

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

John Paul Kacavas

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

United States Attorney for the District of New Hampshire

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: Kacavas Ramsdell & Howard, P.L.L.C. Residence: Manchester, NH
1850 Elm Street
Manchester, New Hampshire 03104

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

1961; Manchester, New Hampshire.

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.

Boston College Law School, 1987-1990. J.D., May 1990.

American University, School of International Service, 1985-1987.
M.A. International Relations, May 1987.

St. Michael's College, 1979-1983. B.A. Political Science, May 1983.

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.

10/04-Present Kacavas Ramsdell & Howard, P.L.L.C., 1850 Elm Street
Manchester, NH 03104 (Founding Member/Attorney)

11/08-Present Camp Allen, Board of Directors (non-profit residential recreational
camp for disabled youth and adults)

10/03-10/04 Kacavas Law Offices, P.L.L.C., 175 Canal Street
Manchester, NH 03103 (Solo practitioner)

01/03- 01/04 Manchester School Board, non-partisan member-at-large

2003-2004	Manchester Citizen's Task Force on Public School Facilities, Chairman
10/02-10/03	Hatem Donovan & Kacavas, P.C., 175 Canal Street Manchester, NH 03103 (Member/Attorney)
2001-2003	New Hampshire State Representative
2000-2002	Child Health Services, Board of Directors (non-profit health care provider to indigent infants and children in Greater Manchester area)
01/00-09/02	Wiggin & Nourie, P.A., 670 N. Commercial Street Manchester, NH 03105 (Partner/Attorney)
03/99-01/00	U.S. Department of Justice, 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530 (Trial Attorney – Campaign Finance Task Force)
09/93-03/99	N.H. Department of Justice, Office of the Attorney General 33 Capitol Street, Concord, NH 03301 (Senior Assistant Attorney General, Chief – Homicide Unit)
09/90-09/93	Wiggin & Nourie, P.A., 670 N. Commercial Street Manchester, NH 03105 (Associate/Attorney)
09/83-01/84	U.S. Representative Norman E. D'Amours (D. N.H.) Rayburn House Office Building, Washington, D.C. 20515 (Legislative Assistant)

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 not served in the military. Registered for selective service at age 18.

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.

1996 New Hampshire Bar Foundation – 1st Annual Robert E. Kirby Memorial Award. Presented to N.H. attorney 35 years-old or younger best exemplifying advocacy, civility and perspective as selected by a panel of federal and state court judges.

1990 Boston College Law School –

- Wendell F. Grimes Commencement Award for achievement in oral advocacy
- Phillip C. Jessup International Law Moot Court Competition
 - National Champion oral advocate
 - Regional Champion oral advocate
- Peter A. Donovan Outstanding Oral Advocate Award, 3rd year student

1989 Boston College Law School –
· Russell A. Murphy Outstanding Oral Advocate Award, 2nd year student

1987 American University – Phi Kappa Phi Honor Society

1986 American University – academic achievement 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.

New Hampshire Bar Association

Manchester Bar Association, Executive Committee, 2007-08

American Bar Association

New Hampshire Association of Criminal Defense Lawyers, 2004 – present

National Association of Criminal Defense Lawyers, 2004 – present

American Trial Lawyers Association, approx. 2000 – 2005

New Hampshire Trial Lawyers Association, approx. 2000 – 2005

N.H. Bar Association New Lawyer's Committee, 1993-1994

American Inns of Court – Daniel Webster Chapter, approx. 1995-1997

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.

1990 – State of New Hampshire. 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.

New Hampshire Supreme Court, 1990

U.S. District Court for the District of New Hampshire, 1990

U.S. Court of Appeals for the First Circuit, 1997

U.S. Court of Appeals for the D.C. Circuit, 1999

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.

Civic/Charitable –

Camp Allen Board of Directors, 2008 – present (residential recreational camp for disabled youth and adults).

Child Health Services Board of Directors, 2000-2002 (health care provider to indigent infants and children in Greater Manchester area).

- 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.

No.

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.

None.

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

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

As a member of the N.H. House of Representatives from 2000 to 2002, I testified on numerous bills in connection with fiscal policy and election law issues. As an assistant attorney general in the 1990's, I testified before the legislature to convey the Attorney General's policy opposing expanded gambling in New Hampshire. My comments are not reflected in any official record of proceedings and I do not have copies of any testimony.

- 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 delivered a number of speeches on the floor of the N.H. House of Representatives in connection with the unconstitutional double-taxation

implications of certain fiscal policy proposals, opposition to repeal of the death penalty in New Hampshire, and the authority of the N.H. Supreme Court to promulgate rules of court. Copies of those speeches have long since been discarded, as they were made during the 2001-2002 House session. The substance of my comments are not reflected in any official record of proceedings.

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

The Union Leader, Scott Brooks, Alderman faces assault charge, 4/16/2009

The Union Leader, Nancy Foster, Court decorum: Off with their hats, 2/5/2009

The Union Leader, Shawne Wickham, NH death sentences seen as remaining rare, 12/21/2008

The Union Leader, Dan Tuohy, Drama keeps building for Addison jury, 11/19/2008
AP State and Local Wire, AP, Court papers show NH cop killer offered to plead, 11/19/2008

The Union Leader, Trent Spiner, Experts say trend has found juries moving away from death penalty, 11/16/2008

The Union Leader, Kathryn Marchocki, Ex-teacher's aide accused of luring teen for sex, 9/30/2008

Concord Monitor, Margot Sanger-Katz, Addison jury selection could pose challenges; Notices sent to more than 1,000 residents, 9/21/2008

The Union Leader, Trent Spiner, Windham teen indicted in sex assault of female friend, 7/23/2008

The Union Leader, Russ Choma, In LaBarre case, jury selection is an art, 5/8/2008

The Union Leader, Kathryn Marchocki, Charges dropped, Lawani returns to ministry, 9/29/2007

The Union Leader, n/a, Sexual assault charges dropped, 9/28/2007

Concord Monitor, Annmarie Timmins, Woodbury set to plead in killings; Suspect already said he shot three men, 8/10/2007

The Union Leader, Carol Robidoux, Trying to read the mind of 'someone who is no longer here', 6/27/2007

The Union Leader, Kathryn Marchocki, Court appeal carries some risk, 6/15/2007

The Dartmouth, Luke Mann-O'Halloran, Defense lawyer tells Dartmouth audience to 'know your rights', 5/15/2007

The Union Leader, Greta Cuyler, Space Center's neighbor says noise exceeds rule, 3/12/2007

Concord Monitor, Sarah Liebowitz, State police vet tapped for safety job; Gov. Lynch names his pick to replace Flynn, 3/8/2007

Concord Monitor, Sarah Liebowitz, Buckley cleared by AG; 'Absolutely no evidence' in pornography allegations, 3/2/2007

The Union Leader, Kathryn Marchockki, Buckley cleared in porn case, 3/2/2007

Concord Monitor, Margot Sanger-Katz, Brown requests aid, weapons on MySpace; Wife, meanwhile, has broken her silence, 2/10/2007

The Union Leader, John DiStaso, Buckley accused of sex harassment, 1/20/2007

Concord Monitor, Margot Sanger-Katz, Murder-suicide leads to lawsuit against restaurant; Chen Yang Li accused of over-serving shooter, 1/13/2007

Concord Monitor, Joelle Farrell, Convict pleads not guilty to murder charges, 1/4/2007

The Union Leader, Russ Choma, Hutchinson's lawyers will pursue double jeopardy, 1/4/2007

AP State and Local Wire, AP, Lawyer: Case against Addison could take years, 11/8/2006

The Union Leader, Pat Grossmith, Restraining order request against priest withdrawn, 10/6/2006

AP State and Local Wire, AP, Woman withdraws stalking petition against priest, 10/5/2006

The Union Leader, Pat Grossmith, Manchester priest denies sex assault, 9/16/2006

The Union Leader, n/a, Lawyers say Windhurst sentence 'in ballpark', 8/20/2006

The Union Leader, Kathryn Marchockki, Plea averts airing of sex abuse claims, 8/20/2006

The Union Leader, Dines Paiste, Bye, Bye Bingo, 6/30/2006

Concord Monitor, Margot Sanger-Katz, Bow; Motive still a mystery in Bow killings; Police report offers some new details Heavily intoxicated; Sound of gunshots; 'No one really knows', 6/14/2006

Concord Monitor, Annmarie Timmins, Hopkinton; Can a 38-year-old suspect be tried as a juvenile?; Court rulings, state law make it tough case to argue, 1/9/2006

Market Wire, n/a, Port City Web Launches New Website and eMarketing Program for Kacavas and Ramsdell, P.L.L.C. of Manchester, New Hampshire, 7/25/2005

The Union Leader, Tom Fahey, Fla. Company files suit over contract award, 2/10/2005

Concord Monitor, Melanie Asmar, High Court: Elks can't sell Lucky 7 tickets Lodge unable to reapply for license until 2010, 12/30/2004

The Union Leader, Shawne Wickham, Insanity, the law, moral outrage, 10/24/2004

The Union Leader, Shawne Wickham, Would the lawyers want you on a jury?, 10/24/2004

Concord Monitor, Concord; A police career full of grit, a bit of luck Veteran officer retires today after 28 years, 4/29/2004

The Union Leader, Roger Talbot, Poker pot growing as crazy hits NH, 4/11/2004

The Union Leader, Pat Hammond, Case claims millions in fraud, bribes, 4/11/2004

AP State and Local Wire, J.M. Hirsch, Kucinich hoping for Gephardt supporters, 1/23/2004

The Union Leader, Nancy Meersman, Federal judge freezes assets of investor Goto, 12/4/2003

The Union Leader, Nancy Meersman, Uno Kim told police he drugged brothers, 8/8/2003

The National Journal, James Barnes, Fresh Packaging, 4/12/2003

The National Journal, James Barnes, Walking on the Edge of a Sword, 3/22/2003

The Union Leader, Benjamin Kepple, City: A deal's a deal, 3/17/2003

The Union Leader, Michael Cousineau and Mark Hayward, (CITY HALL) No case against Annis, 2/28/2003

Kansas City Star, David Goldstein, Is eight enough? Candidates stake early claim to positions, 2/24/2003

AP State and Local Wire, Holly Ramer, Gephardt on the campaign trail in New Hampshire, 2/20/2003

The Hotline, n/a, GEPHARDT: HUT, HUT, JOKE, 1/27/2003

The Union Leader, Katharine McQuaid, City vote expected to OK tuition contract, 1/13/2003

The Union Leader, Mark Hayward, School officials voice concerns, 1/3/2003

The Union Leader, Kathryn Marchocki, Family posts reward to help find killer, 12/26/2002

PoliticsNH.com, Pindell – by way of National Journal, Dems Start Plotting; Bradley to Face Primary Fight?, 12/10/2002

AP State and Local Wire, Harry R. Weber, Where do New Hampshire's Democrats go from here?, 11/7/2002

The Union Leader, Kathryn Marchocki, McLaughlin may leave before diocese probe ends, 10/23/2002

The Union Leader, n/a, Sending a message about signs, 9/27/2002

The Union Leader, Kathryn Marchocki and Carol Robidoux, NH court pilot DWI program criticized, 9/17/2002

The Union Leader, Michael Cousineau and Mark Hayward, (CITY HALL) GOP field for house is crowded, 9/6/2002

New Hampshire Sunday News, Tom Fahey, (UNDER THE STATE HOUSE DOME) Death penalty stances appear uncertain, 9/1/2002

The Union Leader, Michael Cousineau and Mark Hayward, (CITY HALL) 2 anticipate McDonough resignation, 7/19/2002

The Union Leader, Tom Fahey, NH Supreme Court adjusts redistricting plan, 7/12/2002

The Union Leader, Tom Fahey, High court's redistricting decision may come today; Nashua area key, 7/10/2002

AP Online, Melissa Robinson, Sen. Lieberman Prepares for Campaign, 7/8/2002

The Union Leader, Tom Fahey, Senate will try to fix city ward flaws in Supreme Court's redistricting plan, 6/27/2002

The Union Leader, Nancy Meersman, Diocese: aiding AG inquiry, 6/22/2002

The Union Leader, Tom Fahey, Fall elections may be disrupted Court won't draw House districts until mid-July, 6/12/2002

The Union Leader, John DiStaso and Tom Fahey, GOP asks fed court to step in. Justice Brock refuses to avoid redistricting cases. How does redistricting process work?, 5/25/2002

The Union Leader, Tom Fahey, Court warns lawmakers on redistricting, 5/24/2002

AP State and Local Wire, Norma Love, Senate GOP asks federal court to take over; Brock refuses to step aside in redistricting case, 5/24/2002

Kansas City Star, David Goldstein, Top Democrats rally support with PAC contributions, 5/24/2002

The Union Leader, John DiStaso, (GRANITE STATUS) Benson denies backing enterprise tax, 5/23/2002

AP State and Local Wire, Norma Love, Attorney general's office says state Senate districts unconstitutional, 5/3/2002

The Union Leader, John DiStaso, (GRANITE STATUS) Jeanne's with Bill; Dennehy to quit RNC, 5/2/2002

AP State and Local Wire, Lori Ayotte, Senate Democrats ask court to intervene in redistricting battle, 4/24/2002

The Union Leader, Tom Fahey, Amendment lets lawmakers review court rules. 2 funds pay for better court security, 4/18/2002

The Union Leader, Kathryn Marchocki, Tulloch to change his plea, 4/2/2002

The Boston Globe, Shelley Murphy, Tulloch switch no shock to specialists Insanity plea seen undone by papers alleging more plots, 4/2/2002

AP State and Local Wire, J.M. Hirsch, Teen to quit fighting murder charges in Dartmouth professors case, 4/1/2002

The Union Leader, Carol Robidoux, Wieczorek loses city, wins seat on council, 3/13/2002

AP State and Local Wire, Adolphe Bernotas, Wieczorek wins Executive Council race, 3/12/2002

AP State and Local Wire, Katharine Webster, National parties watching Executive Council race, 3/11/2002

New Hampshire Sunday News, Carol Robidoux, (ELECTIONS) Where they stand, 3/10/2002

St. Louis Post-Dispatch, Deirdre Shesgreen, DUAL ASPIRATIONS?, 3/10/2002

The Union Leader, Garry Rayno and John DiStaso, Gephardt in NH to support Kacavas, 3/9/2002

The Union Leader, (AREA NEWS NOTES) Henniker House B&B hit by fire. Dupuis, Shaw endorse Kacavas for Executive Council, 2/27/2002

The Union Leader, Michael Cousineau, Council hopefuls split on gambling, 2/23/2002

The Boston Globe, Stephen Kurkjian, INSANITY DEFENSE DIFFICULT IN N.H., 2/20/2002

AP State and Local Wire, Harry Weber, Officials: Dartmouth professors were suspects' fifth random target, 2/19/2002

The Union Leader, Carol Robidoux, (ELECTIONS) Wieczorek and Kacavas square off in first debate. GOP candidates vow to fight fair, 2/19/2002

New Hampshire Sunday News, n/a, Campaign workers charged, fired, 2/17/2002

The Union Leader, Carol Robidoux, Wieczorek and Kacavas to face off in council race, 2/6/2002

The Union Leader, John DiStaso, Benson daughters said to be part of contribution decision, 1/26/2002

The Union Leader, Carol Robidoux, Kacavas looks to the future of district, state, 1/24/2002

The Union Leader, Tom Fahey, Politics colors House redistricting hearing. Fluoride bill drags spirited testimony, 1/9/2002

The Union Leader, Carol Robidoux, Wieczorek promises positive campaign, 1/4/2002

New Hampshire Sunday News, Tom Fahey, (COLUMN: DOME) Sweet sixteen driving could get a little harder, 12/30/2001

AP State and Local Wire, Harry Weber, Tulloch wants hearing on tool mark impressions, other forensic evidence, 12/24/2001

The Boston Herald, Franci Richardson and Jose Martinez, New indictment calls robbery motive in Dartmouth killings, 12/22/2001

The Boston Globe, Stephen Kurkjian, Robbery seen as motive in N.H. Zantop slayings, 12/22/2001

AP State and Local Wire, Harry Weber, New indictment alleges robbery as motive for professor deaths, 12/21/2001

The Union Leader, Kathryn Marchocki, Parker cuts murder deal. Teens' defense strategies shed no clues on 'Why?', 12/4/2001

AP State and Local Wire, J.M. Hirsch, State's willingness to bargain with Parker may indicate strength of case, 12/3/2001

AP State and Local Wire, n/a, Former prosecutor says plea bargain would strengthen state case, 12/2/2001

The Boston Globe, Stephen Kurkjian, Friendship a factor in N.H. case, 12/2/2001

New Hampshire Sunday News, Shawne Wickham, New strategies in Zantop murder case, 12/2/2001

The Boston Globe, Stephen Kurkjian and Douglas Belkin, Zantop case defendant to cite insanity, 12/1/2001

The Union Leader, Mark Hayward, Jail guard acquitted of raping immigrant, 11/10/2001

The Union Leader, Nancy Meersman, Judge declares a mistrial in Craig Annis assault case, 10/16/2001

The Union Leader, Nancy Meersman, Plea bargain means no jail in case against pub owner. Ex-Nashua sergeant's assault trial delayed, 9/18/2001

AP State and Local Wire, Holly Ramer, Sexual assault cases force state to confront problem of abuse behind bars, 7/18/2001

AP State and Local Wire, n/a, Man convicted of killing parents seeks new trial, 7/7/2001

New Hampshire Sunday News, Shawne Wickham, (OUR AGING SCHOOLS) Old schools confound state and nation, 5/20/2001

The Boston Globe, Rachel M. Collins, New Hampshire Weekly/Legislative; After various taxes rejected, revenue source still needed, 4/29/2001

The Union Leader, Mark Hayward, Annis arrested again; charged with theft, 4/28/2001

New Hampshire Sunday News, Nancy West, The Zantop case: The biggest trial you may not see, 4/22/2001

AP State and Local Wire, Lori Ayotte, House kills Shaheen's sales tax; House Leadership proposal, 4/18/2001

The Union Leader, Kathryn Marchocki, Tulloch girlfriend to testify in Zantop case, 4/18/2001

The Boston Globe, Douglas Belkin and Stephen Kurkjian, Motive still missing in N.H. murder case, 4/13/2001

The Union Leader, Tom Fahey, Death penalty repeal killed, 4/6/2001

AP State and Local Wire, Lori Ayotte, House rejects death penalty repeal, 4/5/2001

The Union Leader, n/a, (CRIMEWATCH) Pleads innocent. Burglaries probed. Man charged with leaving scene. Struck by motorcycle, Restraining order out, 3/17/2001

The Union Leader, Michael Cousineau and Mark Hayward, (CITY HALL) Central café gets cleanup, 3/16/2001

The Boston Globe, Douglas Belkin and Stephen Kurkjian, VT. Parents hope not to testify prefer interviews to the Grand Jury, 3/15/2001

The Union Leader, Mark Hayward, Mayor: Keep Bedford, Hooksett students in Manchester schools, 3/8/2001

The Union Leader, n/a, Annis' attorney: Charges are false, 3/7/2001

The Boston Globe, Douglas Belkin and Marcella Bombradieri, Grand jurors' help sought still no motive in N.H. slayings, 3/6/2001

The Union Leader, John DiStaso, Governor faces trouble lining up her party. Gov. Shaheen's EXCEL NH tax plan detailed. NH Democrats seek 'emotional support' on taxes, 3/5/2001

The Union Leader, Michael Cousineau, Public hearing tonight on city's capital budget, 3/5/2001

The Union Leader, Gary R. Dennis, Vaillancourt sends School Board warning, 2/27/2001

The Boston Globe, Stephen Kurkjian and Douglas Belkin, N.H. probe seen offering evidence, not motive, 2/26/2001

The Star-Ledger, n/a, Ex-prosecutors say quick plea deal unlikely in Dartmouth case, 2/26/2001

New Hampshire Sunday News, n/a, Murder suspect in NH. Expert: Plea bargain possible, but never a guarantee, 2/25/2001

The Boston Globe, Douglas Belkin and Ellen Barry, Details emerge on suspects' flight affidavit says father delayed call to police, 2/22/2001

The Union Leader, Garry Rayno, Panel readies school budget, 1/29/2001

United Press International, n/a, N.H.'s cop-hating lawmaker resigns, 1/11/2001

CNN, Daryn Kagan, Should New Hampshire Representative Tom Alciere Resign?, 1/5/2001

The Union Leader, Tom Fahey, Alciere: 'I am not a nut'. In Nashua, few know Alciere, his positions, 1/4/2001

The Union Leader, Garry Rayno, Tuition students' fate tied to school building, 12/19/2000

The Union Leader, Nancy Meersman, Bahtsi's, its owner plead guilty, fined over gambling. Nashua man charged with trying to sell cocaine, 12/19/2000

The Union Leader, Al Nettel, Resident to review study of school needs, 12/5/2000

The Union Leader, Garry Rayno, Facilities panel to target high schools first, 11/2/2000

The Union Leader, Garry Rayno, citizens' school committee concerned about deadline, 10/19/2000

The Union Leader, Derek Rose, (REPORT CARD) Student tallies add up to crowding, 10/17/2000

The Union Leader, Derek Rose, (REPORT CARD) City schools panel to include surrounding towns. Reading Recovery program touts its success, 10/3/2000

AP State and Local Wire, n/a, One sandpit brawler says the other is innocent, 8/13/2000

The Union Leader, n/a, Gambling trial ends in mistrial, 8/10/2000

The Union Leader, Pat Grossmith, County once again caring for Valley Street inmates, 7/20/2000

The Union Leader, Nancy Meersman, Manchester club fined \$50,000 under new gambling law, 6/14/2000

The Union Leader, John Toole, Gatsas running for state Senate, 6/3/2000

The Union Leader, John Toole, Humphrey: AG 'way off base' in Scouts case, 4/29/2000

The Boston Globe, Laura Kiernan, Humphrey's the best in Rudman's book, 3/19/2000

The Union Leader, John DiStaso, (GRANITE STATUS) Bush win boosts critics of NH's primary status, 3/9/2000

New Hampshire Sunday News, Nancy West, Inmate says man who died was beaten at jail. Lawyers lining up civil cases against county jail, 3/5/2000

The Union Leader, Pat Grossmith, Inmates sue jail on care, drug denials. Ex-NH INS detainee presses for deportation to Jamaica, 2/15/2000

The Union Leader, Cissy Taylor, Prosecutor Kacavas leaves with regrets. Putnam takes over, 3/8/2000

AP State and Local Wire, n/a, Credibility of key witness in boy's murder questioned, 3/5/1999

AP State and Local Wire, n/a, Bader argues for new trial, 2/11/1999

The Union Leader, Peg Warner, Bader launches bid for new trial, 2/11/1999

AP State and Local Wire, n/a, Trial begins in fatal fall, 1/27/1999

AP State and Local Wire, David Tirrell-Wysocki, N.H. homicides down for 1998, 12/31/1998

The Union Leader, Mark Hayward, AG: NH Homicide Rate Falls Sharply in 1998, 11/24/1998

The Union Leader, Cissy Taylor, Dale Indicted in Knapp Murder, 11/21/1998

The Union Leader, Michael Cousineau, Hopkinton Skeleton is Missing Teacher, 11/20/1998

AP State and Local Wire, David Tirrell-Wysocki, Hopkinton remains identified as murder victim, 11/19/1998

AP State and Local Wire, J.M. Hirsch, Kevin Paul gets 16 to 50 years, 11/19/1998

The Union Leader, Cissy Taylor, Suspect's Statement will be Disallowed at Knapp Rape Trial, 11/2/1998

New Hampshire Sunday News, Nancy West, Shocking Slayings by Teens Often Without Clear Motive, 11/1/1998

The Union Leader, n/a, (NH NEWS NOTES) Airport Traffic. Hit-and-Run. Falls Two Stories. Shipyard Workers. Rochester Fatal. Child Dies. Wandering Boats. Man Accused, 10/27/1998

The Union Leader, Lorna Colquhoun, Littleton Murder Suspect Arraigned, 10/23/1998

AP State and Local Wire, Michelle Emery, One killed, one injured in shooting; suspect in custody, 10/22/1998

The Union Leader, Dale Vincent, Body Found in City Woods was Strangled; Londonderry Woman, Mindy S. West, 31, Missing Since July, 10/6/1998

AP State and Local Wire, n/a, Father of strangled woman says daughter was trying to start new life, 10/6/1998

The Union Leader, Peg Warner, Man's Body Found in Portsmouth, 9/11/1998

The Union Leader, Kate Munro, Medical Examiner: Woman's Overdose was a Homicide, 9/1/1998

The Union Leader, Cissy Taylor, AG: Boy was Killed for Bike. Outrage, Tears, Shock, Disbelief Numb Laconia, 8/6/1998

The Boston Herald, Ed Hayward, 2 men held in N.H. slaying over bicycle – Lakes Region residents shocked by teen's death, 8/6/1998

New Hampshire Sunday News, n/a, Questions Remain in Inmate's Beating Death; Officials Probe 'Skinhead' Connection, 7/26/1998

New Hampshire Sunday News, Nancy West, Breest Believes Police Want to Discuss Hopkinton Body, 7/26/1998

The Union Leader, Denis Paiste, Judge Bars Trial Use of Perry's Statements, 7/25/1998

The Union Leader, n/a, (NH NEWS NOTES) Gas Line Hit. Nabs Juveniles. Charged with Exposure. Missing Girl. No Speculation, 7/23/1998

The Union Leader, Cissy Taylor and Sheri Qualters, Officials Investigate 'Very Old' Jawbone Found in Hopkinton in Second Discovery, 6/2/1998

The Union Leader, Hope Ullman, Boy, 13, Found Dead at Camp; AG: No Sign of Homicide, 5/18/1998

New Hampshire Sunday News, Nancy West, Expert to Seek Clues Hidden in Bones. Mother Puts Hope in DNA Testing, 5/17/1998

The Union Leader, Cissy Taylor, Assistant AG Kacavas to Head Homicide Unit. Drew Hearing Brings Ramsdell back to Beginning as Prosecutor, 4/28/1998

Portland Press Herald, AP, Prosecutors want to quit murder case, 3/14/1998

The Union Leader, Nancy Meersman, Concord Teen Guilty of Murdering Friend, 14, 2/21/1998

The Union Leader, n/a, Prosecutors to Fight Bid for Joseph Bader Deposition, 1/28/1998

The Union Leader, Kate Munro, Guilty Plea in Valentine's Day Stabbing Death; Family Decries Deal, Demands Life Sentence, 10/17/1997

The Union Leader, Cissy Taylor, Man Set to Plead Guilty to Local Stabbing Murder, 10/16/1997

The Union Leader, Roger Amsden, More Suspects Sought in Sandpit Brawl, 10/10/1997

The Union Leader, Derek Rose, Londonderry Man 'Critical' After Shootout with Police, 9/17/1997

The Union Leader, Donn Tibbetts, Shaheen, Council Deny All Bids for Pardons, 9/16/1997

The Union Leader, Donn Tibbetts, Inmates Seeking Pardon Hearings, 9/3/1997

The Union Leader, Derek Rose, Dingman Gag Order Challenged, 8/2/1997

The Union Leader, Michael McCord, Jeffrey Dingman's Lawyer Files Motion to Keep Jailed youth's Location Secret, 7/16/1997

The Union Leader, Nancy Meersman, Man Reportedly Bragged of Fatal Beating, 7/15/1997

The Union Leader, Roger Amsden, Murder Charges Still Possibility in Beating Death; Office Expects More Arrests, 7/4/1997

AP State and Local Wire, n/a, Man slain with baseball bat, 6/26/1997

New Hampshire Sunday News, Roger Amsden, Youth Drinking Party Turns Deadly, 6/22/1997

New Hampshire Sunday News, Derek Rose, A Bad Start to New Life Behind Bars, 6/1/1997

New Hampshire Sunday News, n/a, Prosecutor Still Feeling Effects of Murder Trial The Soundtrack to a Killing, 6/1/1997

New Hampshire Sunday News, Nancy West, Verdict Mixed on Gag Order for Dingman Trial, 6/1/1997

The Union Leader, Derek Rose, Judge Could Nix Jeff's Deal. Verdict Brings No Answers; Rochester Trying to Move On, 5/30/1997

The Union Leader, Michael McCord, (DINGMAN TRIAL) Dingman Jailed for Life, 5/29/1997

United Press International, n/a, UPI Focus: NH man convicted of murdering parents, 5/28/1997

The Union Leader, Matt McDonald, AG: No Charges in Baby Death, 4/1/1997

The Union Leader, Mark Hayward, Heat Stroke Killed 2-Year-Old, 3/21/1997

New Hampshire Sunday News, Nancy West, Younger Kids, Harsher Crimes; Officials Say New Hampshire's Catching Up to National Trend, 3/9/1997

The Union Leader, n/a, Bedford Youth Won't Face Adult Trial: State Plans to Pursue Concord High School Death Case in Juvenile Court, 3/7/1997

New Hampshire Sunday News, n/a, Tip Led Police to Arrests in Killing, 3/2/1997

The Union Leader, Nancy Meersman and Pat Grossmith, Derry Teen Faces Charge of First-Degree Murder in Valentine's Stabbing, 3/1/1997

The Union Leader, n/a, Fatal Fight: Antagonism Boiled Over, 2/24/1997

New Hampshire Sunday News, Nancy West, Two Slain in Manchester; Men Die After Shooting, Stabbing Minutes and About a Mile Apart, 2/16/1997

The Union Leader, Paula Tracy, Former Plymouth Court Clerk Admits Guilt in Theft, 3/14/1996

The Boston Herald, Joe Heaney, N.H. seeks to try teen-ager as adult in murder case, 2/21/1996

The Union Leader, Nancy Meersman, 'Little G's' Slaying Shocks Rundlett Jr. High, 2/21/1996

The Union Leader, Pat Grossmith, Ex-Wife Defends Shooting Victim, Blasts Plea Deal for Dr. Desmarais. Lawyer for Victim's Family Decries Plea Bargain, 6/21/1995

The Union Leader, John Hart, Boating Death Jury Deadlocks, 6/2/1995

The Union Leader, n/a, Ex-Haverhill Administrator Gets 1 ½-to-3 Years in Prison, 4/28/1995

The Union Leader, Roger Amsden, High Court Scraps Murder Verdict; NH Justices Say Defense Should Have Been Told of Detective's Bad Record, 1/21/1995

The Union Leader, Beth Marchese, Legality of Game Payoffs Hinges on Chance or Skill, 2/15/1994

The Union Leader, Nancy Meersman, Superior Court Ruling Upsets Arcade Operators. Rockingham Park Wants Video Poker, 1/7/1994

"Sticky Fingers," *Extreme* Forensics television show.

Additionally, I have been a legal analyst for WMUR TV, the only statewide newscast in New Hampshire. When acting in that capacity I do not make policy statements. I interpret and explain ongoing legal proceedings to inform the viewing public about the criminal legal process. I do not have copies of any of these comments.

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.

- N.H. Attorney General's Office. Appointed by Governor Stephen Merrill in September, 1993. Commissioned as an assistant attorney general in 1993, and commissioned as a senior assistant attorney general in 1998.
- N.H. State Representative, 2000-2002. Elected in 2000.
- Democratic Party nominee for Executive Council, District 4. Lost special election in March 2002.
- Manchester School Board, nonpartisan member-at-large, 2003. Appointed by Manchester Board of Mayor and Aldermen to fill a vacancy.
- Manchester Citizen's Task Force on Public School Facilities, Chairman, 2003-2004. Appointed by Manchester Mayor Robert Baines.

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.

- Counsel for Change, ward captain/legal observer, 2008 Presidential election (uncompensated).
- N.H. Job Creation Alliance, Co-Chairman, 2006-2008. Non-partisan political action committee supporting fiscally conservative state legislative candidates (uncompensated).
- I have served as fiscal agent for Manchester Alderman Mark Roy in 2005 and 2007 municipal elections (uncompensated).

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 have never served as a judicial clerk.

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

I practiced alone at Kacavas Law Offices, P.L.L.C., 175 Canal Street, Manchester, NH 03103 from October 2003 to October 2004.

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.

09/90-09/93 Wiggin & Nourie, P.A., 670 N. Commercial Street,
Manchester, NH 03105 (litigation associate)

09/93-03/99 N.H. Department of Justice, Office of the Attorney
General, 33 Capitol Street, Concord, NH 03301 (assistant

attorney general, senior assistant attorney general, chief – homicide unit)

- 03/99-01/00 U.S. Department of Justice, 950 Pennsylvania Ave., N.W., Washington, DC 20530 (Campaign Finance Task Force, trial attorney)
- 01/00-09/02 Wiggin & Nourie, P.A., 670 N. Commercial Street, Manchester, NH 03105 (partner/attorney)
- 10/02-10/03 Hatem Donovan & Kacavas, P.C., 175 Canal Street, Manchester, NH 03103 (partner/attorney)
- 10/03-10/04 Kacavas Law Offices, P.L.L.C., 175 Canal Street, Manchester, NH 03103 (solo practitioner)
- 10/04-Present Kacavas Ramsdell & Howard, P.L.L.C., 1850 Elm Street, Manchester, NH 03104 (member/attorney)

- 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.

In 2000-2001, I received formal training in alternative dispute resolution and I served as a mediator in several relatively minor personal injury matters in that timeframe.

b. Describe:

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

As a litigation associate at Wiggin & Nourie, P.A., from September 1990 to September 1993, I concentrated on insurance and criminal defense matters.

In my capacity as an assistant attorney general from September 1993 to May 1998, I prosecuted homicide, public integrity, and financial crime cases. I also appeared as appellate advocate on behalf of the State of New Hampshire in more than thirty (30) criminal appeals before the New Hampshire Supreme Court, as well as appearing in the United States Court of Appeals for the First Circuit. As a senior assistant attorney general and Chief of the Homicide Unit from May 1998 to March 1999, I supervised line prosecutors and managed twenty (20) to thirty (30) statewide homicide prosecutions, working closely with state and local law enforcement agencies.

In my capacity as a trial attorney with the United States Department of Justice from March 1999 to January 2000, I assisted in the investigation and prosecution of campaign finance violations arising out of the 1996 federal election cycle. I also appeared as appellate advocate before the United States Court of Appeals for the D.C. Circuit.

Upon my return to private practice in January 2000, I helped establish the criminal defense practice group at Wiggin & Nourie, P.A. Since then I have

specialized in state and federal criminal defense matters including first degree murder, drug conspiracies, complex financial crimes and sexual assaults, and I have appeared as appellate advocate on behalf of criminal defendants before the New Hampshire Supreme Court.

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

1990-1993 – insurance and criminal defense, individual clients

1993-1999 – homicide prosecution and appellate work

1999-2000 – federal election law investigation and prosecution

2000-present – criminal defense, individual and institutional clients

- 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.

One hundred percent (100%) of my practice is in litigation. I have been in court frequently since September 1993, when I became a line homicide prosecutor. Most of my work with the U.S. DOJ involved the grand jury so I did not appear in court as often during that period. As a criminal defense attorney I have appeared in court even more steadily, anywhere from two (2) to four (4) or five (5) days a week.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 15%
- 2. state courts of record: 80%
- 3. other courts; n/a
- 4. administrative agencies 5%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 10%
- 2. criminal proceedings: 90 %

- 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 approximately fifty (50) cases to verdict, including first and second degree murder, negligent homicide, aggravated felonious sexual assault, financial crimes, drug cases, and myriad felonies and misdemeanors. I have been solo trial counsel in most cases, lead counsel in approximately eight (8) cases, co-counsel (an equal partner) in four (4) or five (5) cases, and associate counsel in approximately four (4) cases.

- i. What percentage of these trials were:

- 1. jury: 70%
- 2. non-jury: 30%

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

oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced 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. State of New Hampshire v. Robert Dingman, 144 N.H. 113, 738 A.2d 357 (1999). Tried in Strafford County Superior Court (Mohl, J.) in 1997. I was lead prosecutor and appellate counsel in conspiracy and double first-degree murder case in which the 17-year-old defendant was convicted of murdering his parents with the assistance of his 14-year-old younger brother. The boys shot their parents, stuffed the bodies into garbage bags, and secreted them in the attic and basement of the family home. I conducted the direct and cross-examination of most witnesses, including the direct examination of the defendant's younger brother and the government's only eyewitness, and I delivered the government's closing argument. I wrote the government's brief and argued before the New Hampshire Supreme Court in the defendant's unsuccessful appeal from his convictions. This case was the subject of the aforementioned show "Extreme Forensics" on the Discovery Channel because a key piece of evidence tying the defendant to the crime scene was his fingerprint on masking tape used to secure the garbage bags. Associate counsel: John C. Kissinger, Jr., 99 Middle Street, Manchester, NH 03101 (tel. 603-606-5010). Defense counsel: Caroline L. Smith, 1 West Street, Keene, NH 03431 (tel. 603-357-4891) and Randy Hawkes, 15th Street, Dover, NH 03820 (tel. 603-749-5540).
2. State of New Hampshire v. Seth Bader, 148 N.H. 265, 808 A.2d 12 (2002). Tried in Rockingham County Superior Court (Murphy, J.) in 1998. I was co-counsel in conspiracy and first-degree murder case in which the defendant (a practicing attorney in New Hampshire) was convicted of murdering his ex-wife, with the assistance of his 14-year-old nephew and his paramour, following a terror campaign against the victim. I worked closely with the N.H. State Police Major Crime Unit beginning with the victim's disappearance, the discovery of her body in the woods of northern Maine, and the defendant's indictment. At trial, I conducted the direct and cross-examination of numerous witnesses, including the direct examination of the defendant's nephew and the government's only eyewitness. I also delivered the government's closing argument. Co-counsel: Honorable Joseph N. Laplante, U.S. District Court, 55 Pleasant Street, Concord, NH 03301 (tel. 603-225-1461). Defense counsel: Mark L. Sisti, 387 Dover Road,

Chichester, NH 03258 (tel. 603-224-4220) and Paul J. Twomey, 1913 Dover Road, Epsom, NH 03234 (tel. 603-736-5800).

3. State of New Hampshire v. Michael Monroe, 142 N.H. 857, 711 A.2d 878 (1998). Tried in Hillsborough County Superior Court, Southern District (Hampsey, J.) in 1995. I was co-counsel and appellate counsel in first-degree murder prosecution in which the defendant was convicted of second-degree murder in the stabbing death of his mother-in-law. I delivered the government's opening statement and I conducted the direct and cross-examination of numerous witnesses. I co-wrote the government's brief and argued before the New Hampshire Supreme Court in the defendant's unsuccessful appeal from his conviction. Co-counsel: Michael D. Ramsdell, 1850 Elm Street, Manchester, NH 03104 (tel. 603-625-1254). Defense counsel: Andrew R. Schulman, 3 Executive Park Drive, Bedford, NH 03110 (tel. 603-634-4300) and Barbara R. Keshen, 18 Low Avenue, Concord, NH 03301 (tel. 603-228-1541).
4. State of New Hampshire v. Kirt McKenzie, Docket Nos. unavailable. Tried in Hillsborough County Superior Court, Northern District (Conboy, J.) in 2001. I was sole defense counsel in a multi-count aggravated felonious sexual assault case in which a male correctional officer was acquitted of repeatedly raping a female inmate. I conducted all pre-trial discovery, delivered the defense opening statement, conducted all cross-examinations, including that of the complainant and an alleged eyewitness, and delivered the defense closing argument. Opposing Counsel: Assistant Attorney General James D. Rosenberg, now located at 107 Storrs Street, Concord, NH 03302 (tel. 603-225-7262) and Assistant Attorney General Constance N. Stratton, 33 Capitol Street, Concord, NH 03301 (tel. 603-271-3671).
5. State of New Hampshire v. Paul Varkas, Docket Nos. 04-S-2969, 2970, 2971, 2972, 2973. Tried in Hillsborough County Superior Court, Northern District (Abramson, J.) in 2006. I was sole defense counsel in multi-count aggravated felonious sexual assault case in which the defendant was acquitted of raping his daughter's minor friend over a period of years. The theory of defense was that the minor complainant was accusing the defendant in order to protect the real predator, with whom she was having a sexual relationship. I conducted all pre-trial discovery, delivered the defense opening statement, conducted all cross-examinations, including that of the complainant, and delivered the defense closing argument. Within weeks of my client's acquittal the complainant and her paramour were arrested for assaulting each other. The trial judge referred them both to the N.H. Attorney General for perjury prosecution. Opposing counsel: Assistant County Attorney Andrew A. Ouellette, 300 Chestnut Street, Manchester, NH 03013 (tel. 603-627-5605).
6. State of New Hampshire v. Jason Farrell, 145 N.H. 733, 766 A.2d 1057 (2001). Tried in Merrimack County Superior Court (Smukler, J.) in 1998. I was lead prosecutor in second-degree murder case in which the 16-year-old defendant was convicted in the shooting death of a 14-year-old boy in a game of Russian roulette. I represented the government at the juvenile certification hearing, after which the defendant was certified to stand trial as an adult. At trial, I conducted the direct and cross-examination of most witnesses and I delivered the government's closing argument. The conviction was reversed on appeal to the N.H. Supreme Court on the ground that the trial court erred in admitting the defendant's prior bad acts into evidence. The defendant subsequently pled to a

lesser sentence. Associate counsel: Charles T. Putnam, 208 Huddleston Hall, University of New Hampshire, Durham, NH 03824 (tel. 603-862-7041). Defense counsel: Mark L. Sisti, 387 Dover Road, Chichester, NH 03258 (tel. 603-224-4220) and Paul J. Twomey, 1913 Dover Road, Epsom, NH 03234 (tel. 603-736-5800).

7. State of New Hampshire v. Gerald Gotsch, 143 N.H. 88, 719 A.2d 606 (1998). Tried in Rockingham County Superior Court (McHugh, J.) in 1996. I was co-counsel and appellate counsel in second-degree murder prosecution in which the defendant asserted a plausible insanity defense but was convicted of the stabbing death of his father. I conducted the direct and cross-examination of numerous witness, including the cross-examination of the defendant's expert forensic psychiatrist. I co-wrote the government's brief before the New Hampshire Supreme Court in the defendant's unsuccessful appeal from his conviction. Co-counsel: Honorable Joseph N. Laplante, U.S. District Court, 55 Pleasant Street, Concord, NH 03301 (tel. 603-225-1461). Defense counsel: Andrew R. Schulman, 3 Executive Park Drive, Bedford, NH 03110 (tel. 603-634-4300) and Joseph C. Malfitani, 142 Portsmouth Avenue, Stratham, NH 03885 (tel. 603-778-0526).
8. State of New Hampshire v. Ronald Schultz, 141 N.H. 101, 677 A.2d 675 (1996). Tried in Hillsborough County Superior Court, Southern District (Murphy, J.) in 1994-1995. I was associate counsel in second-degree murder case in which the defendant asserted a claim of self-defense but was convicted in the shooting death of his brother-in-law. I delivered the government's opening statement and conducted the direct and cross-examination of numerous witnesses. Lead counsel: Mark D. Attorri, 99 Middle Street, Manchester, NH 03101 (tel. 603-606-5010). Defense counsel: Andrew R. Schulman, 3 Executive Park Drive, Bedford, NH 03110 (tel. 603-634-4300).
9. State of New Hampshire v. Craig Annis, Docket Nos. 01-S-417, 418, 419, 420, 421, 422, 423, 424, 425. Tried in Hillsborough County Superior Court, Northern District (Barry, J.) in 2001. I was sole defense counsel in multi-count assault case in which the defendant, then chief-of-staff to the Mayor of Manchester, was acquitted of sexually assaulting and falsely imprisoning his fiancé. I conducted all pre-trial discovery, delivered the defense opening statement, conducted all cross-examinations, including that of the complainant, and delivered the defense closing argument. Opposing counsel: Assistant County Attorney Kent E. Smith, 19 Temple Street, Nashua, NH 03060 (tel. 603-594-3255).
10. Cindy-Grant Chase v. Commissioner, N.H. Dept. of Corrections, 145 F.3d 431 (1st Cir. 1998), *cert. den.* 517 U.S.1140 (1996). I was appellate counsel for the State of New Hampshire before both the N.H. Supreme Court in the matter of State of New Hampshire v. Cindy-Grant Chase, 140 N.H. 264, 665 A.2d 380 (1995)) and the U.S. Court of Appeals for the First Circuit. This case involved the N.H. Supreme Court's first impression interpretation of the permissible scope of the police response to the defendant's putative invocation of her *Miranda* right to counsel. Appellate defender: Albert E. Scherr, Franklin Pierce Law Center, 2 White Street, Concord, NH 03301 (tel. 603-228-1541).
16. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List

any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As a senior assistant attorney general and chief of the homicide unit at the N.H. Attorney General's office, I was responsible for charging decisions in direct consultation with the Attorney General, including the decision to seek capital punishment for the shooting death of a police officer. I was responsible for hiring personnel, oversight of line prosecutors, and trial advocacy training. I worked closely with members of the N.H. State Police Major Crime unit in deciding which investigative techniques were appropriate in a given case. I edited the Attorney General's law enforcement manual, setting forth policies and procedures in criminal cases for distribution to all state and local law enforcement agencies. I also provided training to law enforcement officers attending the New Hampshire Police Standards and Training Council (police academy) in matters of criminal procedure.

In 2002, I represented members of the N.H. State Senate seeking declaratory and injunctive relief in the N.H. Supreme Court in a challenge to the legislative redistricting plan based on the 2000 census. See Below v. Secretary of State, 148 N.H. 1, 2002 NH. Lexis 87 (2002). The result was a favorable court-imposed redistricting plan that honored the principle of one-person, one-vote.

Generally speaking, I believe my most significant legal activity occurred during my tenure as a homicide prosecutor at the N.H. Attorney General's Office. It was both professionally and personally rewarding to work with a tight and dedicated group of prosecutors and law enforcement officers in service to the public good, which on the whole was more significant than anything else I have accomplished.

I have never performed any lobbying activities.

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.

None.

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

I have no such arrangements, other than IRA and 401(k) accounts. I do not expect to be compensated in the future for any financial or business interest.

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.

No.

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).

Financial Disclosure report is attached.

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

See attached financial net worth statement and schedules.

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.

Actual conflicts of interest would encompass any cases in which my firm and/or I presently represent parties in litigation with the U.S. Attorney's Office. Conflicts of interest would also arise in any future case being litigated by one or more of my former partners with the U.S. Attorney's Office. I would address any actual or potential conflict of interest by consulting with the ethics officer to generate a recusal memorandum for circulation to ensure that I am walled-off from all decision-making in those matters.

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

I will resolve any potential conflict of interest, or determine whether a potential conflict exists, by consulting with the ethics officers for the Executive Office for United States Attorneys, Department of Justice, complying with the rules of professional conduct and following established procedures and guidelines.

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.

Early in my career I represented several indigent clients *pro bono* in domestic relations cases through assignment from the N.H. Bar Association. Each of those matters consumed approximately 20-25 hours. Since returning to private practice in 2000, I have represented indigent defendants at the request of the N.H. Supreme and Superior Courts, with varying degrees of time commitment. I have also represented individuals who are known to me and simply cannot afford adequate legal representation. For example, I

have just concluded the *pro bono* representation of a contractor who defaulted on his obligations to a vendor in the amount of approximately \$45,000.00. This matter was in suit and resolved by negotiated agreement. I devoted approximately 60 hours to the effort.

I am an annual participant in the N.H. Bar Association's "lawyer in every school program," a statewide program that enables lawyers to spend a half-day or so in elementary and secondary schools in order to expose students to the legal process.

I am the 3rd and 4th grade CYO basketball coach at St. George Cathedral, which requires approximately 8-10 hours per week during the basketball season from November through February. I am also an Instructional League coach at Manchester North Little League, which requires approximately 6-8 hours per week during the baseball season from April through June.

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	55	000	Notes payable to banks-secured		00
U.S. Government securities-add schedule		00	Notes payable to banks-unsecured		00
Listed securities-add schedule	160	300	Notes payable to relatives		00
Unlisted securities--add schedule		00	Notes payable to others		00
Accounts and notes receivable:		00	Accounts and bills due		00
Due from relatives and friends			Unpaid income tax		00
Due from others			Other unpaid income and interest		00
Doubtful			Real estate mortgages payable-add schedule Bank: Central Mortgage Company, Little Rock, Arkansas	210	900
Real estate owned-add schedule Residence: Manchester, NH	450	000	Chattel mortgages and other liens payable		00
Real estate mortgages receivable		00	Other debts-itemize:		
Autos and other personal property	15	000			
Cash value-life insurance		00			
Other assets itemize:					
			Total liabilities	227	400
			Net Worth	452	900
Total Assets	680	300	Total liabilities and net worth	680	300
CONTINGENT LIABILITIES			GENERAL INFORMATION		
As endorser, comaker or guarantor Auto Lease: Lexus Financial Services	16	500	Are any assets pledged? (Add schedule)	NO	
On leases or contracts		00	Are you defendand in any suits or legal actions?	NO	
Legal Claims		00	Have you ever taken bankruptcy?	NO	
Provision for Federal Income Tax		00			
Other special debt		00			

**FINANCIAL STATEMENT
NET WORTH SCHEDULE I**

Listed Securities

(held jointly with my wife)

Aetna Inc.	\$ 2,000
Apache Corp.	5,300
CVS Casemark Corp.	2,400
Cisco Systems	2,800
Coca Cola Co.	3,900
EMC Corp.	4,000
Exxon Mobil	6,400
Freeport McMoRan C&G	5,100
Hewlett-Packard	2,700
Marriott Int'l.	2,500
Medco Health Solution	3,800
Noble Energy	4,200
Oracle Corp.	4,300
Owens Illinois	1,000
Petroleo Brasileiro	2,200
Power Shares QQQ	5,300
Teva Pharm. Indus.	4,400
Wal-Mart Stores	4,900

TOTAL \$ 67,200

(held in an IRA)

American Movil SAB	\$ 4,900
Bank of New York Mellon	\$ 2,300
Emerson Electric Co.	\$ 2,500
JP Morgan Chase	\$ 1,600
McDonald's Corp.	\$ 5,200
PG&E Corp.	\$ 4,600

TOTAL \$ 21,100

(held in my 401(k))

Principal Global Inv. (Bond)	\$ 6,900
Principal Real Estate Investors	\$ 2,800
Principal Mgmt Corp.	\$ 8,600
AllianceBernstein/Westwood	\$ 9,100
Principal Global Inv. (LargeCap)	\$ 7,000
T. Rowe Price Assoc., Inc.	\$ 11,300
Goldman Sachs/LA Capital Mgmt	\$ 3,400
JP Morgan/Mellon Capital Mgmt	\$ 3,100
Turner/Mellon Capital Mgmt	\$ 3,500
UBS/Emerald/Essex	\$ 3,300
Principal Global Inv. (Int'l equity)	\$ 8,400
Principal Global Inv. (Emerg. mkt.)	\$ 2,200
Principal Global Inv./DFA	\$ 2,400

TOTAL \$ 72,000

\$ 67,200
\$ 72,000
+ \$ 21,100

TOTAL \$ 160,300

AFFIDAVIT

I, JOHN T. KACAVAS, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

5.14.09

(DATE)

John T. Kacavas

(NAME)

Theresa A. Leppard

(NOTARY)

THERESA ANN LEPPARD
Notary Public - New Hampshire
My Commission Expires September 13, 2011