

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Joyce White Vance (Joyce Alene White)

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

United States Attorney for the Northern District of Alabama

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.

United States Attorney's Office
1801 4th Avenue North
Birmingham, Alabama 35203

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

1960; Saint George, Utah

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 Virginia, School of Law, Charlottesville, Virginia
1982 to 1985
J.D. 1985

Bates College, Lewiston, Maine
1978 to 1982
B.A. (Political Science/International Relations) 1982

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.

<u>1991 to present</u>	United States Attorney's Office 1801 4 th Avenue, North Birmingham, Alabama 35203 205-244-2001 Assistant United States Attorney/Chief of the Appellate Division
<u>1988 to 1991</u>	Bradley, Arant, Rose, and White One Federal Place 1819 Fifth Avenue North Birmingham, Alabama 35203 205-521-8000 Associate
<u>1985 to 1988</u> <u>Summer 1984</u>	Arent, Fox, Kintner, Plotkin, and Kahn 1050 Connecticut Avenue, NW Washington, DC 20036-5339 Summer Associate, Associate
<u>Summer 1988</u>	McDermott, Will, and Emery 600 13th Street, N.W. Washington, DC 20005-3096 Summer Associate

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 never served in the U.S. Military.

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.

Truman Scholar, Spring 1980
Studied German Language in Radolfzell, Germany
ATF Certificate of Appreciation for *Mabry* Prosecution, November 1996
Secret Service Appreciation Award, 1997
DOJ Special Achievement Award for Sustained Superior Performance, August
1998

DOJ Special Achievement Award for Sustained Superior Performance, April 2000

FBI Award for *Hooks* Prosecution, December 2001

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.

Alabama Bar Association: Current Treasurer of Appellate Practice Section

Birmingham Bar Association: Current Member, Grievance Committee

Eleventh Circuit Planning Committee: Current Member Planning Committee for 2009 Eleventh Circuit Conference

Birmingham Inn of Court: Master, Federal Pupilage Team

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.

Virginia: 1985, voluntarily resigned in 1991

District of Columbia: 1986, voluntarily resigned in 1991

Alabama: 1988 to present. No lapses in membership.

I let my Virginia and District of Columbia Bar Memberships go inactive after joining the United States Attorney's Office, because the cost of bar memberships is not covered by the office. I have confirmed with each Bar Office that I would be eligible for readmission upon payment of the appropriate fees and updating my ethics CLE to meet their requirements.

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.

U.S. District Court, Eastern District of Virginia 1985. No lapses in membership.

U.S. District Court, District of Columbia January 17, 1986. No lapses in membership.

U.S. District Court, Northern District of Alabama October 4, 1988. No lapses in membership.

Eleventh Circuit Court of Appeals 1988 [Currently expired. The Clerk's

Office advised they do not send out notices of expiration and do not require government attorney's to be admitted]
Second Circuit Court of Appeals November 1, 2006
Ninth Circuit Court of Appeals April 13, 2005

Supreme Court of the United States July 17, 1989

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.

National Association of Assistant United States Attorneys (NAAUSA)

1993 to present

Advent Day School Parents' Association 1995 to present

Indian Springs School Parents' Association 2004 to present

Eleventh Circuit Historical Society 2008 to present

Over the Mountain Democrats 2004 to present

Downtown Democrats 1988 to present

Metro Criminal Justice Executives Association (MCJEA) 2006 to present

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.

I am unaware of discrimination by these groups, present or former

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.

Not Applicable.

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.

Not Applicable.

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.

Birmingham Bar Association CLE, Habeas Corpus
Birmingham, Alabama
September 17, 2003

Alabama Appellate Section Meeting, Appellate Practice
University of Alabama, Tuscaloosa, Alabama
April 8, 2006

FBI All Agents Meeting in Birmingham, Appellate Practice
FBI Office, Birmingham, Alabama
December 1, 2006

Alabama State Bar Meeting, Appellate Practice
Fairhope, Alabama
July 11, 2007

New Horizons Alabama, General Overview of What US Attorneys Offices Do
University of Alabama at Birmingham
September 23, 2008

Eleventh Circuit Practice Institute (Panel), Preservation of Error
Atlanta, Georgia
October 24, 2008

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:

Birmingham News, Robert Gordon, "Nominees eye corruption, civil rights, environment", 3/4/09

Birmingham News, Robert Gordon, "4 lawyers seek Northern District prosecutor's post", 1/1/09

Birmingham News, Val Walton, "Crack case sentence rules put courts to work Ruling may allow retroactive reductions; process takes time", 5/11/08

Birmingham News, Val Walton, "Judge gives former Boaz officer lesser prison term", 3/22/02

Birmingham News, Val Walton, "Ex-Boaz police officer guilty in theft ring convicted of conspiring to violate civil rights in Hispanic shakedowns", 12/11/01

Birmingham News, Val Walton, "Police captain trial goes to jury", 12/8/01

Birmingham News, Val Walton, "Garged men not bomb builder Feds claim men stole explosive devices", 7/14/01

Birmingham News, Val Walton, "Prosecutor: inmate made bomb threat", 2/23/00

Birmingham News, Val Walton, "Clemon blazes a trail state's first Black federal judge advances", 2/6/00

Birmingham News, Carol Robinson and Walter Bryant, "Students warned: no bomb threats", 7/28/99

Birmingham News, Peggy Sanford, "Detroit man guilty of conspiring to traffic guns from Birmingham", 3/6/98

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.

Not Applicable.

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.

Not Applicable.

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 law clerk.

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

I have never engaged in the solo practice of law.

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.

Summer 1983:

McDermott, Will, and Emery
600 13th St NW # 1200
Washington, DC 20005
(202) 756-8000
Summer Associate

Summer 1984, 1985 to 1988:

Arent, Fox, Kintner, Plotkin, and Kahn
1050 Connecticut Avenue, NW

Washington, DC 20036-5339
(202) 857-6000
Summer Associate, Associate

1988 to 1991:
Bradley, Arant, Rose, and White
One Federal Place
1819 Fifth Ave North
Birmingham, AL 35203-2119
(205) 521-8000
Associate

1991 to Present:
United States Attorney's Office
1801 4th Avenue North
Birmingham, Alabama 35203
(205) 244-2001
Assistant United States 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.

I have never served as a mediator or arbitrator.

b. Describe:

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

Civil Practice 1985 to 1991

I joined the litigation practice at Arent, Fox, a Washington, D.C., law firm, immediately out of law school. I worked in the general litigation practice, primarily on complex corporate cases and on first amendment/libel work. I also had the opportunity to participate in *pro bono* work on a case we handled in conjunction with for the Lawyer's Committee for Civil Rights, involving a suit filed against the Library of Congress to end discrimination in hiring and promotions. While at Arent, Fox; in addition to extensive work drafting pleadings and briefing summary judgment motions, I had the opportunity to argue motions in state court and participate in hearings and witness testimony in district court. Typical clients while at Arent, Fox included the Haft Brothers and related business entities, and individuals/entities sued for libel including former Congressmen Andy Jacobs and Pete McCluskey.

I moved to Birmingham, shortly before getting married, and became an associate at Bradley, Arant, Rose and White. Again, I worked in the litigation group, primarily on commercial cases, including a class action involving British Petroleum. I had the opportunity to second chair a civil trial in federal district court and worked on a wide variety of matters. I also engaged in some administrative work involving the FERC.

My practice during this time was 100% civil litigation. As a civil practitioner, I focused on general civil commercial litigation and first amendment/libel work.

Criminal Prosecutions

On July 1, 2001, I joined the Criminal Division of the United States Attorney's Office in Birmingham and was immediately assigned to investigate and indict criminal cases. I participated in approximately 13 trials my first year in the office. My practice while in the Criminal Division was virtually 100% criminal.

The office was organized to permit young lawyers to practice across a broad spectrum of cases and I worked on cases ranging from social security check fraud, to drugs, to guns, to bank robberies, to mail fraud, to civil rights violations, to arsons and explosives. Throughout my ten years in the Criminal Division, I remained active in indicting and prosecuting cases, trying cases before every judge in the district. I was generally assigned to civil rights cases and cases involving arson/explosives/firearms during my final years in the Division. I handled my own appeals and habeas corpus cases.

Appellate Practice

In early 2002, I was moved from the Criminal Division to the newly formed Appellate Division, where I was assigned to handle criminal appeals. I handled a heavy caseload of criminal cases, wrote briefs, and argued before the Eleventh Circuit Court of Appeals.

In 2005, the Appellate Chief left the office and recommended that I be selected to replace her. I was appointed the acting Appellate Chief and subsequently appointed Appellate Chief. In addition to supervising and reviewing the briefs for all criminal and civil appeals filed by the office, I managed the office's immigration docket, and after the Sentencing Guidelines were amended, volunteered the Appellate Division to handle the crack reduction petition docket. I also continued to carry a caseload of appellate cases, writing briefs and arguing regularly before the Eleventh Circuit. As a result, in this capacity, I handled one of the most varied dockets in the office and reacquainted myself with both civil and administrative practice.

I am currently involved in both civil and criminal cases. My work runs the full spectrum of issues in criminal cases and civil cases involving issues of interest to the United States.

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

As described in response to the previous question, My practice began as a large firm civil litigation practice with primarily business clients. When I joined the US Attorney's Office, my practice was criminal for the first ten years, and is now a mix of criminal and civil.

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. Indicate the percentage of your practice in:

1. federal courts; 95%
2. state courts of record; 5%
3. other courts;
4. administrative agencies

ii. Indicate the percentage of your practice in:

1. civil proceedings; 25%
2. criminal proceedings. 75%

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 35 cases to verdict, acting as sole counsel in the majority of them and as second chair in approximately five to ten cases.

i. What percentage of these trials were:

1. jury; 97%
2. non-jury. 3%

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.

As a young associate, I did research and provided input to a response to a *certiorari* petition filed by a pro-se civil litigant. I have not litigated in the Supreme Court as a government lawyer.

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.

I. Case Name: *United States v. Crisp*

Citation/Docket No. & Date: 454 F.3d 1285 (11th Cir. 2006)

Summary: Crisp was the comptroller of a company that defrauded a small, North Alabama bank out of nearly a half million dollars. Crisp assisted the government in prosecuting the company's president, and the government recommended that the court reduce his sentence to reward the cooperation. The Court departed lower than the government's 12-month recommendation to a sentence of five hours. On appeal, the government convinced the court of appeals that the district court improperly used the need to pay restitution as a basis for reducing sentence and that the sentence of five hours was not reasonable.

Party Represented: United States of America

Nature of Participation: Appellate counsel. Wrote brief and argued case in the Eleventh Circuit.

Final Disposition: Sentence vacated. Case remanded for resentencing.

Date of Representation: 2006

Court/Judges: Eleventh Circuit/Birch, Carnes, and Brunetti (from the 9th Circuit)

Co-Counsel: None

Opposing Counsel: David S. Luker, 2205 Morris Avenue, Birmingham, Alabama 35203 (205) 251-6666

Significance of Case: *Crisp* is now routinely cited to support the proposition that post-*Booker*, a substantial assistance departure has to be based solely on the defendant's cooperation, not on any of the 18 U.S.C. § 3553(a) factors. The Court held that focusing on one factor, to the exclusion of all others, was a possible flag for an unreasonable sentence. *Crisp* allowed litigants to understand the importance of focusing on all of the section 3553(a) factors when explaining to the district court why the sentence they seek is reasonable.

II. Case Name: *United States v. Woodward and Jordan*

Citation/Docket No. & Date: 429 F.3d 1032 (11th Cir. 2005)

Summary: The United States indicted the Sheriff of Jefferson County, Alabama, and the lawyer handling his election contest. The district court granted a mistrial on grounds of prosecutorial misconduct. In the first appeal, the Eleventh Circuit found the prosecutor was not guilty of any misconduct and reversed the dismissal of the indictment. On remand, the defendants argued retrial was barred by double jeopardy and an interlocutory appeal proceeded on that basis. The Eleventh Circuit held double jeopardy did not bar retrial, which resulted in convictions of both defendants.

Party Represented: United States

Nature of Participation: Trial counsel during the period between the remand from the first appeal and the conclusion of the second appeal; lead appellate counsel during second appeal (wrote brief and argued case in the Eleventh Circuit); supervisory appellate counsel for third appeal.

Final Disposition: The second appeal, which was handled by the applicant, was decided in the government's favor. The re-trial that followed resulted in a conviction, which is currently on appeal to the Eleventh Circuit, and has not yet been decided.

Date of Representation: 2004 to 2005

Court/Judges: District Court/ Johnson, Collier (Northern District of Florida)
Eleventh Circuit/Anderson, Black, Carnes

Co-Counsel: Michael Billingsley, 1801 4th Avenue North, Birmingham, Alabama, 35203 (205) 244-2157.

Opposing Counsel: William N. Clark, Keith Edward Brashier, Redden, Mills & Clark, 940 Financial Center, 505 - 20th Street North, Birmingham, Alabama 35203, (205) 322-0457; Algert Swanson Agricola, Jr., Clifton E. Slaten, Slaten & O'Connor, 105 Tallapoosa Street, Suite 101, Montgomery, Alabama 36104 (334) 396-8882

Significance of Case: This case has come to be cited in support of the law of the case doctrine by parties seeking to avoid relitigation of issues that were implicitly decided in earlier appeals. It was significant for the government, because the successful appeal permitted the prosecution to go forward.

III. Case Name: *United States v. Houston*

Citation/Docket No. & Date: 456 F.3d 1328 (11th Cir. 2006)

Summary: The Eleventh Circuit affirmed Houston's armed bank robbery conviction, over allegations that the prosecutor violated the *Batson* standard for jury selection. The case was remanded for resentencing because sentencing occurred before the *Booker* decision, so the district court treated the sentencing guidelines as mandatory.

Party Represented: United States

Nature of Participation: Appellate counsel, wrote brief and argued case.

Final Disposition: Conviction affirmed, case remanded for resentencing.

Date of Representation: 2006

Court/Judges: Eleventh Circuit/Tjoflat, Cox, George (District Judge from District of Nevada)

Co-Counsel: None

Opposing Counsel: Ramona Albin, 1801 4th Ave. No., Birmingham, Alabama, 35203 (205) 244-2134

Significance of Case: In *Houston*, the Eleventh Circuit ruled that the Supreme Court's decision in *Miller-El v. Dretke* did not require the district court to hold an independent inquiry into a prosecutor's stated reasons for striking jurors if the defense did not challenge them as part of a *Batson* proceeding. The case is significant because it clearly sets forth the three-step process courts should follow in ruling on *Batson* challenges and clarified the issue in this Circuit.

IV. Case Name: *United States v. Lebovitz*

Citation/Docket No. & Date: 401 F.3d 1263 (11th Cir. 2005)

Summary: The defendant traveled across state lines to have sex with what he believed was an 11-year-old girl. However, he had made the arrangements with an undercover police officer, and the intended victim was fictional. Defendant pleaded guilty but challenged his sentence on appeal.

Party Represented: United States

Nature of Participation: Appellate Counsel, wrote brief and argued case.

Final Disposition: Sentence affirmed.

Date of Representation: 2005

Court/Judges: Eleventh Circuit/Anderson, Carnes, Roney

Co-Counsel: None

Opposing Counsel: Hubert G. Taylor, Leitman, Siegal & Payne, P.C., The Land Title Building, 600 North 20th Street Suite 400, Birmingham, Alabama 35203 (205) 251-5900

Significance of Case: *Lebovitz* holds that where a defendant clearly evidences his intent to engage in sexual conduct with a young child, he can be sentenced based upon that intent even if the victim is fictional. This holding made it possible for the government to seek sentences sufficient to protect the public from intended sex offenders who were caught as part of an undercover operation.

V. Case Name: *United States v. Harris*

Citation/Docket No. & Date: 376 F.3d 1282 (11th Cir. 2004)

Summary: The defendant was prosecuted for fraudulent use of a social security number. A deal was struck and the defendant was given pretrial diversion. The defendant violated the terms of his pretrial diversion and the government moved to prosecute him. The defendant alleged, *inter alia*, that the prosecution violated the Speedy Trial Act and his Sixth Amendment speedy trial rights.

Party Represented: United States

Nature of Participation: Appellate counsel, wrote brief and argued case.

Final Disposition: Conviction and sentence affirmed.

Date of Representation: 2004

Court/Judges: Eleventh Circuit/Dubina, Carnes, Mills (District Judge from the Central District of Illinois)

Co-Counsel: None

Opposing Counsel: John C. Robbins, Polson & Robbins, P.C., 2001 Park Place North Suite 925, Birmingham, Alabama 35203 (205) 453-4098

Significance of Case: This case clarified the principles surrounding the legal rule that as long as the government pursues a prosecution with diligence, a defendant must show actual harm to establish a Constitutional speedy trial violation. *Harris* is frequently cited

in the Circuit as setting forth the test for how a Constitutional speedy trial violation can be established.

VI. Case Name: *United States v. Dodds*

Citation/Docket No. & Date: 347 F.3d 893 (11th Cir. 2003)

Summary: Dodds was convicted of possessing and receiving 3,400 images of child pornography. He appealed from his sentence.

Party Represented: United States

Nature of Participation: Appellate counsel, wrote brief and argued case.

Final Disposition: Conviction affirmed, sentence vacated and remanded for resentencing

Date of Representation: 2003

Court/Judges: Eleventh Circuit/Birch, Barkett, Hill

Co-Counsel: None

Opposing Counsel: Sam Heldman, The Gardner Firm, 2805 31st St. N.W., Washington, DC 20008-3524, (202) 865-8884

Significance of Case: This case confirms the broad scope of judicial discretion in deciding the admissibility of evidence at trial.

VII. Case Name: *United States v. Schrimsher*

Citation/Docket No. & Date: 58 F.3d 608 (11th Cir. 1995)

Summary: Prosecution of key participant in an interstate auto theft ring. Defendant pleaded guilty the morning of trial, but subsequently appealed from portions of the sentence.

Party Represented: United States

Nature of Participation: Lead trial counsel, lead appellate counsel.

Final Disposition: On motion for panel rehearing, sentence affirmed.

Date of Representation: 1994 to 1995

Court/Judges: District Court/Propst

Eleventh Circuit/Tjoflat, Birch, Black

Co-Counsel: Robert Posey, United States Attorney's Office, 1801 4th Avenue North, Birmingham, Alabama 35203 (205)244-2216

Opposing Counsel: Fred B. Simpson, Warren & Simpson, P.C., 105 North Side Square, Huntsville, Alabama 35801 (256) 539-7575

Significance of Case: On appeal, this case established that a defendant can contractually agree, in a plea agreement, to pay restitution for conduct in excess of the counts of conviction.

VIII. Case Name: *United States v. Hooks*

Citation/Docket No. & Date: CR-01-PT-0152-M 2001

Summary: Hooks was the Captain of the night shift of the Boaz, Alabama, Police Department. He and his entire shift were prosecuted for a civil rights conspiracy, after a Spanish-speaking American citizen went to the FBI with allegations that Hispanics were being arrested without cause and having their money and possessions stolen by police officers. The other four defendants pleaded guilty. Hooks went to trial.

Party Represented: United States

Nature of Participation: Lead trial counsel.

Final Disposition: Jury verdict of guilt.

Date of Representation: 2001

Court/Judges: District Court/Propst

Co-Counsel: Holly Wiseman, formerly with the Department of Justice in Washington D.C., 1613 Harvard St. NW, Apt. 402, Washington, D.C. 20009-3713 (202) 341-4081

Opposing Counsel: Tommy Spina, Fawal & Spina, 1330 21st Way S, Suite 200 Birmingham, Alabama, 35205 (205) 939-1330

Significance of Case: This was a major civil rights case prosecuted by the U.S. Attorney's Office in Birmingham, the first involving a conspiracy against Hispanics.

IX. Case Name: *United States v. Lipsey*

Citation/Docket No. & Date: CR 99-BU-0174-S 2000

Summary: Prosecution of inmate who made a bomb threat to the Jefferson County Courthouse, while in the Jefferson County Jail.

Party Represented: United States

Nature of Participation: Lead trial counsel.

Final Disposition: Conviction by jury.

Date of Representation: 2000

Court/Judges: District Court/Buttram

Co-Counsel: John England, United States Attorney's Office, 1801 4th Avenue North, Birmingham, Alabama 35203 (205) 244-2001

Opposing Counsel: James L. O'Kelley, 300 Park Place Tower, 2001 Park Place North Birmingham, Alabama 35203 (205) 252-9551

Significance of Case: This prosecution occurred during a period in time when there were concerns about an increasing number of threats being made. This case played a role in increasing the awareness that making this type of threat was a federal felony and was perceived as helping to diminish the problem and deter future criminal conduct.

X. Case Name: *United States v. West*

Citation/Docket No. & Date: CR 95-AR-0091-S (1995)

Summary: Roy Mack West ran a nationwide narcotics ring that trafficked in marijuana, cocaine, and methamphetamine while he was a fugitive on federal drug charges for close to ten years. West had three ranches in New Mexico where he cropped marijuana and dealt in significant amounts of the other drugs.

Party Represented: United States

Nature of Participation: Second chair at trial, responsible for briefing and motions, as well as examining witnesses during trial and doing the closing argument.

Final Disposition: Convicted by jury. Criminal Appellate in Washington, D.C., handled the direct appeal. Applicant handled the final 2255 (habeas) action, which resulted in affirming the conviction.

Date of Representation: 1995

Court/Judges: District Court/Acker

Co-Counsel: Robert P. McGregor, retired AUSA, (205) 982-0500

Opposing Counsel: G. Douglas Jones, Haskell, Slaughter, Young & Rediker, 2001 Park Place North, Suite 1400, Birmingham, Alabama 35203 (205) 251-1000; Richard S Jaffe, 2320 Arlington Avenue Birmingham, Alabama 35205 (205) 930-9800; Robert B French,

Jr, 308 Alabama Avenue SW, Fort Payne, Alabama 35967 (256) 845-2250

Significance of Case: This three-week trial was the centerpiece of an effort to stop drug trafficking efforts by the so-called Dixie Mafia on Sand Mountain, Alabama. This case involved four co-defendants, one of whom was tried and convicted the following year (*United States v. Wofford*, CR 95-AR-0091-S (1996)) and the remainder of whom pleaded guilty. The applicant participated in the trial of two additional cases that were spun off from this investigation: *United States v. Hawes*, CR 94-SLB-27-M (1995) (second chair) and *United States v. Carter*, CR 97-C-0046-NE (1997) (lead counsel).

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.)

Church Arson Investigations (1995-96) (fires in Boligee, Eastaboga and Heflin, Alabama) As an AUSA in the Criminal Division, I handled the investigation of several church fires that occurred across the Northern District of Alabama. I worked closely with the lead FBI investigator in the case, as well as with ATF. The Boligee cases remain unsolved, while fires in Eastaboga and Heflin were prosecuted. Although the three Greene County fires remain unresolved, the office's sustained effort to work all possible leads on this case and consistent presence in the area demonstrated our level of commitment to the community.

Sandbomb Investigation (1998-1999) (Eric Robert Rudolph's bombing of the New Woman All Women Clinic in Birmingham, Alabama). I was one of the the initial AUSAs on the scene of the bombing, and worked as part of the interagency task force, headquartered in the FBI, that investigated the bombing. I was involved in drafting the initial search warrants and in closely coordinating with the many of participating law enforcement agencies in efforts including evaluating the need for and authorizing subpoenas, conducting investigation, and continually refining and updating our legal research to be prepared to respond to evolving facts. I remained involved in the investigation for approximately six months, working in both Birmingham and Atlanta to help prepare the case so that it was ready for prosecution as soon as Rudolph, who was still a fugitive at that point, was captured. At the point of Rudolph's capture, I had been reassigned to the Appellate Division and was not assigned to play a role in the prosecution that resulted in negotiations that led to Rudolph's guilty plea.

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.

Not Applicable.

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.

The only future benefits I expect to receive are from a federal government Thrift Savings Plan, listed on my net worth statement.

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

I do not have any plans, commitments, or agreement to pursue outside employment.

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 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.

I have been filing public financial statements (SF 278) for the past four years since I became a paid supervisor. As such, personnel both in my office and at EOUSA have scrutinized my financial disclosures and, with one exception, I believe I do not presently have any conflicts that would present an issue.

There is one case pending in the office with a defendant who was a close friend of my now-deceased father-in-law. Although I have not been asked to work on that case, which is pending trial in the Criminal Division, I have advised the line AUSA, the Deputy Chief in Criminal, and the Criminal Division Chief that I believed my involvement in that case would lead to the appearance of impropriety, and asked that the case not be discussed with me. If I were to be confirmed and this case was still pending, I would consult with the ethics officials for the Executive Office for United States Attorneys, U.S. Department of Justice, and follow their guidance.

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 for United States Attorneys.

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.

While in Washington, I spent a significant amount of non-billable time on pro bono employment discrimination litigation.

After moving to Birmingham, I participated in Bar Association opportunities to offer pro-bono service, including evening sessions where underserved individuals had the opportunity to discuss their legal issues with a lawyer.

As a government lawyer, the opportunities to engage in pro bono work have been more limited. However I have continued to do volunteer work as a parent. Our second child was born in 1992 with a serious genetic defect. I became involved in a support group for other parents of children with the defect and have counseled with parents dealing with this issue. I have also done some volunteer work with a local group that provides art therapy to children with serious illnesses.

I also volunteer with my children's schools and in addition to the normal volunteer work, have spoken, both at their schools and other schools, on issues related to the constitution and the justice system. For the last three years, I have helped with the preparation of one of the local high school's "We the people" competition teams.

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		15	000	Notes payable to banks-secured			600
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities-add schedule				Notes payable to relatives			
Unlisted securities--add schedule				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule		295	000
Real estate owned-add schedule		930	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		39	000				
Cash value-life insurance							
Other assets itemize:							
Vanguard IRA (itemized in SF 278)		246	700				
TSP		220	300				
Vanguard Acct. for Child (itemized in SF 278)		2	200	Total liabilities		295	600
Janus Balanced Fund Acct. for Child (itemized in SF 278)		1	500	Net Worth		1	159 100
Total Assets	1	454	700	Total liabilities and net worth	1	454	700
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor			0	Are any assets pledged? (Add schedule)	No		
On leases or contracts			0	Are you defendant in any suits or legal actions?	No		
Legal Claims			0	Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax			0				
Other special debt			0				

FINANCIAL STATEMENT
NET WORTH SCHEDULES

Real Estate Owned

Personal residence	\$ 850,000
Fractional Interest in undeveloped land (spouse)	80,000
Total Real Estate Owned	930,000

Real Estate Mortgages Payable

Personal residence	\$ 295,000
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AFFIDAVIT

I, Joyce White Vance, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

May 13, 2009 *Joyce White Vance*

May 13, 2009
(DATE)

Luis R. Colmenares.
(NAME)

Luis R. Colmenares

(NOTARY)

Luis R. Colmenares
Notary Public, District of Columbia
My Commission Expires 5-31-2009