New Jersey before the Hon. Maryanne Trump Barry (Cr. No. 84-372). All of the defendants pled guilty on the morning jury selection was to begin; the case was not reported.

Co-counsel: Thomas G. Roth (former AUSA)
395 Pleasant Valley Way
West Orange, NJ 07052
973-736-9090

Defense counsel: Samuel Dawson (deceased)

Robert M. Goodman
Greenbaum, Rowe, Smith &
Davis LLP
75 Livingston Avenue
Roseland, NJ 07068
(973) 577-1770

Paul Bergman
950 Third Avenue
New York, NY 10022
212-355-7711

Gerald B. Lefcourt
Lefcourt & Dratel
148 East 78th Street
New York, NY 10021
212-737-0400

Thomas Fitzpatrick
100 Park Avenue
23rd Floor
New York, NY 10017
212-481-0033

Michael D'Alessio, Jr.
Walder, Hayden & Brogan, P.A.
5 Becker Farm Road
P.O.Box 901
Roseland, NJ 07068
973-992-5300

Thomas A. DeClemente
DeClemente & Associates
1265 Paterson Plank Road
Secaucus, NJ 07094
201-864-0200

David Breitbart
52 Duane Street
New York, NY 10007
212-608-1313

John P. Doran
215 Windermere Avenue
Interlaken, NJ 07712
732-531-1415

Mark J. Malone
No contact information available

David A. Ruhnke
Ruhnke & Barrett
47 Park Street
Montclair, NJ 07042
973-746-1877

Hon. John Hughes
JAMS Resolution Center
1717 Arch Street, Suite 4010
Philadelphia, PA 19103
215-246-9494

John P. McDonald
McDonald & Rogers
181 West High Street
Somerville, NJ 08876
908-722-4100

Gerald D. Miller
Miller, Meyerson, Schwartz &
Corbo
955 West Side Avenue
Jersey City, NJ 07306
201-333-9000

5. United States v. Darryl DeVose and Kent Clark

This was a one-week trial in 1991 for extortion and kidnapping, in which the defendants kidnapped a postal worker, and then forced their way into a private home where they held an 85-year-old woman and her 18-year-old granddaughter for ransom. The defendants fled before collecting the money, and remained fugitives for five years until one of them was apprehended after appearing on the television show, "America's Most Wanted." DeVose pled guilty and testified against Clark; he received a ten-year sentence. Clark was convicted at trial on all counts, including kidnapping and extortion. He was sentenced to life in prison, and his conviction was affirmed on appeal without opinion.

I represented the United States and served as lead counsel at trial. I also assisted in the drafting of the government's brief on appeal.

The case was tried in the U.S. District Court for the District of New Jersey before the Hon. H. Lee Sarokin (Cr. No. 90-12); there were no reported opinions.

Co-counsel: John J. Farmer, Jr. (former AUSA)
 Arseneault, Whipple, Farmer, Fassett & Azzarello
 560 Main Street
 Chatham, NJ 07928
 973-635-3366

Defense counsel:	Alan L. Zegas	Robert L. Brown
	552 Main Street	425 Main Street
	Chatham, NJ 07928	Orange, NJ 07050
	973-701-7080	973-676-1122

6. Rowland W. Day v. Eric Meyer and Donald Duffy

In 2000, I was retained by Eric Meyer and Donald Duffy to represent them in a civil lawsuit by their former attorney and business associate, who alleged that they had breached an oral contract to share certain stock options. The case had already been tried once to a hung jury by another law firm. After a one-week trial, the jury returned a verdict in favor of my clients.

I was lead counsel, made the opening and closing arguments, and examined all witnesses on behalf of my clients.

The case was tried before the Hon. Harold Baer in the United States District Court for the Southern District of New York (Civ. No. 99-10708). There were no reported opinions and no appeal.

My co-counsel were Michael Berg and Joshua Polak, both of whom are now former associates of my firm:

Michael A. Berg
Meiselman, Denlea, Packman,
Carton & Eberz P.C.
1311 Mamaroneck Avenue
White Plains, NY 10605
(914) 517-5000

Joshua Polak
Day Pitney LLP
P. O. Box 1945
Morristown, NJ 07962-1945
(973) 966-8055

Plaintiff's counsel: Steven Priess
Tressler, Soderstrom, Maloney & Priess, LLP
Sears Tower - 22nd Floor
233 S. Wacker Drive
Chicago, IL 60606
(312) 627-4000

7. Q-CIM v. Allied Signal

In 2002, I was retained by Honeywell, Inc., the successor to Allied Signal, to defend a federal lawsuit for breach of contract and copyright infringement. Plaintiff alleged that Allied Signal had used certain of plaintiff's software beyond the terms of the relevant license agreements. The case was tried in 2003; after 11 days of trial, the case settled.

I was lead counsel, and personally handled most of the trial on behalf of my client, including the opening statement and a three-day cross-examination of the plaintiff that led to the settlement.

The case was tried before the Hon. Dennis M. Cavanaugh of the United States District Court for the District of New Jersey (Civ. No. 99-2776). There were no reported opinions.

My co-counsel were Michael Berg and Joshua Polak, both of whom are now former associates of my firm:

Michael A. Berg
Meiselman, Denlea, Packman,
Carton & Eberz P.C.
1311 Mamaroneck Avenue
White Plains, NY 10605
(914) 517-5000

Joshua Polak
Day Pitney LLP
P. O. Box 1945
Morristown, NJ 07962-1945
(973) 966-8055

Plaintiff's counsel: Joseph Lubertazzi Jr.
McCarter & English
Four Gateway Center
100 Mulberry Street
P.O. Box 652
Newark, NJ 07101-0652
(973) 622-4444

Clement J. Farley
McCarter & English
100 Mulberry Street
Newark, NJ 07102
(973) 622-4444

8. Kostas Douzinas v. American Bureau of Shipping, et al

I was retained in 2008 to represent Kostas and Nancy Douzinas, who had commenced an arbitration seeking in excess of \$20 million against American Bureau of Shipping for fraud, breach of contract, copyright infringement, and breach of fiduciary duty. At the time, the litigation had been going on for a number of years. After several months of discovery, motion practice, and negotiations, the case was settled.

I was lead counsel, although my partner Mala Harker played a significant role, as did counsel for the co-claimant.

Co-counsel:	Mala Harker Friedman Kaplan Seiler & Adelman 1633 Broadway New York, NY 10019 (212) 833-1192	Paul Francis Baker & Hostetler 1000 Louisiana Suite 2000 Houston, TX 77002 (713) 646-1334
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Respondents' counsel: Robert G. Clyne
Hill Rivkins & Hayden
45 Broadway, Suite 1500
New York, NY 10006
(212) 669-0600

9. Securities and Exchange Commission v. Martin Kenney

I was retained by Martin Kenney, the Chief Executive Officer of WRC Media, Inc., in connection with an investigation and then a federal lawsuit that the Securities and Exchange Commission ("SEC") commenced in 2005. The SEC alleged that Mr. Kenney, in his capacity as CEO, had orchestrated an accounting fraud that resulted in fraudulent financial statements. After a year of pretrial litigation, the case settled three days before trial after the District Judge ruled in our favor on many of the pretrial motions, and the SEC filed a new complaint that eliminated the allegations of fraud.

I was lead counsel for Mr. Kenney; I took and defended most of the depositions, and argued all of the motions before the Court.

The case was pending before the Hon. Shira Scheindlin of the United States District Court for the Southern District of New York (Civ. No. 05-7944).

My co-counsel were my partner, Lance Gotko, and a former associate, Joshua Jacobson.

Lance Gotko
Friedman Kaplan Seiler &
Adelman
1633 Broadway
New York, NY 10019
(212) 833-1115

Joshua Jacobson
Wilmer Hale
60 State Street
Boston, MA 02109
617-526-6350

Counsel for the SEC:

Robert Pommer
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5950

Thomas Swiers
United States Securities and
Exchange Commission
100 F Street, N.E.
Washington, DC 20549
(202) 551-4851

10. United States v. Armando Gamboa, et al

In the spring of 1985, approximately twenty defendants were indicted for cocaine distribution in and around Passaic, New Jersey. The arrests were the result of a joint investigation conducted by the DEA, U.S. Attorney's Office, and the Passaic County Prosecutor's Office.

I represented the United States. Approximately two months before the scheduled trial date, the AUSA handling the case returned to private practice, and the case was assigned to me. Over the next few weeks, I negotiated pleas with most of the defendants, litigated pretrial motions, and prepared for trial. In September 1985, a five-week trial commenced against six defendants; I served as sole counsel for the government. One defendant was severed from the case shortly after the trial began; the other five were convicted on all counts. (I subsequently tried the sixth defendant who was convicted after a two-day trial.) The two defendants who headed the ring were each sentenced to ten years' imprisonment.

The case, which was not reported, was litigated in the U.S. District Court for the District of New Jersey before the Hon. H. Lee Sarokin (Cr. No. 85-95).

Defense counsel:

Kevin T. Rigby
Vice-President of Public
Affairs
Novartis Pharmaceuticals
701 House Plaza – 4th Floor
East Hanover, NJ 07936
973-562-2195

Mark J. Malone
No contact information available

Nathan Kittner
84 Main Street
Hackensack, NJ 07601
201-488-5565

Linda George
505 Main Street, #214
Hackensack, NJ 07601
201-487-5225

Andres M. Aranda
Aranda & Guttlein
291 Broadway
New York, NY 10007
212-608-7575

Arthur J. Abrams
Abrams & Wofsy
255 Newark Avenue
Jersey City, NJ 07302
201-659-5500

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

I have not performed any lobbying activities.

The description of my work and my responsibilities in the U.S. Attorney's Office is included in my response to question 14, and my significant litigation experience in the U.S. Attorney's Office is discussed above in response to question 15. In addition to handling my own investigations and prosecutions, I supervised those of many other Assistant U.S. Attorneys during the seven years in which I held management positions. In addition, there were certain significant prosecutions which I actively supervised on a day-to-day basis.

My responsibilities as a member of the Deputy Attorney General's staff are also described above in my response to Question 14.

As a partner at Friedman Kaplan Seiler & Adelman, I have handled the following significant matters that did not reach trial:

In 1998, I was retained by a large corporation that had received a grand jury subpoena directing the production of certain records. Although the corporation was initially advised that it was not the subject of the investigation, as the records were gathered it became apparent that certain overseas employees of the company may have been complicit in the matter under investigation. As a result, I traveled overseas to conduct an internal investigation to determine how and why the activity had occurred. After the conclusion of my investigation, with the consent of my client, I presented the results to the appropriate authorities in an ultimately successful effort to forestall prosecution. I then assisted the corporation in redesigning its compliance program to guard against any recurrence.

In 2001 and 2002, I represented Metromedia International Group, Inc. (“MIG”) in connection with allegations that certain of its overseas operations had failed to comply with the Foreign Corrupt Practices Act. After our firm conducted internal investigations, MIG disclosed the findings to the Department of Justice and the SEC.

In 2002, I represented Bertelsmann AG in connection with the SEC’s investigation of AOL’s accounting practices.

From 2002 through 2009, I represented Mark Foley, the former Senior Vice President of Finance for Tyco who was a major witness in several criminal investigations, an SEC investigation, and securities class action litigation. He also was a defendant in an ERISA class action.

From 2004-2007, I was co-counsel for Biomet, Inc., one of the major manufacturers of artificial joints, in connection with an investigation of payments to consulting physicians. In 2007, the matter was resolved with the execution of a deferred prosecution agreement, a civil settlement, and a corporate integrity agreement.

In 2005, I represented Outsourcing Solutions, Inc. (“OSI”), the company that was responsible for collecting deficient and delinquent taxes on behalf of the State of New Jersey. After investigations by the State Commission of Investigation and the New Jersey Attorney General of allegations of inappropriate payments and gifts to state officials, as well as overbilling, the company executed a non-prosecution agreement and a civil settlement.

In 2006, I represented Smart Online, Inc. in connection with an investigation by the Securities and Exchange Commission and I conducted an internal investigation as part of that assignment.

From 2007-2009, I was special counsel for EnCap Golf Holdings LLC, the subject of an investigation by the New Jersey Inspector General and, subsequently, by the New Jersey Attorney General and the United States Attorney’s Office for the District of New Jersey.

In 2008, I was retained by Alfred Teo, Sr., and the MAAA Trust, to defend an enforcement action brought by the Securities and Exchange Commission in federal court in New Jersey. That litigation, which is still pending, involves allegations of securities fraud.

In 2008, I was retained by Carla Katz, the president of Communications Workers of America (“CWA”) Local 1034, in connection with her litigation against the CWA, internal union trusteeship and disciplinary proceedings, a criminal investigation, and a state court appeal regarding the New Jersey Open Public Records Act.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

Harvard Law School, Cambridge, MA

Trial Advocacy Workshop (January 2007, January 2008, January 2009)

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

If I am confirmed, I will resign my partnership at Friedman Kaplan Seiler & Adelman LLP. Upon my withdrawal from the law firm, I will receive: a) the amount of my capital account (my interest in partnership property) as of the effective date of my withdrawal; and b) compensation through that date, less any amount necessary to fulfill my obligation to the firm's defined benefit retirement plan. After my resignation, I will remain vested in the firm's defined benefit and defined contribution pension plans, but will make no further contributions to them.

In addition, I participate in the United States Government Thrift Savings Plan (TSP) based on my former service with the Department of Justice.

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

I have no plans, commitments, or agreements to pursue outside employment during my service as U.S. Attorney.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached financial disclosure report (SF-278).

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

See attached net worth statement.

22. Potential Conflicts of Interest:

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

There are a few matters in which I have represented individuals or entities who currently are being investigated by the U.S. Attorney's Office for the District of New Jersey, or who are witnesses in such matters. Immediately upon entering office, I would recuse myself from those matters, as required by the Department of Justice and New Jersey ethics rules, as well as by federal law.

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

In the event of a potential conflict of interest, I will consult with the appropriate ethics officials in the Executive Office for United States Attorneys, Department of Justice, to identify and handle the matter appropriately.

- 23. Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Since joining Friedman Kaplan Seiler & Adelman LLP, I have done pro bono work in both public and private matters:

In 2006, I was appointed by Judge William Bassler of the United States District Court for the District of New Jersey to represent William Hoffman, an incarcerated state prisoner who alleged that his guilty plea had been coerced and that his previous attorneys had failed to timely file various applications on his behalf. We fully briefed his petition for a writ of habeas corpus.

In 2004, I represented a state prisoner who allegedly had violated an order of protection.

Over the last eleven years, I have spent hundreds of hours representing individuals who were the subjects of investigation but who could not afford to pay my or my firm's fees.

In addition to these matters, I have also served as a board member or trustee of various non-profit organizations listed above in my response to Question 6, which include the Yogi Berra Museum and Learning Center and the Princeton Class of 1978 Foundation. I also served on a Task Force established by the U.S. District Court for the District of New Jersey (chaired by the Hon. William G. Bassler) that was charged with facilitating access to the court for indigent plaintiffs.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks	1	112	300	Notes payable to banks-secured			
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities-see schedule		534	100	Notes payable to relatives			
Unlisted securities- see schedule		47	900	Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-see schedule	1	200	000
Real estate owned- see schedule	2	000	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		150	000				
Cash value-life insurance		148	800				
Other assets itemize:							
Friedman Kaplan Seiler & Adelman LLP ("FKSA") Capital Account		530	000				
IRAs – Harbor Funds*		27	300				
Thrift Savings Plan		95	300				
Spouse's IRA- see schedule		373	200	Total liabilities	1	200	000
FKSA Pension & Retirement Savings Plans*	1	278	500	Net Worth	5	106	200
Health Savings Account		8	800				
Total Assets	6	306	200	Total liabilities and net worth	6	306	200
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor			0	Are any assets pledged? (Add schedule)			No.
On leases or contracts			0	Are you defendant in any suits or legal actions?			No.
Legal Claims			0	Have you ever taken bankruptcy?			No.
Provision for Federal Income Tax			0				
Other special debt			0				

*These items are described separately on my SF 278

FINANCIAL STATEMENT
NET WORTH SCHEDULES

Listed Securities

CBeyond Inc.	\$ 20,400
Dell	1,200
Formfactor	15,800
General Electric	12,700
Netgear	23,700
Charles Schwab	2,800
Time Warner Cable Inc.	300
Time Warner Inc.	700
SCANA	186,300
Mutual Funds	
Held at Charles Schwab*	244,400
Dreyfus Municipal Bond Fund	25,800
Total Listed Securities	\$ 534,100

Unlisted Securities

FKS Investments, LLC (Oxygen Media Corp.)	\$ 100
FKS Investments IV, LLC (Trilogy Int'l Partners)	47,800
Total Unlisted Securities	\$ 47,900

Real Estate Owned

Personal Residence (Montclair, NJ)	\$ 2,000,000
Mortgagee: ING Bank	

Spouse's IRA

Charles Schwab Common	\$ 9,200
Mutual funds (held at Charles Schwab)*	247,000
Cash	75,700
TIAA CREF*	41,300
Spouse's IRA	\$ 373,200

Real Estate Mortgages Payable

Personal Residence (Montclair, NJ)	\$ 1,200,000
Mortgagee: ING Bank	

*The individual funds in these categories are listed separately on my SF 278.

AFFIDAVIT

I, Paul Joseph Fishman, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

6/3/09
(DATE)

Paul J. Fishman
(NAME)

Judith P. Fitzell
(NOTARY)

**JUDITH FITZELL
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 7/30/2011**