

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Byron Todd Jones

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

United States Attorney for the District of Minnesota

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 Address:
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, Minnesota 55402-2015

Residence:
Saint Paul, Minnesota

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

1957; Cincinnati, Ohio

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.

University of Minnesota Law School - Minneapolis, Minnesota
1980-1983
J.D. awarded, May, 1983

Macalester College - St. Paul, Minnesota
1975-1979
B.A. in Political Science awarded in May, 1979

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.

Partner
Robins, Kaplan, Miller & Ciresi L.L.P.
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, Minnesota 55402-2015
June, 2001 – present

Board Trustee
University of Minnesota Foundation
McNamara Alumni Center
200 Oak Street SE, Suite 500
Minneapolis, Minnesota 55455
2005 - present

Advisory Board Member
Institute for Law and Politics
University of Minnesota Law School
229 - 19th Avenue South
Minneapolis, Minnesota 55455
2007 – present

Board Trustee
Jeremiah Program
1510 Laurel Avenue, Suite 100
Minneapolis, Minnesota 55403
2007

Board of Governors
University of St. Thomas School of Law
1000 LaSalle Avenue
Minneapolis, Minnesota 55403-2015
2000 – 2006

Adjunct Professor
William Mitchell College of Law
875 Summit Avenue
Saint Paul, Minnesota 55105-3076
2002

Board of Directors
Twin Cities RISE!
800 Washington Avenue North, Suite 203
Minneapolis, Minnesota 55401
2001 - 2003

Board of Directors
Minnesota Independent School Forum
445 Minnesota Street, Suite 505
Saint Paul, Minnesota 55101-5000
2001 – 2002

Partner
Greene Espel P.L.L.P.
200 South Sixth Street, Suite 1200
Minneapolis, Minnesota, 55402
January, 2001 – May, 2001

United States Attorney
District of Minnesota
600 United States Courthouse
300 South Fourth Street
Minneapolis, Minnesota, 55415
May, 1998 – January, 2001

Board of Trustees
Saint Thomas Academy
949 Mendota Heights Road
Mendota Heights, Minnesota 55120
1998 -1999

First Assistant United States Attorney
District of Minnesota
600 United States Courthouse
300 South Fourth Street
Minneapolis, Minnesota, 55415
April, 1997 – May, 1998

Partner
Greene Espel P.L.L.P.
333 South Seventh Street
Suite 1700
Minneapolis, Minnesota, 55402
March, 1994 – March, 1997

Board of Directors
Catholic Charities of St. Paul & Minneapolis
1200 Second Avenue South
Minneapolis, Minnesota 55403
1990 – 1996

Board of Directors
NAACP, St. Paul Chapter
1060 West Central Avenue
Saint Paul, Minnesota 55104
1994 - 1995

Assistant United States Attorney
District of Minnesota
600 United States Courthouse
300 South Fourth Street
Minneapolis, Minnesota, 55415
February, 1992 – March, 1994

Board of Directors
St. Paul Red Cross Regional Blood Services
176 South Robert Street
St. Paul, Minnesota 55107
1990 – 1992

Co-Chair
St. Paul YMCA Black Achievers Mentor Program
194 East Sixth Street
Saint Paul, Minnesota 55101
1990 - 1993

Senior Litigation Associate
Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, Minnesota 55402-1609
May, 1989 – January, 1992

[Active duty with the United States Marine Corps between 1983 – 1989; See Question 7]

Officer Candidate
United States Marine Corps, OCS
Quantico, Virginia
May, 1982 – August, 1982

Law Clerk
Hennepin County Attorney's Office
Civil Division
C-2000 Government Center
300 South Sixth Street
Minneapolis, Minnesota 55487
May, 1981 – August, 1981

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 was commissioned as a Second Lieutenant (O-1) in the United States Marine Corps on August 20, 1982, and placed on inactive duty during 1982 -1983 to complete law school.

I subsequently served on active duty as both an Infantry Officer (MOS 0302) with 1st Battalion, 7th Marine Regiment (Okinawa, Japan and Camp Pendleton, California), and as a Judge Advocate (MOS 4402) with the 1st Force Service Support Group, 1st Marine Division (Camp Pendleton, California), from 1983 until 1989, attaining the rank of Captain (O-3).

I remained in the United States Marine Corps Reserve and was recalled to active duty in January, 1991, for service during Operation Desert Storm. Following release from active

duty in June, 1991, I remained in the Marine Corps Reserve, attaining the rank of Major (O-4) and ultimately serving as the commanding officer of 4th Marine Division Military Police Company (1993-1995) until my honorable discharge in 1998.

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.

American College of Trial Lawyers - inducted as a Fellow in 2001

Minnesota Law & Politics, named a "Super Lawyer," - 2002 through 2008

Minnesota Law & Politics, named a "Top 40 Criminal Defense Lawyer" - 2007 and 2008

City of St. Paul, Certificate of Recognition for service as the Co-Chair of the St. Paul Police Chief Examination (Selection) Committee - May 5, 2004

Navy Achievement Medals for service while on active and reserve duty in the United States Marine Corps in 1989 and 1995

Patricia Harris Fellowship (law school scholarship)

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.

United States Federal Magistrate Selection Committee, District of Minnesota
Member: 2008

United States Sentencing Commission – Ad Hoc Advisory Group on the Organizational Sentencing Guidelines
Chair: 2002 - 2004

Council on Crime and Justice Racial Disparity Initiative Advisory Committee
Member: 2001

American Bar Association
Member: 1989 - present
Member of Criminal Justice Section, ABA/DOJ Liaison Subcommittee, 2008 - present

Federal Bar Association, Minnesota Chapter
Member: 1990 - present
Board of Directors: 1994 - 2002 and 2007 - present

Minnesota State Bar Association
Member: 1989 – present

New York State Bar Association
Member: 2007 – present

District of Columbia Bar Association
Member: 2007 – present

National Association of Former United States Attorneys (NAFUSA)
Member: 2001 – present
Board of Directors: 2003 - 2005

Minnesota Association of Black Lawyers
Member: 1996 - present

Twin Cities Diversity in Practice
Co-Chair: 2005 - present

Minnesota Minority Lawyers Association
Member: 1989 - 1996

Twin Cities Committee on Minorities in Large Law Firms
Charter Member: 1989 - 1992

National Black Prosecutors Association
Member: 1997 - 2000

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.

The Minnesota State Bar: October 21, 1983 - present

The District of Columbia Bar: April 10, 2007 – present

The New York State Bar: March 21, 2007 – present

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.

The United States Court of Military Appeals
Admitted in 1986

The United States District Court for the District of Minnesota
Admitted in 1989

The United States Court of Appeals for the Eighth Circuit
Admitted in 1989

The United States Supreme Court
Admitted on October 15, 2002

The United States District Court for the Northern District of Florida
Admitted in 2006

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.

University of Minnesota Foundation
Board of Trustees: 2005 - present

Institute for Law and Politics
University of Minnesota Law School
Advisory Board Member: 2007 – present

Jeremiah Program, Minneapolis, Minnesota
Board of Trustees: 2007

City of St. Paul Fire Chief Examination (Selection) Committee
Member: 2006

City of St. Paul Police Chief Examination (Selection) Committee
Co-Chair: 2004

St. Thomas University Law School, St. Paul, Minnesota
Board of Governors: 2000 - 2006

Governor's Citizen Advisory Commission on Redistricting
State of Minnesota
Member: 2001
(Appointed as one of eleven citizens by Governor Jesse Ventura)

Twin Cities RISE!
Board of Directors: 2001 - 2003

Minnesota Independent School Forum
Board of Directors: 2001 - 2002

St. Thomas Academy
Board of Trustees: 1998 -1999

Catholic Charities of Minneapolis and St. Paul
Board of Directors: 1990 - 1996

NAACP, St. Paul Chapter
Board of Directors: 1994 - 1995

St. Paul Red Cross Regional Blood Services
Board of Directors: 1990 – 1992

St. Paul YMCA Black Achievers Mentor Program
Co-Chair: 1990 - 1993

Marine Corps Association
Member: 1983 -1997

- 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.

None of these organizations has discriminated or does discriminate.

12. Published Writings and Public Statements:

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

The following is a summary of all articles, reports or other published material I have edited, authored or co-authored. It is based on my recollection, a review of my files, and a search of the Lexis-Nexis database:

1. “Corporate Citizenship and Corporate Criminal Rights”, *Emergency Envelopes*, Volume 1, Issue 2 (Law firm publication), March, 2006
2. “The Fifth Amendment, Vicarious Liability, and the Attorney Client Privilege: How Cooperation and Waiver Can Leave Your Corporation Exposed”, *Emergency Envelopes*, Volume 1, Issue 1 (Law firm publication), November, 2005
3. “When Civil Matters Become Criminal: The Interplay Between Civil and Criminal Litigation”, *American Bar Association Section on Litigation, Committee on Criminal Litigation*, Volume 4, No. 2, Winter 2005
4. “When Hindsight Is 20/20; Five Key Questions to Ask at the Start of an Internal Investigation”, *Journal of Investment Compliance*, Fall 2004

- 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.

1. *Report of The Ad Hoc Advisory Group on the Organizational Sentencing Guidelines*, prepared for the United States Sentencing Commission, Washington, D.C. (released on October 7, 2003)
 2. *Prosecutorial Decision-Making and Racial/Ethnic Disparities in the Federal Criminal Justice System: Principles and Guidelines*, a project of the Brennan Center for Justice at the New York University Law School and the National Institute for Law and Equity (released in 2007)
- 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.

None

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

The following list is based on my best efforts to recall and search for professional remarks, continuing legal education speeches or other public presentations I have given. This list is the result of a review of my files, and a search of the Lexis-Nexis databases. The majority of these speeches or talks either did not have original written material or written prepared remarks, or copies are no longer available.

| Title/Engagement | Location | Date |
|---|-----------------|-----------------|
| Minority Corporate Counsel Association, Diversity Dialogue, A Discussion of Best Practices: Panelist | Chicago, IL | March 26, 2008 |
| Center for Ethical Business Cultures, Conducting Internal Investigations: Ethical and Legal Issues, A CEBC "Members Only" Roundtable – Lessons Learned from the Hewlett Packard Scandal | Minneapolis, MN | May 3, 2007 |
| Ethics & Compliance Officer Association, Sponsoring Partner Forum: "The Ethics of Internal Investigations." | Weston, FL | April 18, 2007 |
| National Association of Corporate Directors, Minnesota Chapter: "Board Investigations – Getting it Right." | Minneapolis, MN | January 9, 2007 |

| Title/Engagement | Location | Date |
|--|----------------------------------|-------------------|
| Securities and Exchange Commission, Accounting and Enforcement Update Conference: "SEC Enforcement Update" | Minneapolis, MN | May 23, 2006 |
| American Conference Institute, 3rd National Forum on Law Firm Diversity – Real Situations, Real Solutions: "Overcoming Adversity within Diversity – Success Stories." | Chicago, IL | January 29, 2006 |
| Minnesota CLE Conference Center, The New Lawyer Experience Seminar (Litigation Orientation for New Attorneys) | Minneapolis, MN | January 9, 2006 |
| American Bar Association: "Board Investigations: How Far is Far Enough?" | Washington, D.C. | November 16, 2005 |
| Practicing Law Institute, 37th Annual Institute on Securities Regulation: "Criminal Enforcement of the Securities Laws." | New York, NY | November 3, 2005 |
| Minnesota CLE Conference Center, White Collar Criminal Law 2005 Summit: "How to Represent Your White-Collar Clients in Compliance Matters, Governmental Investigations, Negotiations and Trials" | Minneapolis, MN | October 31, 2005 |
| Center for Ethical Business Cultures, Roundtable Discussion: "Managing High Performance Individuals Who Violate a Firm's Values But Not the Law." | Minneapolis, MN | October 12, 2005 |
| Minnesota State Bar Association CLE, Fraud, Misrepresentation and Deceptive Trade Practices: "When Civil Matters Become Criminal" | Minneapolis, MN | March 11, 2005 |
| American Bar Association, 19th Annual National Institute on White Collar Crime 2005: "Sentencing Guidelines – What Next?" | Las Vegas, NV | March 3, 2005 |
| American Society of Corporate Secretaries, Twin Cities Chapter: "Understanding the Corporate Sentencing Guidelines" | Minneapolis, MN | December 7, 2004 |
| The State Bar of California, "Diversifying the Workplace in a Competitive Legal Market" | Monterey, CA | October 9, 2004 |
| University of St. Thomas Minnesota, Center for Ethical Business Culture: Corporate Responsibility Compliance, Prevention and Best Practices, "Organizational Sentencing Guidelines" | Minneapolis, MN | April 20, 2004 |
| American Bar Association, 18th Annual National Institute on White Collar Crime 2004: "Parallel Proceedings – A Real and Present Danger" | Miami Beach, FL | March 3, 2004 |
| American Health Lawyers, Teleconference: "Changes to the Federal Sentencing Guidelines and DOJ Policy on Federal Prosecutions: What Every Healthcare Lawyer Needs to Know." | Teleconference – Minneapolis, MN | November 12, 2003 |

| Title/Engagement | Location | Date |
|--|-----------------------|------------------|
| Minnesota CLE: "Criminal Ramifications of The Sarbanes-Oxley Act." | Minneapolis, MN | October, 2002 |
| Minnesota CLE: "When Civil Matters Become Criminal" | Minneapolis, MN | August, 2002 |
| Minnesota CLE: "Using Technology in Litigation." | Minneapolis, MN | March, 2001 |
| Wisconsin Association of Minority Attorneys Annual Banquet – Keynote Speech "Race and the Criminal Justice System" | Milwaukee, Wisconsin | April 27, 2000 |
| Martin Luther King Day Celebration – "The Dream Lives" | Northfield, Minnesota | January 18, 2000 |
| U.S. Department of Justice – Hate Crimes Conference/United States Attorney Working Group Best Practices Panel | Washington, DC | October 28, 1999 |

- 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 through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Star Tribune, James Walsh, "Ex-U.S. attorney is tapped to take the job again," 3/6/09

AP, n/a, "Klobuchar recommends Jones for US Attorney post," 3/5/09

Inside Counsel, Steven Andersen, "Looking Backward; General counsel acquitted of backdating as next wave of fraud looms," 12/8/08

Finance and Commerce, Barbara L. Jones, "What will an Obama presidency mean for Minnesota lawyers?" 11/15/08

Minnesota Public Radio, Elizabeth Stawicki, "Former U.S. Attorneys predict future of Dept. Of Justice," 11/14/08

ABA Journal, Mark Hansen, "Memo to Prosecutors: Time to Back Off," 8/08

Star Tribune, David Phelps, "Court Oks seizure of Petters' assets," 10/7/08

Inside Counsel, Steven Andersen, "Push Back: Recent history of white-collar crime teaches corporate America a lesson," 9/08

Star Tribune, David Phelps, "Greed or economic stress?" 8/24/08

Star Tribune, Steve Brandt, "Real estate company charged in fraud scheme," 4/12/08

New York Times, Philip Shenon, "Justice Dept. Chief Faces a Test in Minnesota," 11/13/07

Corporate Crime Reporter, n/a, "Corporate Crime Reporter Names Top Fifteen Black White-Collar Criminal Defense Attorneys," 7/29/07

Los Angeles Times, Richard B. Schmitt, "Attorney firings echo in courts," 6/18/07

The Legal Ledger, Michelle Lore, "Ex-Minnesota U.S. attorneys weigh in on recent firings," 3/12/07

The Minnesota Lawyer, Michelle Lore, "When the feds come a knockin'," 2/5/07

Star Tribune, David Chanen, "Felder death to be audit case study," 1/18/07

Corporate Secretary, Karen Dean, "Tough Consequences," 12/06

St. Paul Pioneer Press, Shannon Prather, "For these lawyers, diversity has its limits," 11/23/06

The Minnesota Lawyer, Barbara L. Jones, "Maslon application rejected by Twin Cities diversity group," 11/13/06

Employment Law 360, Erin Marie Daly, "Scandals Catapult Lawyers To Corner Offices," 10/31/06

Star Tribune, Richard Meryhew, "after the game," 10/30/06

The Minnesota Lawyer, Barbara L. Jones, "Judge Leung resigns from board of Twin Cities diversity group," 10/23/06

Star Tribune, Rochelle Olson, "fifth district congressional race," 10/13/06

MSNBC, Dan Abrams, "The Abrams Report," 5/31/06

Star Tribune, Dee DePass, "Legal pros heartened by Enron verdicts," 5/26/06

Securities Law 360, Bailey Somers, "Thorny Road Ahead For Convicted Enron Duo," 5/25/06

Securities Law 360, n/a, "Enron Verdict A Much-Needed Victory For Government," 5/25/06

The Minnesota Lawyer, Barbara L. Jones, "Targeting the Lawyer," 2/20/06

Saint Paul Pioneer Press, David Hawley, "Interim federal prosecutor is named," 2/18/06

AP, Amy Forliti, "U.S. Attorney Heffelfinger, after Red lake probe, to resign," 2/15/06

Star Tribune, Heron marques Estrada, "Trial in St. Paul's only unsolved cop killing to start," 2/6/06

Star Tribune, Rochelle Olson, "Tapes are at heart of the Zimmermann bribery case," 1/27/06

The Minnesota Lawyer, Barbara L. Jones, "Fledgling Twin Cities diversity group is poised to spring into action in 2006," 1/9/06

Saint Paul Pioneer Press, Ellen Tomson, "Shut out of trial, families frustrated," 11/13/05

ABA Journal eReport, Steve Seidenberg, "Using Cell-Phone Location to Track Suspects Needs proof of Cause, N.Y. Court Says," 9/16/05

Star Tribune, Pam Louwagie, "Request to collect DNA is dropped," 6/4/05

Star Tribune, Richard Meryhew, "Lawyer question DNA tactic," 4/26/05

Times-Picayune, James Gill, "From Minnesota, clueless insults," 4/24/05

Times-Picayune, Michelle Krupa, "Judge's attorney to study race's role," 4/21/05

AP, n/a, "Questions of race to figure in judge's defense," 4/21/05

Saint Paul Pioneer Press, Rick Linsk, "State Sues Vang Pao Foundation," 4/20/05

Star Tribune, Terry Collins, "Striking back at rumors, leaks," 4/19/05

Corporate Legal Times, n/a, "In Brief: Sentencing Turmoil," 3/05

Star Tribune, David Chanen, "Red Lake School Shooting," 3/30/05

The Minnesota Lawyer, Barbara L. Jones, "Federal prosecutors, defenders divided on sentencing cases," 1/31/05

Bloomberg, n/a, "U.S. Sentencing Guidelines Made Advisory by Court," 1/12/05

Saint Paul Pioneer Press, Marie McCain, "Sjodin Capital Case Ok'd," 10/29/04

Star Tribune, Paul McEnroe, "Affair muddied probe of drug suspect," 9/26/04

The Minnesota Lawyer, Barbara L. Jones, "8th Circuit decision adds to uncertainty over sentencing," 8/9/04

Star Tribune, Heron Marquez Estrada, "St. Paul panel makes choice for police chief," 5/6/04

Saint Paul Pioneer Press, n/a, "Police Chief Reaction," 5/9/04

Star Tribune, Pam Louwagie, "No death penalty in '98 Target slaying," 5/5/04

Grand Forks Herald, Herald Staff, "Who Take Dru Sjodin Case?" 4/20/04

Star Tribune, Crossing state line could make all the difference in Sjodin case," 4/19/04

Saint Paul Pioneer Press, Robert Ingrassia, "In Or Out?" 4/18/04

Star Tribune, Jackie Crosby, "9 St. Paul police chief candidates are on force," 3/24/04

Star Tribune, Jackie Crosby, "Race enters chief search," 3/19/04

Saint Paul Pioneer Press, Robert Ingrassia, "Church Coalition Weighs In On Police Chief Selection," 3/19/04

Saint Paul Pioneer Press, Mara H. Gottfried, "Panel Gathers Input On New Chief," 3/10/04

Star Tribune, Jackie Crosby, "St. Paul police chief search begins," 3/10/04

Saint Paul Pioneer Press, Robert Ingrassia, "Panel Begins Process Of Selecting New Police Chief," 2/26/04

AP, n/a, "Former treasurer charged with stealing from charity," 12/26/03

USA Today, Tom Weir, "In Sexual Assault Cases, Athletes Usually Walk," 12/22/03

Star Tribune, Steve Brandt, "Flipping scandal nears finale," 12/21/03

AP, Ashley H. Grant, "Secrecy surrounding Warsame case worries some Somalis," 12/20/03

Star Tribune, Pam Louwagie, "Secrecy shrouds inmate and case," 12/11/03

Chicago Daily Law Bulletin, Patricia Manson, "Give Entities Guidance on Self-Policing: Panel," 10/8/03

Belleville News-Democrat, Beth Hundsdorfer, "Fraud Trial Gets Change Of Venue," 9/24/03

Saint Paul Pioneer Press, Ruben Rosario, "Ashcroft scrutinizes sentencing decisions," 8/8/03

Saint Paul Pioneer Press, Leslie Brooks Suzukamo, "Probe spells trouble for Onvoy," 8/1/03

Chicago Sun-Times, Greg Couch, "For a look at Kobe, look at Kirby," 7/20/03

The Minnesota Lawyer, Barbara L. Jones, "Ex-Prosecutor B. Todd Jones likes doing defense work," 5/12/03

Star Tribune, Pam Louwagie, "Case against Puckett was sign of the times," 4/03

Star Tribune, Jay Weiner, "Puckett found not guilty," 4/4/03

Saint Paul Pioneer Press, Amy Mayron, "Kirby Puckett cleared of sexual assault charges," 4/4/03

Star Tribune, Jay Weiner, "Puckett pleads not guilty as his trial begins," 3/25/03

AP, Steve Karnowski, "Kirby Puckett goes on trial for alleged sexual assault," 3/24/03

Star Tribune, Margaret Zack, "Judge refuses to delay Puckett's assault trial," 3/18/03

Saint Paul Pioneer Press, Phillip Pina, "Puckett declares innocence after first court appearance," 10/22/02

The New York Post, Brad Hunter, "Kirby: I'm Innocent," 10/22/02

Star Tribune, Margaret Zack, "Puckett appears in court," 10/21/02
Saint Paul Pioneer Press, Amy Mayron, "Eden Prairie: Puckett accused of sexual assault," 9/21/02

Star Tribune, Jim Adams, "Puckett didn't sexually assault woman, lawyer says," 9/21/02

Star Tribune, Ann Merrill, "Rainbow files counterclaim against Cub," 6/5/02

Saint Paul Pioneer Press, Scott Carlson, "Rainbow, Cub shelve pricing lawsuit," 5/14/02

Star Tribune, Ann Merrill, "Rainbow says it's ready to go to the mat with Cub," 5/14/02

Star Tribune, Rochelle Olsen, "Inquiry: Fishing or fact-finding?" 5/13/02

Saint Paul Pioneer Press, Scott Carlson, "Cub says Rainbow stole ad prices," 5/11/02

Saint Paul Pioneer Press, Todd Nelson, "Helder admits making bombs," 5/9/02

Star Tribune, Chris graves, "Olsen open to a buyout - if price is right," 4/19/02

ABA Journal eReport, Molly McDonough, "Experts Urge patience in Deciding Whether to Ditch Andersen," 3/22/02

The National Law Journal, David E. Rovella, "Sentencing reformers - Action on guidelines seems newly urgent," 3/18/02

Saint Paul Pioneer Press, Lisa Donovan, "Gang Suspects Indicted In '96 Killing Of Girl, 4," 1/10/02

AP, n/a, "Political mapmakers factor race into their task," 12/24/01

Star Tribune, Pam Louwagie, "Conspiracy charges carry great weight," 12/12/01

The Minnesota Lawyer, Michelle Lore, "Should jurors be able to ask witnesses questions?" 10/15/01

Saint Paul Pioneer Press, Kristina Torres, "Trafficking Reaches Into Minnesota," 7/22/01

Macalester Today, n/a, "B. Todd Jones '79 - Proud To Be A Marine," 6/01

Saint Paul Pioneer Press, Lisa Donovan, "More minorities in St. Paul getting 'consent search' from police," 6/19/01

Saint Paul Pioneer Press, Gloria Rodriguez, "U Forum Today To Look At State's Justice System And Racial Bias," 6/14/01

Minnesota Public Radio, William Wilcoxon, "The Color of Justice in Minnesota," 6/14/01

Star Tribune, Neal St. Anthony, "Ex-U.S. attorney B. Todd Jones joining Robins," 5/25/01

PR Newswire, n/a, Former U.S. Attorney Todd Jones Joins Robins, Kaplan, Miller & Ciresi L.L.P.," 5/25/01

CNN, Larry King Live, "The Clinton Pardons – Carlos Vignali," 2/26/01

NBC, The Today Show, "The Clinton Pardons – Carlos Vignali," 2/23/01

ABC, Nightline, "The Clinton Pardons – Carlos Vignali," 2/22/01

ABC, Good Morning America, Carlos "The Clinton Pardons – Carlos Vignali," 2/22/01

MSNBC, Softball, "The Clinton Pardons – Carlos Vignali," 2/22/01

Saint Paul Pioneer Press, Amy Mayron, "Twin Cities Police Stops: Minneapolis Reports Data," 1/17/01

Saint Paul Pioneer Press, Amy Mayron, "Clinton-Appointed U.S. Attorney Resigns Post," 12/20/00

Star Tribune, Steven Brandt, "Lawyer pleads guilty to fraud-related charges," 12/13/00

Saint Paul Pioneer Press, Ruben Rosario, "E. Europe Sees Women Exploited In America," 8/28/00

Star Tribune, Duchesne Paul Drew, "Basketball documents subpoenaed," 4/15/00

AP, Jason Wolf, "Minn. Hoops Hit With Subpoenas," 4/14/00

Star Tribune, Paul Gustafson, "Federal officials look into Guerin loans," 4/4/00

Star Tribune, James Walsh, "Racial profiling in traffic stops draws attention, but no action," 3/12/00

Northfield News, Melissa Leuze, "Celebrating a hero," 1/19/00

Saint Paul Pioneer Press, Amy Mayron, "Felons Being Granted State Hunting Licenses," 1/9/00

Saint Paul Pioneer Press, Amy Mayron, "U.S. Attorney Likes No-Frills Approach," 2/28/99

Saint Paul Pioneer Press, Wayne Wangstad, "President Taps Jones For U.S. Attorney Post," 10/8/98

University ire, Sarah McKenzie, "U alum slated for U.S. attorney post," 7/6/98

Star Tribune, James Walsh, "B. Todd Jones has plenty of backing as he becomes the new U.S. attorney," 7/5/98

Saint Paul Pioneer Press, Debra O'connor, "St. Paul, Minn., Lawyer Tapped For U.S. Attorney," 6/23/98

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.

I have never been a candidate for public office. In May 1998 I was appointed interim United States Attorney for the District of Minnesota by Attorney General Janet Reno, and upon the expiration of this appointment (in October 1998) was appointed by the United States District Court for the District of Minnesota. I served in this position until I was subsequently nominated for the same position by President William J. Clinton and confirmed by the United States Senate in October 1998.

- 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.

During 2007 and 2008 I served a member of the Minnesota State Finance Committee for the Obama for America campaign. In addition, I was a participant in "Obama University" held at national campaign headquarters in Chicago, Illinois during November, 2007.

In 2006 I served as an uncompensated advisor to Congressman Keith Ellison, who represents Minnesota's 5th Congressional District, during his first campaign for that office.

Prior to these activities I was a member of the Minnesota Democratic Leadership Council (DLC) between 1991 and 1995. I also worked on the campaign of U.S. Senate candidate Bob Short (Democrat) in 1978 and served as an intern in the office of U.S. Senator Hubert H. Humphrey during 1977-78. During 1976 I served as a college campus organizer for the Minnesota "Carter for President" campaign.

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 did not have the opportunity to clerk for a judge given my commitment to military service immediately following graduation from law school.

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

I have never been a solo practitioner.

- 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.

Partner

Robins, Kaplan, Miller & Ciresi L.L.P.
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, Minnesota 55402-2015
June, 2001 – present

United States Attorney / Assistant United States Attorney
Department of Justice
District of Minnesota
600 United States Courthouse
300 South Fourth Street
Minneapolis, Minnesota, 55415
May, 1998 – January, 2001;
April, 1997 – May, 1998 (First Assistant);
February, 1992 – March, 1994.

Partner

Greene Espel P.L.L.P.
333 South Seventh Street
Suite 1700
Minneapolis, Minnesota, 55402
March, 1994 – March, 1997
January, 2001 – May, 2001

Senior Litigation Associate
Oppenheimer, Wolff & Donnelly
First Bank Building, Suite 1700
St. Paul, Minnesota 55101
May, 1989 – January, 1992

Judge Advocate
United States Marine Corps
First Marine Division
1st Force Service Support Group
Camp Pendleton, California
August, 1986 – May, 1989

- 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 had virtually no experience as a mediator or arbitrator. The only matter that I attempted to mediate involved a limited attempt to resolve a board governance dispute between a Minnesota based health insurance organization and the Minnesota Attorney General's office in 2005. The matter was not resolved after a single day of meetings and the case proceeded in the courts.

b. Describe:

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

The character of my law practice over the years has consistently had litigation and trial work at its core, with shifts occurring between public sector and private sector platforms.

2001 – present: Since joining my current law firm I have maintained a trial practice focused on complex business litigation as both plaintiff and defense counsel. I have represented a number of organizations and individuals in criminal and civil cases and regulatory matters. I have also served as special counsel to various boards of directors of public and privately held companies. In that capacity I have lead internal investigations and provided guidance on compliance and governance issues. During my time at the law firm I have had the opportunity to serve multiple terms on the firm's Executive Board (management committee), Recruiting (hiring) Committee and chaired the Diversity Committee from 2003 until 2008.

1997 – 2001: During my tenure as the United States Attorney I had the privilege to serve both as one of the nation's principal litigators, operating under the direction of the Attorney General, and as the chief federal law enforcement officer of the United States within the District of Minnesota. Prior to assuming that position, as the First Assistant United States Attorney, my primary responsibilities included overall management of the internal operations of the office, in areas ranging from personnel to budget. In this capacity I worked closely with both the Criminal and Civil Division Chiefs in a variety of policy implementation matters and Department of Justice initiatives. I also maintained oversight responsibility for all criminal civil rights matters handled in the district.

1994 – 1997: My practice as a partner at Greene Espel involved all aspects of representation of individuals, private entities, and governmental units in litigation (defense) of employment related disputes, civil rights claims and discrimination suits, primarily in Federal court. I was also involved in conducting confidential investigations in support of, or to avert, litigation for corporations and public bodies, including matters relating to regulatory and criminal proceedings. Internally, I served as the managing partner during my last two years at the firm (1996 – 1997).

1992 – 1994: During my service as an Assistant U.S. Attorney my sole focus was representing the United States in criminal cases venued in Federal

court. In this capacity I conducted grand jury investigations and was the lead trial lawyer in a number of federal prosecutions and before the Courts of Appeal in matters involving criminal drug conspiracies, money laundering, financial fraud and violent crime.

1989 – 1992: While at Oppenheimer, Wolff & Donnelly I developed a general civil litigation practice encompassing a wide variety of legal matters ranging from products liability defense and insurance coverage disputes to labor and employment controversies in both a private and public sector setting. Given my position as a senior associate I had primary responsibility for daily case management, handling pretrial discovery, formulation and drafting of both non-dispositive and dispositive motions, and any subsequent appeal briefs.

1986 – 1989: As a Judge Advocate in the United States Marine Corps I served as both a trial defense counsel and prosecutor in numerous courts-martial proceedings (trials) and administrative discharge hearings. While serving as a trial defense counsel I defended military personnel in a number of special and general courts-martial. I also advocated for members pending their administrative involuntary separation from the military. As a prosecutor I handled a number of courts-martial proceedings, many of which were contested. In addition to directing investigations of the Naval Investigative Service and the criminal investigations division of the military police, I also regularly advised regimental and battalion command on all criminal justice matters, international law of war issues and civil affairs functions.

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

During the course of my legal career I have represented a variety of clients in both criminal and civil litigation. These clients have included individuals charged with violations of Federal or state criminal law, and members of the military charged under the Uniform Code of Military Justice. I have also had the opportunity to represent both public and private companies engaged in a wide variety of business endeavors ranging from consumer retail and health care to medical devices and public utilities. I have represented state and local units of government in both employment and civil rights cases, and had the privilege of representing the United States in prosecuting criminal cases in both Federal court and in a military courts-martial setting.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

I appeared in court frequently during my tenure as both a Judge Advocate in the United States Marine Corps (1986 – 1989) and as an Assistant United States Attorney (1992 – 1994). My court opportunities while practicing civil litigation at both Oppenheimer, Wolff & Donnelly (1989 – 1992) and at Greene Espel (1994 – 1997) were less frequent but did result in periodic civil jury trial work. As the United States Attorney (1998 – 2001) I did not regularly appear in court,

although there were appropriate occasions when this occurred. Over the last eight years I have had many opportunities to appear in court for both civil and criminal motions practice and in several civil and criminal jury trials.

- i. Indicate the percentage of your practice in:
 1. federal courts; 80%
 2. state courts of record; 20%
 3. other courts; none
 4. administrative agencies; none
- ii. Indicate the percentage of your practice in:
 1. civil proceedings; 50%
 2. criminal proceedings: 50%
- 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 tried approximately twenty (20) cases to verdict before a jury or members panel as sole counsel while in the military and as an Assistant U.S. Attorney. During this same time I was co-counsel on an additional four or five (4-5) jury trials. These estimates are apart from the numerous cases which were resolved short of trial by plea or dismissal. As a civil practitioner or criminal defense counsel during my tenures at Greene Espel and Robins, Kaplan Miller and Ciresi, I have tried an additional half dozen (6) cases as lead counsel before juries in state and Federal court.

- i. What percentage of these trials were:
 1. jury; 100%
 2. non-jury. 0%
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

Although admitted, I have not yet had the opportunity to practice before the Supreme Court of the United States

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

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and

- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Morgan*, reported at 31 M.J. 43 (1990). This general court-martial proceeding involved my defense of an enlisted service member against allegations of sexual assault on a 4-year old girl who lived next door in base housing. It was tried before Colonel Mark Haiman (military judge, retired) and a military members panel (jury) and was extremely difficult in several respects, including sensitive issues of child witness testimony, a horrific factual scenario, internal family issues, and the racial overtones of the case (African-American defendant and Caucasian child/victim).

- a. Date of representation: 1988
- b. Name of the court and the name of the judge or judges before whom the case was litigated: General Courts Martial, Camp Pendleton, California before Colonel Mark Haiman (Military Judge, USMC).
- c. Name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties: Military prosecutor - Michael Keegan, who is, to my knowledge, currently a civilian attorney with the Department of Defense General Counsel's Office, (202) 533-0901.

2. *United States v. Norberto Trevino-Rodriguez and Rosalio Trevino-Lopez*, reported at 994 F.2d 533 (8th Cir. 1993). This criminal case involved several individuals trafficking in substantial quantities of cocaine between Minnesota and Texas. The defendants were adjudged guilty of the charges contained in the indictment by a federal jury following deliberation.

- a. Date of representation: 1992
- b. Name of the court and the name of the judge or judges before whom the case was litigated: U.S. District Court for the District of Minnesota before Judge James Rosenbaum
- c. Name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties: Co-counsel was former Assistant U.S. Attorney Jon Hopeman, 601 Second Avenue South Suite 4200, Minneapolis, MN 55402-4302, (612) 373-8416. Defense Counsel were Jerry Strauss, 250 Second Ave. So., Suite 228, Minneapolis, Minnesota, 55401, (612) 335-8877, and Arthur Martinez, 250 Second Avenue South, Minneapolis, Minnesota, 55401, (612) 333-6000

3. *United States v. Cassell Bobo, et al.*, reported at 49 F.3d 362 (8th Cir. 1995). This criminal case involved a major narcotics distribution and money laundering conspiracy in both Minnesota and California. It resulted in the seizure of substantial quantities of cocaine and currency following intensive investigation by the DEA, including Title III wiretap evidence introduced at trial. The defendants who went to

trial were adjudged guilty of the charges contained in the indictment by a federal jury following deliberation.

- a. Date of representation: 1993
- b. Name of the court and the name of the judge or judges before whom the case was litigated: U.S. District Court for the District of Minnesota before then-Chief Judge Diana Murphy (currently sitting on the 8th Circuit Court of Appeals).
- c. Name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties: Co-counsel was former Assistant U.S. Attorney Denise Reilly who is currently a Minnesota state court judge. Defense Counsel in the case included Faisom Sessoms, Suite 840, 331 Second Avenue South, Minneapolis, Minnesota, 55401, (612) 344-1505; Barry Voss, 527 Marquette Ave # 1050 Minneapolis, Minnesota, 55402, (612) 673-0707; John G. Dillon, Minneapolis, Minnesota (address and phone number unknown); Richard Oakes, St. Paul, Minnesota (deceased).

4. *United States v. Michael Severe, et al.*, reported at 29 F.3d 444 (8th Cir. 1994). This criminal case, tried in 1993, involved a conspiracy to distribute crack cocaine in Minnesota which was obtained from sources in California. The case was the result of a joint state-federal narcotics investigation in the City of Minneapolis. Several of the defendants entered pleas and cooperated with the government by providing testimony at trial. The defendants who went to trial were adjudged guilty of the charges contained in the indictment by a federal jury following deliberation.

- a. Date of representation: 1993
- b. Name of the court and the name of the judge or judges before whom the case was litigated: U.S. District Court for the District of Minnesota before Judge David Doty
- c. Name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties: Defense counsel in the case was Craig Cascarano, 150 South 5th Street, Suite 3260, Minneapolis, Minnesota, 55402, (612) 333-6603.

5. *United States v. Hyten*, reported at 5 F.3d 1 154 (8th Cir. 1993). This criminal case involved a convicted felon in constructive possession of a MAC- 10 semi-automatic weapon. The defendant was alleged to be an enforcer for a local motorcycle street gang. Following a weeklong trial, which included testimony from the defendant's wife asserting ownership of the weapon, the defendant was adjudged guilty of the charges contained in the indictment by a federal jury following deliberation.

- a. Date of representation: 1992

- b. Name of the court and the name of the judge or judges before whom the case was litigated: U.S. District Court for the District of Minnesota before then-Chief Judge Diana Murphy (currently sitting on the 8th Circuit Court of Appeals).
- c. Name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties: Defense counsel on this case was Bruce Hanley (deceased).

6. *United States v. Alex Horne and Joseph Franklin*, reported at 4 F.3d 579 (8th Cir. 1993). This criminal case, tried in 1993, involved a conspiracy to distribute crack cocaine, use of firearms, and operation of a crack house within 1000 feet of Minneapolis North High School. The defendants were adjudged guilty of the charges contained in the indictment by a federal jury following deliberation.

- a. Date of representation: 1993
- b. Name of the court and the name of the judge or judges before whom the case was litigated: U.S. District Court for the District of Minnesota before Judge Harry MacLaughlin (deceased).
- c. Name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties: Defense counsels in the case were Bruce Hanley (deceased) and F. Clayton Tyler, 331 Second Avenue South, Suite 230, Minneapolis, Minnesota, (612) 333-7309.

7. *John Barlow v. Velma Throdahl*, (not reported), Minnesota State District Court (Hennepin County), District Court File No. 95-849. This civil/employment law matter involved a defamation lawsuit initiated against a sexual harassment complainant by a police officer who was terminated based in part on the allegations raised in her complaint to their mutual municipal employer. The plaintiff/police officer filed suit in 1995 against the complainant/defendant following his reinstatement as a result of a post-termination arbitration decision. I represented the defendant/complainant, who was indemnified by her municipal employer, during several years of extremely contentious litigation. Following several unsuccessful attempts to obtain summary judgment based on, among other legal theories, an immunity defense for sexual harassment complainants; we proceeded to trial in 1996. After several days of jury trial before Judge Gary Larson the defendant dismissed his case with prejudice in exchange for an agreement not to pursue costs. Plaintiff's counsel on the case was One of the defense attorneys involved in the case representing the municipality was

- a. Date of representation: 1996
- b. Name of the court and the name of the judge or judges before whom the case was litigated: Minnesota District Court before Judge Gary Larson.
- c. Name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties: Co-counsel in the case was Patricia Beety, League of Minnesota Cities Insurance Trust (LMCIT), 145

University Ave. W., St. Paul, Minnesota, 55101, (651) 231-1270. Plaintiff was represented by Joseph Marshall (address and location unknown).

8. *Yvette Robinson, et al. v. Henry Cisneros, et al.* (not reported), U.S. District Court, District of Minnesota, Court File No. CV-4-95-237. This federal class action lawsuit, filed in 1994 by Southern Minnesota Regional Legal Services, alleged a pattern of racial discrimination in the assignment of public housing by both HUD and the St. Paul Public Housing Agency (PHA). Essentially, the lawsuit challenged the right of the PHA and HUD to administer housing assistance in a racially-neutral manner by considering the race or ethnicity of those awaiting public housing or “steering” individuals to certain developments for purposes of changing racial composition. Interestingly, the plaintiff class consisted of African-American applicants who asserted that the PHA discriminated against them in favor of Asian-American. I was the lead attorney representing the PHA from the initiation of the lawsuit until its resolution through settlement in 1996.

- a. Date of representation: 1994-1996
- b. Name of the court and the name of the judge or judges before whom the case was litigated: U.S. District Court for the District of Minnesota before Judge Ann Montgomery
- c. Name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties: Co-counsel (representing HUD) in the case was Jaqueline Becerra, formerly with Federal Programs Branch, Department of Justice, and currently with Greenberg Traurig, 1221 Brickell Avenue, Miami, Florida, 33131 (305) 579-0500. The plaintiffs were represented by Jessie R. Nicholson, Southern Minnesota Regional Legal Services, 166 East 4th St., Suite 200, St. Paul, Minnesota, 55101, (651) 228-9823

9. *State of Minnesota v. Kirby Puckett*, (not reported), Minnesota State District Court (Hennepin County), District Court File No. 27-CR02-07319. This was a state criminal prosecution in which I successfully defended Hall of Fame baseball legend and former Minnesota Twins player Kirby Puckett in a high profile criminal trial involving allegations of sexual assault. Puckett was acquitted of all charges by the jury in 2003.

- a. Date of representation: 2003
- b. Name of the court and the name of the judge or judges before whom the case was litigated: Minnesota District Court before Judge Stephen Swenson
- c. Name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties: Co-counsel on the case was Christopher W. Madel, 800 LaSalle Avenue, Minneapolis, Minnesota, 55402, (612) 349-8703. The prosecutor in the case was Assistant

Hennepin County Attorney Alan Harris, C-2000 Government Center, 300 South Sixth Street, Minneapolis, Minnesota 55487, (612) 348-5550.

10. *United States v. Alan Green, et.al.* (not reported), U.S. District Court, Eastern District of Louisiana, Court File No. 2:04CR00295. This Federal criminal action was tried in 2005 before a jury in New Orleans against a sitting state district court judge. It involved allegations of public corruption and conspiracy charges which were the result of an extensive FBI Title III investigation. The underlying facts involved illegal contributions of cash and other gratuities in exchange for favorable treatment in bond hearings on behalf of defendant's bail bondsmen. I served as co-lead defense counsel through trial, which resulted in hung jury on all but one count of conviction for mail fraud against Judge Green.

- a. Date of representation: 2005
- b. Name of the court and the name of the judge or judges before whom the case was litigated: U.S. District Court for the Eastern District of Louisiana before Judge Lance Africk.
- c. Name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties: Co-counsel in the case was Frank DeSalvo, 725 Girod New Orleans, Louisiana, 70130, (504) 524-4191. The lead prosecutor in the case was Assistant U.S. Attorney Michael Magner, Hale Boggs Federal Building, 500 Poydras Street, Suite B-210, New Orleans, Louisiana 70130, (504) 680-3000.

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.)

Outside the advocacy activities within the context of litigation or trial, I have not engaged in any lobbying activities at any time during my professional career.

In addition to the wide variety of criminal and civil cases I have tried over the years I have also had the opportunity to work on a number of cases that did not proceed to trial. These include several significant class actions, several of which were designated with MDL (Multi-District Litigation) status early on in my career. More recently I have had the opportunity to:

- Serve as co-lead counsel in the defense of a publicly held global logistics company in a Federal class action discrimination lawsuit alleging Title VII violations on the basis of gender in compensation and promotion. We successfully resolved the case on the eve of jury selection and start of trial in 2006.

- Represented an innovative privately held medical device manufacturer in a Federal criminal action involving allegations of Medicare fraud at the intersection of the durable medical equipment and medical device regulatory schemes. I served as lead counsel for the corporation, with a resolution and settlement reached on eve of trial in 2004.
- Lead an extensive internal investigation in 2003 for the Board of Directors of a public utility company involving potential misconduct by natural gas brokers and traders in the commodities market. Our investigation was instrumental in successfully resolving potential adverse actions by governmental agencies.

These examples, in combination with numerous other matters, have afforded me with invaluable insights into the nuances of litigating sophisticated legal issues ranging from attorney/client privilege issues and expert testimony to managing historical document discovery, particularly when issues of electronically stored information create challenging knowledge management issues. My participation in these all of these cases have provided me with solid grounding in the litigation process, and the opportunity to meet a number of excellent attorneys from across the country practicing in a variety of settings, from large international law firms to regional litigation boutiques. Over the years this network of colleagues, the foundational civil litigation experiences, combined with my criminal trial work (as both a prosecutor and defense counsel), have proved to be invaluable to me in providing advice and counsel to both private sector and public clients.

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.

Over the years I have served as both an instructor and speaker at a variety of Continuing Legal Education programs and at the National Institute of Trial Advocacy. I have no syllabus for these courses.

I have also, on occasion, served as a guest instructor or speaker at both the University of Minnesota Law School and at William Mitchell College of Law. In this capacity I have taught Fundamentals of Pretrial Litigation, Lawyering Skills, and Trial Advocacy. I have been unable to locate any syllabus for these courses.

During the spring semester of 2002 I served as an Adjunct Professor of Law at William Mitchell College of Law in St. Paul Minnesota and taught a more substantive course entitled "Race and the Law".

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 as United States Attorney for the District of Minnesota, I will resign as a partner of Robins, Kaplan, Miller & Ciresi L.L.P. and sever all financial ties with the

firm. My compensation as a partner will end at that juncture. Upon my separation from the firm I will receive repayment of my partner capital account (\$350,000.00).

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.

None.

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).

Please see attached the financial disclosure report.

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

See attached net worth statement.

22. **Potential Conflicts of Interest:**

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

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of any ethics agreement required to be entered into with the Department's designated agency ethics official.

- 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 ethics officials for the Executive Office of U.S. Attorneys at the Department of Justice.

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.

Over the course of my career, particularly during my time in private practice, I have devoted extensive time in the representation of indigent criminal defendants. These matters have been assigned to me both as the result of my participation in the Federal Public Defender's Panel for the District of Minnesota since 2003 (for which I do not submit applications for payment of fees), and as a consequence of the clients who individually approach our law firm for pro bono assistance in both criminal and civil rights assistance. Robins, Kaplan, Miller & Ciresi has been nationally recognized for its pro bono legal services program. For the past three years, over five percent of our attorney billable time as a law firm has gone to pro bono services. I have participated in several of our program initiative, particularly the work we do in Minneapolis with the Minnesota Supreme Court's Guardian Ad Litem (GAL) Program, serving as both a mentor to younger attorneys handling these matters and as the attorney of record.

FINANCIAL STATEMENT

NET WORTH

(As of April 1, 2009)

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 | \$10,700 | Notes payable to banks-secured | \$130,700 |
| U.S. Government securities-add schedule | | Notes payable to banks-unsecured | \$8,100 |
| Listed securities-add schedule | \$378,600 | Notes payable to relatives | |
| Unlisted securities--add schedule | | Notes payable to others | |
| Accounts and notes receivable: | | Accounts and bills due | \$39,000 |
| Due from relatives and friends | | Unpaid income tax | |
| Due from others | | Other unpaid income and interest | |
| Doubtful | | Real estate mortgages payable-add schedule | \$186,000 |
| Real estate owned-add schedule | \$267,700 | Chattel mortgages and other liens payable | |
| Real estate mortgages receivable | | Other debts-itemize: | |
| Autos and other personal property | \$150,000 | Parent-Plus Student Loans | \$190,900 |
| Cash value-life insurance | | | |
| Other assets itemize: | | | |
| Nominee's Pension and Retirement Savings Plan | \$232,000 | Total liabilities | \$554,700 |
| Nominees Partner Capital Account | \$350,000 | Net Worth | \$834,300 |
| Total Assets | \$1,389,000 | Total Liabilities and net worth | \$1,389,000 |
| CONTINGENT LIABILITIES | | GENERAL INFORMATION | |
| As endorser, co-maker or guarantor (co-signer of student loan for son) | \$25,000 | Are any assets pledged? (Add schedule) | No |
| On leases or contracts | None | Are you defendant in any suits or legal actions? | No |
| Legal Claims | None | Have you ever taken bankruptcy? | No |
| Provision for Federal Income Tax | None | | |
| Other special debt | None | | |

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

| | |
|---|------------------|
| Mutual Funds (held at Fidelity Cash Reserves) | \$ 171,300 |
| Fidelity Equity Income | 18,900 |
| Fidelity Freedom 2035 | 13,900 |
| GS Midcap Value Institute | 5,200 |
| TRP New Income | 3,400 |
| Fidelity Low PR STK | 1,300 |
| Money Market Funds (Marhall & Hsley Money Market) | 164,600 |
| Total Listed Securities | <u>\$378,600</u> |

Real Estate Owned

| | |
|--|----------------|
| Personal residence (St. Paul, Minnesota) | \$ 267,700 |
| Mortgagee: Citi Mortgage | |
| Total Real Estate Owned | <u>267,700</u> |

Real Estate Mortgages Payable

| | |
|--|----------------|
| Personal residence (St. Paul, Minnesota) | \$ 186,000 |
| Mortgagee: Citi Mortgage | |
| Total Real Estate Mortgages Payable | <u>186,000</u> |

AFFIDAVIT

I, Byron Todd Jones, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

June 4, 2009
(DATE)

Byron T Jones
(NAME)

Yolande Hill
(NOTARY)

