

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Dennis Kieran Burke

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

United States Attorney for the District of Arizona.

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: United States Department of Homeland Security
Washington Navy Yard
Building 410
245 Murray Lane SW
Washington, D.C. 20528

Home: [REDACTED]

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

Chicago, Illinois

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 Arizona, College of Law – Tucson, Arizona
1985 – 1988
J.D. awarded May 1988

Georgetown University – Washington, D.C.
1981-1985
B.A. awarded June 1985

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.

Senior Advisor to the Secretary
United States Department of Homeland Security
Washington, D.C. 20528
January 2009 – Present

Member of the Obama/Biden Transition Team
451 6th Street NW
Washington, D.C. 20001
July 2008 – January 2009

Chief of Staff
Office of the Governor
State of Arizona
January 2003 – September 2008

Chief Deputy / Special Assistant Attorney General
Attorney General's Office
State of Arizona
April 1999 – January 2003

Acting Assistant Attorney General for Legislative Affairs
United States Department of Justice
Washington, D.C. 20530
January 1999 – April 1999 (on Detail from the United States Attorney's Office)

Assistant United States Attorney
District of Arizona
United States Department of Justice
Phoenix, Arizona
May 1997 -- December 1999

Adjunct Professor of Law
Sandra Day O'Connor College of Law
Arizona State University
PO Box 877906
Tempe, Arizona 85287
1998 and 2000

Senior Policy Analyst
Domestic Policy Council
The White House
Washington, D.C.
1995 – May 1997

Special Counsel
Office of Legislative Affairs
United States Department of Justice
Washington, D.C. 20530
1994-1995

Majority Counsel
Subcommittee on Patents, Copyrights and Trademarks
United States Senate Judiciary Committee
Washington, D.C.
October 1989 – May 1994

Judicial Clerk
The Honorable James Moeller
Arizona Supreme Court
August 1988 – August 1989

Law Clerk
Meyer, Hendricks, Victor, Osborn and Maledon
Phoenix, Arizona
June -- August 1987

Legal Intern
Subcommittee on Patents, Copyrights and Trademarks
United States Senate Judiciary Committee
Washington, D.C.
Spring Semester 1987

Legal Clerk
Arizona Department of Water Resources
Phoenix, Arizona
June – August 1986

Non-Profit Boards

Member, Arizona Economic Resource Organization. Phoenix, Arizona. 2008 – March 2009.

Member, Commerce and Economic Development Commission. Arizona. 2008 – May 2009.

Board Member, Arizona-Mexico Commission. Phoenix, Arizona. 2008 – June 2009

Member, Arizona Super Bowl Host Committee. 2007.

Editorial Board Member, *Arizona Attorney*. 2003-2005.

Board Member, Goodwill of Central Arizona. 2000-2002.

Board Member, Center for Law in the Public Interest. Phoenix, Arizona. 2001.

Member, SAFE (Safety Answers for Education) Commission, Phoenix, Arizona. 1999.

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. I am registered for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Exemplary Leadership Award -- Arizona Latino Research Enterprise – Phoenix, Arizona -- 2008

Public Advocate Award -- Chicanos Por La Causa -- Phoenix, Arizona -- 2008

Individual Award of 2008 -- Equality Arizona -- Phoenix Arizona -- 2008

Public Service Award – Asian Pacific Community in Action. Phoenix, Arizona 2008.

Public Service Award -- Parenting Arizona – Phoenix, Arizona – 2008

Public Servant of the Year – Lincoln Family Phoenix Downtown YMCA – 2007

Public Service Award – Planned Parenthood of Central Arizona – 2007

Minuteman Award – Arizona National Guard – 2006

Honorary Posse Member, Pinal County Sheriff's Office – Pinal County, Arizona – 2003

Supporter of the Year – National Association of Police Organizations -- 1997

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.

I am a member of the Arizona Bar Association.

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.

State Bar of Arizona. Admitted 1988. No lapses in membership.

District of Columbia Bar. Admitted 1991. No lapses in membership.

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

United States District Court, District of Arizona. Admitted 1997. No lapses in membership.

United States Court of Appeals for the 9th Circuit. Admitted 1998. 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.

Member, Arizona Economic Resource Organization. Phoenix, Arizona. 2008 – March.

Member, Commerce and Economic Development Commission. Arizona. 2008 – May.

Board Member, Arizona-Mexico Commission. Phoenix, Arizona. 2008 – June.

Member, Arizona Super Bowl Host Committee. 2007.

Member, Phoenix Country Club. 2004-Present.

Editorial Board Member, *Arizona Attorney*. 2003-2005.

Board Member, Goodwill of Central Arizona. 2000-2002.

Member, Nucleus Club of Maricopa County. 2000-2007.

Board Member, Center for Law in the Public Interest. Phoenix, Arizona. 2001.

Member, SAFE (Safety Answers for Education) Commission, Phoenix, Arizona. 1999.

- 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 joined the Phoenix Country Club in 2004. My understanding is they discriminated on the basis of race and possibly even religion earlier in its existence, many years before I became a Member, and it is quite clear no vestiges exist in policy or practice. Within the last few years, the Club has been embroiled in a controversy regarding its separate dining facilities based on gender. I communicated my strong objections to that policy to the Club Board in writing in June 2007, was quoted in both the New York Times and the Arizona Republic in opposition to the policy, and actively worked with other members to have the policy changed. I submitted my resignation to the Club in early December 2008, although, I am still a member until my membership share is bought. Subsequently, the Club settled a lawsuit filed by the Arizona Attorney General ending its practice of separate dining facilities based on gender.

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.

“Brown-Forman Distillers Corp. v. New York State Liquor Authority: State Liquor Price Statutes under the Commerce Clause” *Arizona Law Review* 1988. 30:183.

“Burns' Gas-Tax 'Holiday' will deprive Arizona of Funds,” *Arizona Republic*. May 5, 2008.

- 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 Chief Deputy Attorney General for the State of Arizona, I was often asked to testify at hearings before committees of the Arizona State Legislature on pending legislation advocating on behalf of or impacting the Department of Law. Any testimony I provided was oral with limited informal handwritten notes that I did not retain.

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

I have done my best to list all items asked for in this question, including through a review of my personal calendar and files. I have not retained copies of any notes I used, and to my knowledge no transcripts or recordings were made.

Panel Presentations on law enforcement and immigration, Democratic Leadership Conference National Listening Conference.
Chicago, Illinois. June 2008.

Welcoming Address, 3rd Annual Arizona Substance Abuse Conference:
Addressing Critical Issues and Emerging Trends. Litchfield Park, Arizona.
April 29, 2008.

Opening Remarks, 4th Annual Cesar E. Chavez Behavioral Health Conference,
Glendale, Arizona. March 28, 2008.

Keynote Address, Arizona State University Retirees Association Retirees Day.
February 16, 2008.

Guest Speaker, Arizona Department of Public Safety Advanced Basic Graduation Ceremony. Phoenix, Arizona. December 20, 2007.

Guest Speaker, Arizona Department of Juvenile Corrections Honors Ceremony. Glendale, Arizona. August 28, 2007.

Closing Remarks, 4th Annual Arizona Drug Court Conference. Scottsdale, Arizona. September 22, 2004.

Guest Speaker, Making a Difference Together in Arizona 2004. Arizona Governor's Office of Highway Safety, NHTSA and MADD.

Closing Remarks, 1st Statewide Sexual Assault Conference, Phoenix, Arizona. November 2001

- 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:

The Arizona Republic, Matthew Benson, "Napolitano to offer platform to Dems," 8/9/08

The New York Times, Randal C. Archibold, "Second Thoughts on Pulling the Guard From the Border," 6/12/08

The Arizona Republic, Mary Jo Pitzl, Matthew Benson and Amanda J. Crawford, "Veteran Home scandal divided agencies," 6/8/08

The Arizona Republic, Amanda J. Crawford and Yvonne Wingett, "State sues to get hands on funding for health," 6/6/08

Arizona Capitol Times, Christian Palmer, "Controversial deals raise questions about Arizona's TIME," 5/16/08

The Arizona Republic, Lindsey Collom, "Arpaio cut out of state funding," 5/14/08

The Arizona Republic, Lesley Wright, "Home builders won't block land-reform bill," 5/10/08

East Valley Tribune, Dennis Welch, "Governor, developers OK deal: Napolitano alters transportation initiative," 5/10/08

The Arizona Republic, Scott Wong, "Governor opposed prank by officials," 4/10/08

Christian Science Monitor, Faye Bowers, "Arizona considers a guest worker program of its own," 3/31/08

The Arizona Republic, Amanda J. Crawford, "New rules urged for private prisons," 2/1/08

Arizona Food Industry Journal, Julie Igo, Question and Answer written interview, 2/08

Horizon, Ted Simons, "Legislature A to Z: Immigration," 1/29/08

The Arizona Republic, Richard Ruelas, "Club Debates Legality Of Men's Grill," 7/19/07

The Arizona Republic, Scott Wong, "Super Bowl Panel Walks Fine Ticket Line," 7/18/07

The Arizona Republic, Dennis K. Burke, "Respect expressed for ex-chief justice," 7/7/07

The Arizona Republic, Scott Wong and Amanda J. Crawford, "Sports Authority May Face Audit," 6/27/07

The Arizona Republic, Scott Wong, "Sports Authority Chief, Bidwills Clashed Before," 6/26/07

The Arizona Republic, Sean Holstege, "Migrant Bill Would Cost Billions," 6/16/07

AP, Paul Davenport, "Primary lineup is quandary for Gov.'s bid to boost AZ's profile," 6/16/07

The Arizona Republic, Scott Wong and Carrie Watters, "Support Firms Up For Sports Authority CEO," 5/31/07

The Arizona Republic, Scott Wong, "New Twist In Super Bowl Rift," 5/30/07

The Arizona Republic, Scott Wont, "Clash Looms Over Jobs At Sports Panel," 5/26/07

The Arizona Republic, Mary Jo Pitzl, "Average Lawmaker No Average Arizonan," 1/12/07

Phoenix New Times, Ray Stern, "Meltdown," 11/16/06

The Arizona Republic, E.J. Montini, "A Woman Defined By Many Legal Pads And One Rabid Dog," 11/9/06

Phoenix Business Journal, Mike Sunnucks, "State chamber appointment irks Governor's office," 10/16/06

The Arizona Republic, Daniel Gonzalez, "State-Federal Border Rift Apt To Persist," 8/30/06

The Denver Post, George Merritt, "Denver rounding up Western help for Dems' conventions
Four governors are warm to the idea of partnering on the 2008 party gathering but cooler on the

fundraising component,” 7/12/06

AP, Aaron C. Davis, “AP NewsBreak: Memo says Guard mission to last at least two years,” 5/20/06

Arizona Daily Star, Howard Fischer, “Memo to Guard leaders says border duty to last two years,” 5/20/06

Phoenix Business Journal, Adam Kress, “State building blueprints may go 3-D,” 5/1/06

The Arizona Republic, Chip Scutari, “A repeat of the stupid mistakes made with reefer madness????” 4/17/06

The Arizona Republic, Craig Harris, “Spring Training Tradeoff,” 3/31/06

The New Republic, John B. Judis, “Border War,” 1/16/06

Horizon, Michael Grant, “Possible military base closures,” 5/9/05

Marketplace Morning Report, Kai Ryssdal and Julia Barton, “Arizona considers building prisons in Mexico to save the state the cost of housing illegal undocumented aliens,” 4/5/05

The Arizona Republic, Chip Scutari, “Governor Pushes Vote On Gay Marriage In ‘05,” 1/5/05

Marketplace, David Brown and Julia Barton, “Proposition 200 in Arizona,” 10/13/04

AP, Beth DeFalco, “Rumsfeld: Reservists called for skills,” 8/26/04

Arizona Daily Star, Barrett Marson, “Prison lapses long-standing,” 4/22/04

Arizona Daily Star, Howard Fischer, “Terror-war funding for states uneven,” 3/30/04

The Arizona Republic, Amanda J. Crawford, “Prison’s Lax Environment Blasted By State Panel,” 3/3/04

Arizona Daily Star, Barrett Marson, “Prison guard found sleeping on job,” 3/3/04

AP, Beth DeFalco, “Panel looking at possible inside job in botched prison escape,” 3/2/04

AP, Jacques Billeaud, “AP Exclusive: Safety advocate spent \$440,000 after learning he was being replaced,” 2/26/04

AP, Beth DeFalco, “Correctional officers: Prison system needs total overhaul,” 2/25/04

The Arizona Republic, Chip Scutari, “Ariz., N.M., Sign Pact For Regional Security,” 2/24/04

The Arizona Republic, Chip Scutari and Robbie Sherwood, "Lawmakes Weight Inquiry Of Standoff," 2/3/04

The Arizona Republic, Chip Scutari, "Napolitano Pushing For State Office In Capital," 11/30/03

Arizona Daily Star, Barrett Marson, "Bill likely to fuel public-private prison battle," 11/13/03

AP, Paul Davenport, "Republicans unveil rival funding bill for expanding prisons," 11/12/03

AP, Paul Sloca, "Talks on prisoner transfers to Missouri preliminary," 6/4/03

AP, Paul Davenport, "Arizona may send more inmates out of state," 5/30/03

AP, n/a, "Arizona prison would be run by Oklahoma company," 4/29/03

Tuscon Citizen, Mark Kimble, "Kimble Column," 4/17/03

The Arizona Republic, Chip Scutari, "Napolitano Pursues 2004 Presidential Debate," 3/11/03

The Arizona Republic, Chip Scutari, "Governor Creating System To Outline Terrorist Response," 3/8/03

The Arizona Republic, Robie Sherwood and Chip Scutari, "DES Chief Resigns Amid Budget Mess," 3/8/03

The Arizona Republic, Chip Scutari, "Tax Amnesty Could Bring State \$26 Mil," 1/27/03

The Arizona Republic, Chip Scutari, "Inner Circle Put To The Test," 1/5/03

The Business Journal, Mike Sunnucks, "Profile: Dennis Burke, Governor's gatekeeper," 1/3/03

The Business Journal, Mike Sunnucks, "Fee increases, sales and bonding eyed for budget mess," 12/20/02

Phoenix New Times, John Dougherty, "Polygamy Puzzle," 10/24/02

The Arizona Republic, Robbie Sherwood and Dennis Wagner, "Polygamy Investigators Defend Work," 10/11/02

Arizona Daily Star, Howard Fischer, "Napolitano failing to act on polygamy, Mahoney says," 10/8/02

Phoenix New Times, John Dougherty, "Cover-Up (Arizona Attorney General internal memo) Arizona faces a 'Waco-level' threat from Mormon fundamentalists," 10/3/02

The Arizona Republic, Dennis Wagner, "2 Polygamous Towns Investigated," 10/2/02

The Arizona Republic, Craig Harris, "Baptist Trust Indictments Thrown Out," 11/13/02

The Arizona Republic, Chip Scutari and Robbie Sherwood, "Bayless Camp Says Salmon Lied On Alt-Fuels," 8/15/02

NPR, Bob Edwards, "Death row inmate Richard Rossi and what impact a Supreme Court decision overturning some death sentences might have on his case," 6/26/02

The Arizona Republic, Carlos Miller, "Muder Leads Valley Man To Advocacy," 3/24/02

The Arizona Republic, Charles Kelly, "Hunt Nets Suspect In Police Slaying," 3/22/02

Arizona Daily Star, Howard Fischer, "Senate panel OKs anti-terrorism bill," 3/13/02

Arizona Daily Star, Joseph Barrios, "Pima leads U.S. in death sentences," 2/12/02

Horizon, Michael Grant, "Financial scams in Arizona compared to the Enron scandal," 2/7/02

AP, Paul Davenport, "Napolitano: No prosecution of Groscost for alt-fuel fiasco," 11/2/01

AP, n/a, "State facing potentially costly deluge of alt-fuel claims," 8/3/01

Phoenix New Times, Jeremy Voas, "House Hold; The dearth of affordable housing has reached the crisis stage," 5/24/01

Phoenix New Times, Amy Silverman, "Janet Clams Up," 3/15/01

Arizona Daily Star, Howard Fischer, "\$600 million alt-fuels claim Lawmakers' pullback of tax credits brings action from firms, individuals," 1/27/01"

Arizona Daily Star, M. Scot Skinner, "Judge stays execution of Salvadoran," 1/9/01

Arizona Daily Star, Howard Fischer, "Panel backs discontinuing punch ballots," 1/6/01

The Arizona Republic, Pat Flannery and David Parrish, "Alt-Fuel Wrangling Likely Headed For Court Next," 12/5/00

The Arizona Republic, Robbie Sherwood, "Alt-Fuel Vehicle Session Opens Some Lawmakers Express Reluctance To Scrap Program," 11/14/00

The Arizona Republic, Mike McCloy and Lisa Chiu, "Vehicle Giveaway Comes To An End Lawmakers, Hull, Put Halt To Alt-Fuel Plan," 10/21/00

Jewish News of Greater Phoenix, Barry Cohen, "Group wants moratorium on executions," 8/4/00

The Arizona Republic, Dennis Wagner and Pat Flannery, "Many Snitches Still Doing Crime," 2/27/00

The Arizona Republic, Robbie Sherwood, "Stay Urged For Elections Act Napolitano Appeals Ruling By Judge On Constitutionality," 2/18/00

The Arizona Republic, Chris Moeser and Mike McCloy, "Abortion Challenge Dropped Arizona Lawmakers Want Investigation," 8/31/99

The Arizona Republic, Susie Steckner and Jodie Snyder, "AG Pledges Improved Care Sexual Assault Victims To Receive Quicker Treatment, Counseling," 6/3/99

AP, Jonathan D. Salant, "No special counsel for Clinton campaign manager, Reno says," 1/15/99

Arizona Business Gazette, n/a, "Profile of the Week," 11/20/97

States News Service, Polly Basore Elliott, "State Law Could Ease Licensing Requirements," 10/15/92

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.

None.

- 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.

State Committee Member, Arizona Democratic Party. 2000-2008.

District Chair, District 11. Arizona Democratic Party. 2002-2006.

Precinct Committee Person. Arizona Democratic Party. 2000-Present.

Chair, Nucleus Club of Maricopa County. 2000-2002.

I have never held a formal role in a political campaign but have volunteered in different capacities for numerous candidates at all levels and assisted in other party activities involving elections.

14. **Legal Career:** Answer each part separately.

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

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

I clerked for the Honorable James Moeller on the Arizona Supreme Court from August 1988 to August 1989.

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

I have not practiced alone.

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.

Chief Deputy / Special Assistant Attorney General
Attorney General's Office
State of Arizona
April 1999 – January 2003

Acting Assistant Attorney General for Legislative Affairs
United States Department of Justice
Washington, D.C. 20530
January 1999 – April 1999

Assistant United States Attorney
District of Arizona
United States Department of Justice
Phoenix, Arizona
May 1997 -- December 1999

Adjunct Professor of Law
Sandra Day O'Connor College of Law
Arizona State University
Tempe, Arizona
1998 and 2000

Special Counsel
Office of Legislative Affairs
United States Department of Justice

Washington, D.C.
1994 - 1995

Majority Counsel
Subcommittee on Patents, Copyrights and Trademarks
United States Senate Judiciary Committee
Washington, D.C.
October 1989 – May 1994

Law Clerk
Meyer, Hendricks, Victor, Osborn and Maledon
Phoenix, Arizona
June -- August 1987

Legal Intern
Subcommittee on Patents, Copyrights and Trademarks
United States Senate Judiciary Committee
Washington, D.C.
Spring Semester 1987

Legal Clerk
Arizona Department of Water Resources
Phoenix, Arizona
June – August 1986

- 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.

From 1989 through 1994, I served as a Majority Counsel for the United States Subcommittee on Patents, Copyrights and Trademarks of the Senate Judiciary Committee. In that position, I conducted legal and legislative research, drafted legislation, organized and staffed hearings, prepared the Chairman of the Subcommittee, the Honorable Dennis DeConcini of Arizona, for Subcommittee and Committee markups, Floor debates and votes, negotiated amendments with Senate staffers, interested parties and administration officials, drafted Committee reports, worked on Justice Department and judicial confirmations, including three Supreme Court Justices and became versed in constitutional, Federal criminal and civil, civil rights, Federal jurisdiction, antitrust and intellectual property law.

In 1994, I went to work for the United States Department of Justice in the Office of Legislative Affairs under Attorney General Janet Reno where I worked with all Divisions in the Department, specialized in appropriations and assisted in the implementation and administration of the 1994 Violent Crime Control and Law Enforcement Act, a public law I helped draft when I worked on the Senate Judiciary Committee.

From there, I was chosen to be a Senior Policy Analyst for the White House Domestic Policy Council for President Clinton focusing on crime, law enforcement and national drug control policy where I served for two years. In that capacity, I worked daily with the Department of Justice, the Department of Treasury, the Office of National Drug Control Policy and the White House Counsel's office.

From 1997 through 1999, I served as an Assistant United States Attorney in the District of Arizona where I prosecuted federal controlled substance cases, which involved supervising federal law enforcement investigations, determining charging decisions, presenting matters to grand juries, drafting and arguing motions and litigating cases to final verdict and sentencing including appeals.

In 1999, Attorney General Reno asked me to return to Main Justice to serve as the Acting Assistant Attorney General for Legislative Affairs where I oversaw the legislative office for the Department, advised and guided the Department and the Attorney General on legislative matters, oversaw Congressional hearing preparation for the Department representatives, communicated the Department's position on legislative matters to the Congress and negotiated legislation and oversight matters with Members of Congress and staff.

Later in 1999, I became a Special Counsel to Arizona Attorney General Janet Napolitano and was eventually promoted to Chief Deputy Attorney General where I oversaw the day-to-day operations of the Department, managed 900 employees, reviewed investigations, indictments and wiretaps and coordinated the activities of the criminal, civil, consumer protection and civil rights divisions of the Department. I served in that capacity until 2003 when I became the Chief of Staff to then Arizona Governor Janet Napolitano.

As Chief of Staff to Governor Janet Napolitano, I oversaw the operations and management of the Governor's office and a 40 Member Cabinet, including several agencies with law enforcement authority. From there, I was chosen to participate in the Obama/Biden Transition team, working specifically on Homeland Security matters and preparing Secretary Napolitano for her tenure at the United States Department of Homeland Security. I am currently a Special Advisor to the Secretary focusing on border security and law enforcement.

ii. your typical clients and the areas at each period of your legal career, if

any, in which you have specialized.

Since my entire legal career has been in public service, my only legal clients have been governmental entities, such as the United States Senate, Federal Departments and the State of Arizona, and the people of the United States and the State of Arizona.

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; 80%
2. state courts of record; 20%
3. other courts;
4. administrative agencies

ii. Indicate the percentage of your practice in:

1. civil proceedings; 5%
2. criminal proceedings. 95%

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.

From 1997 – 1999, I served as an Assistant United States Attorney for the District of Arizona where I appeared before Federal Magistrates and Judges on a regular basis. I argued numerous pretrial, trial and post-conviction motions during that service. Overall, I have tried four cases to verdict; three were jury trials. In two of those, I served as a co-counsel and one as sole counsel.

i. What percentage of these trials were:

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

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

I have not practiced before the Supreme Court of the United States.

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary

of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

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

1. United States v. Martinez, Mary Jane

United States District of Arizona

Judge Stephen McNamee

1997

Co-Counsel – James L. Burke

Quarles and Brady

One Renaissance Square

Two N. Central Ave

Phoenix, Az. 85004

(602) 230-5000

Counsel for the defendant – Gerald Williams

Federal Public Defender

850 W. Adams Street Suite 201

Phoenix, Az 85007

(602) 382-2749

The defendant in this matter orchestrated the sale of 1 pound of heroin in the metropolitan area of Phoenix to an undercover DEA agent. Defendant was sentenced to 8 years. I was co-counsel, was involved in the investigation and preparation of the case for trial, provided the opening argument and direct examination of several witnesses.

2. United States v. Rodriguez-Lopez, Jose Luis

97-CR-00273

United States District of Arizona

Judge Paul G. Rosenblatt

1998

Co-Counsel: Michael Shelby (deceased)

Counsel for the Defendant – David Park Olslund, Sr.

1750 W. Mulberry Drive

Chandler, Az 85248

(602) 899-8627

Defendant and two co-defendants were brokering a 3 pound methamphetamine deal. The two co-defendants pled on the eve of trial. After a several day trial before a jury, defendant was convicted of conspiracy and was sentenced to over 10 years. I was lead counsel on the case, conducted the grand jury phase, motion stage and discovery, the voir dire, presentation of the case to the jury, and the sentencing.

3. United States v. Rodriquez-Lopez, Jose Luis

98 - 10075

United States Court of Appeals for the Ninth Circuit
Judges Stephen R. Reinhardt, Phyllis A. Kravitch, Thomas G. Nelson
San Fransisco, CA.
1998

Counsel for the Defendant – Mark Lippman
8070 La Jolla Drive
La Jolla, CA. 92307
(619) 456-9228

Defendant appealed his conviction for conspiracy to distribute methamphetamine, contending that the search leading to the discovery of the controlled substance was illegal. After oral arguments, the three-judge panel affirmed the defendant's conviction.

4. United States v. Martinez-Sierra

United States v. Garcia-Salazar

98-CR-00109

United States District of Arizona
Judge Roslyn O. Silver
1998

Counsel for the Defendant – Tom Crowe
Crowe and Scott
1100 E. Washington St. Ste 200
Phoenix, Az. 85034
602-252-2570

Counsel for the Defendant – David G. Alvarez
Federal Public Defender's Office
407 W. Congress Street
Tucson, Az. 85701
520-620-7079

Defendants were arrested traveling into the United States with a large shipment of marijuana. After one defendant pled, the other proceeded to trial and was acquitted.

5. Citizens Clean Elections Commission v. VOTEPAC

Arizona Supreme Court

No CV-00-0054-SA

1999-2000

Co-Counsel – Scott Bales
Arizona Supreme Court
1501 W. Washington Rm 427
Phoenix, Az 85007
602-452-3534

Joseph Kanefield
Arizona Governor's Office
1700 W. Washington
Phoenix, Az 85007
602-542-1586

Timothy Hogan
Center for Law in the Public Interest
202 E. McDowell Suite 153
Phoenix, Az. 85004
602-258-8850

Opposing Counsel – Lisa T. Hauser
Gammage and Burnham
Two N. Central 18th Floor
Phoenix, Az 85004
602-256-4462

A registered Arizona Political Action Committee challenged the Arizona constitutionality of the Citizens Clean Election Act, the most significant campaign finance reform legislation in Arizona history. We represented the Citizens Clean Elections Commission as Assistant Attorneys General. I briefed and argued motions before the trial bench and assisted co-counsel in briefs and arguments before the Arizona Supreme Court. The Arizona Supreme Court upheld the constitutionality of the Act.

6. United States v. Guadalupe Figuerora

98-CR-00008

United States District of Arizona

Judge Paul G. Rosenblatt

October 1998

Opposing Counsel -- Elisa Ann Castro
3600 Lime Street

Riverside, California 92501
(909) 369-7808

Defendant was transporting cocaine in Arizona. I was sole counsel, led the investigation, grand jury phase, discovery and motion practice. Defendant pled before trial to 41 months followed by a term of 4 years of supervised release to counts of conspiracy and possession to distribute cocaine.

7. United States v. Luis Carlos Perez
97-CR-00423
United States District of Arizona
Judge Paul G. Rosenblatt
April 1998

Opposing Counsel -- Gabriel Valdez, Jr.
337 N. 4th Avenue
Phoenix, Az. 85003
602-254-2010

Defendant was indicted for conspiracy and possession with intent to distribute methamphetamine. I was sole counsel and oversaw the investigation, presented to the grand jury, conducted the motion practice and preparation for trial. Defendant pled to 57 months and was placed on supervised release for 5 years.

8. State of Arizona v. R.J. Reynolds
Maricopa County Superior Court
CV 96-14769
Judge Edward Burke
2000

Co-Counsel-- Thomas P. Prose
1647 E. Montebello
Phoenix, Az 85016
602-264-9813

Hugh Hegyi
Maricopa County Superior Court
201 W. Jefferson Suite 6-A
Phoenix, Az 85003-2205
602-506-3963

Paul Bullis
United States Attorney's Office
Phoenix, Az
602-514-7500

Opposing Counsel -- Guy M. Blynn
Vice-President and Deputy General Counsel
P.O. Box 2959
Winston-Salem, North Carolina 27102

The Arizona Attorney General's office, on behalf of the State of Arizona, applied for an enforcement order to prevent R.J. Reynolds Tobacco Company from continuing to violate the Consent Decree and Final Judgment that emanated from the Master Settlement Agreement between the States and major tobacco companies in the 1990s. We contended that R.J. Reynolds was conducting a program to distribute free cigarettes through the mail to Arizona residents. After negotiations both in Chicago and Phoenix that I actively participated in, Reynolds agreed to discontinue the program.

9. United States v. Jose Busarelo-Manriquez
United States v. Alvaro Bourgos-Sanchez
United States v. Samuel Aguilar-Dias
United States v. Juan Solis-Ruiz
98-CR-00492
United States District of Arizona
Judge Roger Strand
1998

Opposing Counsel -- Gregory A. Bartolomei
Federal Public Defender
850 W. Adams Street Suite 201
Phoenix, Az 85007
602-382-2700

Baltazar J. Iniquez
3106 N. 16th Street
Phoenix, Az 85016
602-285-5688

Mark J. Berardoni
45 W. Jefferson Suite 810
Phoenix, Az 85003
602-257-1295

Marshall Tandy
(disbarred and convicted)

Defendants were members of a marijuana trafficking organization out of Yuma, Arizona. All 4 were indicted for trafficking in marijuana. They eventually pled to sentences ranging from 18 to 40 months. I was the initial lead attorney and oversaw the investigation, indictment and motion practice of the case.

10. United States v. Joseph Ortiz Grey Eagle
98-CR-00110
United States District of Arizona
Judge Earl Carroll
1998

Opposing Counsel --- David G. Alvarez
Federal Public Defender's Office
407 W. Congress Street

Tucson, Az 85701
520-879-7500

Defendant was trafficking in marijuana. I was the lead attorney, oversaw the investigation and the trial preparation. The defendant ended up pleading to a 36 month sentence.

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.)

- 1) As Chief Deputy Arizona Attorney General, I was instrumentally involved in the investigation and prosecution of an ecstasy trafficking ring in Scottsdale, Arizona that was orchestrated by Salvatore "Sammy the Bull" Gravano. I assisted in the oversight of the complex wiretap investigation and was the main contact in negotiations with the Federal government regarding Gravano's former status with the Federal Witness Protection Program and as a government witness.
- 2) As the Chief Deputy in the Arizona Attorney General's office I was integrally involved in an enforcement matter that the State of Arizona brought against R.J. Reynolds Tobacco company from continuing to violate the Master Settlement Agreement that was enforced in Arizona through a consent decree. Our action accused Reynolds of violating the agreement through its program of distribution of free cigarettes through the mail to Arizona residents. Our investigation began after I was approached by an expert in the substance abuse field who was receiving the samples at his home through the mail. The matter involved lengthy negotiations and filings before Reynolds changed their practice.
- 3) As the Chief Deputy Arizona Attorney General, our office was approached by

supervisors of law enforcement task forces who were investigating meth lab operations in residential settings, arresting the perpetrators but discovering children in the homes and having no systematic, effective way of providing for them. After a series of meetings hosted by our office between law enforcement, health care providers and child protective services, we developed protocols and teams to respond to these situations in the future. The operation proved to be very effective and has served as a model for other States.

- 4) As a Majority Counsel for the United States Senate Judiciary Committee, I worked on the confirmations of three Supreme Court Justices -- David Souter, Clarence Thomas and Ruth Bader Ginsburg. The work included extensive research into the qualifications, legal background and writings of the nominees as well as hearing preparation, which involved the review of voluminous documents and the testimony of witnesses.
 - 5) In 1994, working on the Senate Judiciary Committee, I was involved in the drafting of the Violent Crime Control and Law Enforcement Act of 1994. From there I went to work at the United States Department of Justice, where I was involved in the implementation of that Act.
 - 6) As a Majority Counsel for the United States Senate Judiciary Committee, I worked extensively on intellectual property law, specifically patent law. I staffed the Subcommittee on Patents, Copyrights and Trademarks as it conducted oversight on the United States Patent and Trademark Office and drafted legislation that amended the Patent Code to provide additional protection to biotechnology process patents.
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.

I taught a course entitled "Legislation" at the Arizona State University College of Law in Tempe, Arizona for the Fall Semester 2000. I taught the same course in 1998 entitled "Legislative Process."

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 and an Arizona State Retirement System plan, which are listed on my Net Worth Statement, and from two residential rental properties in Phoenix, Arizona (approximately \$10,600 annually).

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

None.

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

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).

Financial Disclosure report is attached.

22. **Potential Conflicts of Interest:**

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

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

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

In the event of a potential conflict of interest, I will consult with the ethics officials for the Executive Office for the United States Attorneys, Department of Justice.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these

responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Over the years, I have served as a board member on non-profit organizations, such as Goodwill industries, and have actively participated through my position in the Governor's office presenting to charitable organizations and organizing and contributing to food and school supply drives every year.

AFFIDAVIT

I, DENNIS K. BURKE, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

6/22/09

(DATE)

Dennis K. Burke

(NAME)

Norma A. Hernandez

(NOTARY)

