

40 North Central Avenue, 12th Floor  
Phoenix, Arizona 85004  
January 6, 2014

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire that I previously filed in connection with my nomination on September 19, 2013, to be a United States District Court Judge for the District of Arizona. I certify that the information contained in that document is and remains, to the best of my knowledge, true and accurate.

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,



John J. Tuchi

Cc: The Honorable Charles Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

John Joseph Tuchi

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

United States District Court Judge 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.

United States Attorney's Office for the District of Arizona  
40 North Central Avenue, 12th Floor  
Phoenix, Arizona 85004

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

1964; Colver, Pennsylvania

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.

1991 – 1994, Sandra Day O'Connor College of Law, Arizona State University;  
J.D. (*magna cum laude*), 1994

1987 – 1989, Eller College of Business and Public Administration, University of Arizona;  
M.S., 1989

1982 – 1987, West Virginia University College of Engineering; B.S., 1987

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.

1998 – present

United States Attorney's Office for the District of Arizona  
40 North Central Avenue, 12th Floor  
Phoenix, Arizona 85004

United States Attorney (for the interim period between presidential appointees) (2009)

Chief Assistant United States Attorney (2012 – present)

Senior Litigation Counsel (2009 – 2012)

Tribal Liaison (2009 – 2012)

Criminal Chief (2006 – 2009)

Deputy Appellate Chief (2005 – 2006)

Assistant United States Attorney (1998 – 2009, 2010 – present)

2001 – 2007

Sandra Day O'Connor College of Law, Arizona State University  
Post Office Box 877906  
Tempe, Arizona 85287  
Adjunct Faculty Member

1995 – 1998, Summer 1993

Brown & Bain, P.A. (now Perkins Coie LLP)

2901 North Central Avenue, Suite 2000

Phoenix, Arizona 85012

Associate (1995 – 1998)

Summer Associate (Summer 1993)

1994 – 1995

United States Court of Appeals for the Ninth Circuit

Sandra Day O'Connor United States Courthouse

401 West Washington Street

Phoenix, Arizona 85003

Law Clerk to the Honorable William C. Canby, Jr.

1992

Warner Angle Roper & Hallam PC (now Warner Angle Hallam Jackson & Formanek PLC)

2555 East Camelback Road, Suite 800

Phoenix, Arizona 85016

Summer Law Clerk

1989 – 1991

Arthur Andersen Consulting PA (now Accenture)

3200 East Camelback Road, Suite 245

Phoenix, Arizona 85018

Senior Consultant (1991)

Staff Consultant (1989 – 1990)

1987 – 1989

Hughes Aircraft Company, Missile Systems Division (now Raytheon Corporation)  
1151 East Hermans Road  
Tucson, Arizona 85756  
Project Engineer

Other Affiliations (uncompensated unless otherwise indicated):

2011 – present

Grand Canyon Council of Boy Scouts of America, Boy Scout Troop 401  
2969 North Greenfield Road  
Phoenix, Arizona 85016  
Assistant Scoutmaster (2011 – present)  
Eagle Scout Advisor (2012 – present)

1999 – present

Nueve Ltd. (compensated)  
Reeder & Shuman  
256 North High Street  
P.O. Box 842  
Morgantown, West Virginia 26507  
5.5% Shareholder

2006 – 2010

Grand Canyon Council of Boy Scouts of America, Cub Scout Troop 107  
2969 North Greenfield Road  
Phoenix, Arizona 85016  
Leadership Committee (2006 – 2010)  
Cubmaster (2007 – 2010)

2001 – 2008

Saint Thomas More Society  
c/o Roman Catholic Diocese of Phoenix  
400 East Monroe Street  
Phoenix, Arizona 85004  
Director (2001 – 2008)  
Red Mass Chair (2005)

1995 – 1999

Arizona State University College of Law Alumni Association  
Post Office Box 877906  
Tempe, Arizona 85287  
Director (1995 – 1999)  
Board Chairman (1996 – 1998)

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 any branch of the United States Military. I did timely register for the 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.

Inter-Tribal Council of Arizona, Indian Country Intelligence Network, Exceptional Service Award (2011)

United States Department of Education, Office of Inspector General, Award of Special Appreciation (2011)

United States Department of Justice, Executive Office for United States Attorneys, Director's Award for Outstanding Performance in Indian Country (2010)

United States Postal Inspection Service, Exceptional Performance Award (2010)

United States Department of Agriculture, Office of Inspector General, Special Commendation (2008)

Arizona State University College of Law, Armstrong Award Winner, elected by the faculty as the Outstanding Graduate of the Class of 1994 (1994)

Arizona State Law Journal, Editor-in-Chief (1993 – 1994)

Arizona State University College of Law, Sandra Day O'Connor Award Winner for Outstanding Student in Constitutional Law Courses (1994)

Arizona State University College of Law, Order of the Coif (1994)

Arizona State University College of Law, AmJur Book Awards for Highest Grades in Constitutional Law I, Constitutional Law II, Federal Jurisdiction and Business Associations II Courses (1992 – 1994)

University of Arizona Eller College of Business and Public Administration, Howard Hughes Graduate Fellowship Award (1987 – 1989)

West Virginia University College of Engineering, Department of Industrial Engineering, Robert D. Fowler Award for the Outstanding Senior Engineering Design Project (1987)

West Virginia University, Honors Program Scholar (1982 – 1986)

West Virginia University, National Merit Scholarship (1982 – 1986)

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.

Arizona State, Tribal and Federal Court Forum (2010 – 2013)

Horace Rumpole American Inn of Court (1994 – 1998)

Los Abogados Hispanic Bar Association (2005 – present)

State Bar of Arizona Attorney Fee Arbitration Committee (1996 – 2006)

State Bar of Arizona Professionalism Committee (2001 – 2002)

Supreme Court of Arizona Attorney Regulation Advisory Committee (2011 – present)  
Chair of Admissions Subcommittee (2011 – present)

Supreme Court of Arizona Committee on Character and Fitness (2006 – present)  
Chair (2011 – present)

Supreme Court of Arizona Commission on Trial Court Appointments for Maricopa County  
(1999 – 2006)

United States District Court Local Rules Committee (2005 – present)  
Chair of Criminal Rules Subcommittee (2008 – 2010)

United States Court of Appeals for the Ninth Circuit Committee on Jury Trial  
Improvement (2010 – 2013)

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.

Arizona, 1994

There has never been a lapse in my 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.

Supreme Court of Arizona, 1994  
United States District Court for the District of Arizona, 1995  
United States Court of Appeals for the Ninth Circuit, 1995

There have been no lapses in my 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.

Arizona State University Law Society (1995 – 1997, 1998 – 2009)

Grand Canyon Council of Boy Scouts of America, Boy Scout Troop 401 (2010 – present)

Parent Committee (2010 – present)

Assistant Scoutmaster (2011 – present)

Eagle Scout Advisor (2012 – present)

Grand Canyon Council of Boy Scouts of America, Cub Scout Pack 107 (2006 – 2010)

Leadership Committee (2006 – 2010)

Cubmaster (2007 – 2010)

Madison Futbol League (2008 – 2009)

Co-educational team soccer coach

Nueve Ltd. (1999 – present)

5.5% Shareholder

Phoenix Country Club (2009 – present)

Saint Francis Xavier Athletic Association (2005 – 2010)

Boys' and girls' soccer coach (2005 – 2010)

Girls' softball coach (2011 – present)

Saint Thomas More Society (2001 – 2008)

Director (2001 – 2008)

Red Mass Chair (2005)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. 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 understand that before my wife and I joined the Phoenix Country Club, it previously had maintained policies prohibiting women from using the golf course or an area of the clubhouse called "the Men's Grill" during certain days or hours of business. To my knowledge, none of the other organizations listed above currently discriminates 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.

**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.

*Creditors Take Heed: The Interpretation of Arizona's Community Property Management and Control Statute and its Effect on Partnership Debts*, 25 Ariz. St. L. J. 695 (1993). Copy supplied.

- 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.

*Tribal Justice News—In Focus: District of Arizona*, United States Department of Justice, February 15, 2013. Copy supplied.

Supreme Court of Arizona Attorney Regulation Advisory Committee Annual Report for 2013. Copy supplied.

Supreme Court of Arizona Attorney Regulation Advisory Committee Annual Report for 2012. Copy supplied.



United States District Court for the District of Arizona Local Rules Committee Annual Reports of Recommendations on proposed rule amendments for 2005 through 2012. Copies supplied.

*2011 Arizona Indian Country Report*, United States Attorney's Office for the District of Arizona, March 2012. Copy supplied.

- 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.

From 2011 to the present, I have served on the Arizona Supreme Court's Attorney Regulation Advisory Committee. At those committee meetings, I have made statements relating to public policy on the issues of attorney admission and regulation in Arizona. The minutes for the following meetings at which I provided statements are:

April 11, 2013, Meeting. Minutes supplied.

January 10, 2013, Meeting. Minutes supplied.

November 1, 2012, Meeting. Minutes supplied.

October 3, 2012, Meeting. Minutes supplied.

September 7, 2012, Meeting. Minutes supplied.

April 19, 2012, Meeting. Minutes supplied.

March 19, 2012, Meeting. Minutes supplied.

December 12, 2011, Meeting. Minutes supplied.

October 7, 2011, Meeting. Minutes supplied.

June 29, 2011, Meeting. Minutes supplied.

September 24, 2012: Official statement to the Navajo Nation Council, Law and Order Committee, regarding a proposed criminal detainer system for defendants in Navajo custody who also have committed federal offenses. I have no notes, transcript or recording, but press coverage is supplied.

May 1, 2012: Letter to Chief Justice of Supreme Court of Arizona in my capacity as Chair of Character and Fitness Committee opposing rule changes to create a new class of admittee to the State Bar of Arizona. Copy supplied.

January 10, 2012: Petition to the Supreme Court of Arizona for a change to multiple Supreme Court rules affecting the conduct of written examinations and character and fitness determinations for bar applicants. Copy supplied.

From April 2010 to December 2012, I represented the United States Attorney's Office on the Arizona State, Tribal and Federal Court Forum, and advised the membership of relevant United States Attorney policy affecting Indian Country at quarterly meetings. Although I do not have personal copies of any minutes and the meetings were not public, in searching the Internet, I have discovered that the Arizona Court website published them. The minutes for the following forum meetings at which I provided policy statements are:

September 7, 2012, Meeting. Minutes supplied.

April 22, 2011, Meeting. Minutes supplied.

January 28, 2011, Meeting. Minutes supplied.

October 1, 2010, Meeting. Minutes supplied.

April 16, 2010, Meeting. Minutes supplied.

April 2, 2009: presentation to the Attorney General of Mexico, at the United States-Mexico Bi-National Conference on Firearms Trafficking, regarding evidentiary requirements in United States Courts to prove straw purchasing of firearms. Outline and memorandum on which presentation was based supplied.

February 22, 2000: testimony before Arizona State Senate Judiciary Committee during a hearing on my confirmation as a member of the Arizona Supreme Court Commission on Judicial Nominations. Minutes supplied.

- 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.

June 21, 2013: Panel Presenter, Tribal Law and Order Act and Violence Against Women Act Reauthorization, State Bar of Arizona Annual Convention, Arizona Biltmore, Phoenix, Arizona. I discussed the features and operation of both new laws in Indian Country. I have no notes, transcript or recording. The address for

the State Bar of Arizona is 4201 North 24th Street, Suite 100, Phoenix, Arizona 85016.

November 9, 2012: Speaker, United States Attorney Initiatives in Indian Country, Native American Family Preservation Coalition Annual Conference, Mesa, Arizona. I discussed Indian-Country-specific outreach and public safety initiatives in which the United States Attorney's office was engaged. I have no notes, transcript or recording. The Native American Family Preservation Coalition has no physical address

October 19, 2012: Presenter, Building Effective Partnerships with the United States Attorney's Office: the Arizona Example, Phoenix, Arizona (via Department of Justice Community Oriented Policing Services (COPS) Program webinar series). Video available at: <http://www.youtube.com/watch?v=uUpTmPk0CNw>.

August 17, 2012: Lecturer, Avoiding Prosecutorial Misconduct, Arizona Tribal Prosecutors' Association, Scottsdale, Arizona. I presented the current Ninth Circuit law on commonly reviewed prosecutorial misconduct. I have no notes, transcript or recording. The address for the Arizona Tribal Prosecutors' Association is 10005 East Osborn Road, Scottsdale, Arizona 85256, Attention of President Alane Breland.

August 2, 2012: Speaker, District of Arizona Public Safety Initiatives with Tribal Leadership, United States Attorney's Annual Tribal Leadership Consultation, Talking Stick Conference Center, Salt River Pima-Maricopa Indian Community, Arizona. PowerPoint supplied.

April 19, 2012: Panel Member, Identifying the Client and Conflicts for Government Lawyers, State Bar of Arizona CLE, Phoenix, Arizona. Video available for purchase at: <http://www.legalspan.com/azbar/catalog.asp?UGUID=T20121125125419QCBHDJZ9J18&ItemID=20120517-314499-152708>.

April 4-6, 2012: Instructor, Criminal Jurisdiction in Indian Country, Bureau of Indian Affairs Special Law Enforcement Commission Training, Hopland, California. PowerPoint supplied.

March 19-21, 2012: Instructor, Criminal Jurisdiction in Indian Country, Bureau of Indian Affairs Special Law Enforcement Commission Training, Catoosa, Oklahoma. I instructed tribal police officers seeking their federal commissions on the law of federal criminal jurisdiction in Indian Country and federal criminal procedure. I used the same PowerPoint in the April 4-6, 2012 events

March 7, 2012: Lecturer, Tribal Law and Order Act and Federal Prosecution of Violent Crime in Indian Country, Rogers College of Law, University of Arizona, Tucson, Arizona. Video available at: <http://mediasite.law.arizona.edu/mediasite/Viewer/?peid=063edd8f76fc447b86c7ba0a8bf6e6ca1d>.

October 17, 2011: Panel Presenter, Diversity in Merit Selection of Judges, State Bar of Arizona CLE, Phoenix, Arizona. Video supplied.

July 19, 2011: Lecturer, Federal Agent Criminal Discovery and Case Management, Inspector General of the United States Department of Education and her Inspector Corps, Washington, D.C. PowerPoint supplied.

April 21, 2011: Panel Presenter, Tribal Law and Order Act, Federal Bar Association, Sandra Day O'Connor Federal Courts Building, Phoenix, Arizona. I discussed the features and operation of the new law in Indian Country. I have no notes, transcript or recording. The address for the Federal Bar Association's Phoenix Chapter is 40 North Central Avenue, 12th Floor, Phoenix, Arizona 85004, attention Christina Wu Covault.

April 7, 2011: Presenter, Federal Treatment of Arizona's Medical Marijuana Statutory Scheme, Arizona Governor's Office of Health, Phoenix, Arizona. I presented on the United States Attorney's continued enforcement of the federal Controlled Substances Act in Indian Country after the State of Arizona enacted its medical marijuana statute. I have no notes, transcript or recording, but an agency summary is supplied. The address for the Arizona Governor's Office of Health is 1700 West Washington Street, Phoenix, Arizona 85007.

January 7, 2011: Presenter, the Tribal Law and Order Act, Inter-Tribal Council of Arizona, Phoenix, Arizona. PowerPoint supplied.

August 6, 2010: Presenter, Criminal Jurisdiction in Indian Country, Arizona Tribal Prosecutors' Association, United States Attorney's Office in Flagstaff, Arizona. PowerPoint supplied.

January 21, 2010: Panel Presenter, Annual Update of White Collar Criminal Issues, State Bar of Arizona CLE, Phoenix, Arizona. Video supplied.

December 10, 2009: Keynote Speaker, San Carlos Apache Tribal Police Department Annual Awards Dinner, Apache Gold Conference Center, San Carlos, Arizona. I discussed the challenges of policing large rural areas and United States Attorney initiatives to assist tribal police facing those challenges. I have no notes, transcript or recording. The address for the San Carlos Apache Tribal Police is Post Office Box 1360, San Carlos, Arizona 85550, attention Chief Alejandro Benally.

September 15, 2009: Speaker, United States Attorney's Four Corners Indian Country Conference on Law Enforcement, High Country Conference Center, Flagstaff, Arizona. Attendees included tribal law enforcement and victim services professionals. Outline and media coverage are supplied.

August 13, 2009: Speaker, Community Conference on Illegality of Straw Purchases of Firearms, Tucson Hilton East, Tucson, Arizona. Outline and media coverage are supplied.

April 11, 2008: Lecturer, Professional Responsibility and the Law of Lawyering, Arizona State University Sandra Day O'Connor College of Law, Tempe, Arizona. Outline supplied and video available at: <http://www.law.asu.edu/currentstudents/CurrentStudents/BarInformation/BarPrepVideos08.aspx>.

June 20, 2007: Lecturer, Federal Criminal Procedure for Tribal Law Enforcement Officers, United States Attorney's Office, Phoenix, Arizona. I discussed the life cycle of a federal criminal case and the procedural protections afforded to defendants as set forth in the Federal Rules of Criminal Procedure and related law. I used the same PowerPoint in the April 4-6, 2012 events.

June 15, 2006: Panel Presenter, Merit Selection of Judges, State Bar of Arizona Annual Convention, Arizona Biltmore, Phoenix, Arizona. I discussed my experience on one of the state judicial selection commissions in applying Arizona's laws on merit selection. I have no notes, transcript or recording. The address for the State Bar of Arizona is 4201 North 24th Street, Suite 100, Phoenix, Arizona 85016.

April 21, 2006: Lecturer, Legal Ethics and Professionalism, State Bar of Arizona CLE Program, Phoenix, Arizona. I discussed the Arizona Rules of Professional Responsibility and the State Bar of Arizona's Professionalism requirements. I have no notes, transcript or recording. The address for the State Bar of Arizona is 4201 North 24th Street, Suite 100, Phoenix, Arizona 85016.

November 2001 – February 2002: Panelist, Criminal Sentencing Workshop, Arizona State University College of Law, Tempe, Arizona. I discussed deterrent, retributive, restorative and rehabilitative aspects of criminal sentencing decisions at monthly conference meetings. I have no notes, transcripts or recordings. The address for the College of Law is P.O. Box 877906, Tempe, Arizona 85287.

- 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.

Mihio Manus, *U.S. Attorney Visits Hopi Tribal Council to Foster Continuing Relationship*, The Hopi Tutuveni, Feb. 5, 2013. Copy supplied.

Maryann Batlle, *Hopi Criminal Code Overhaul Could "Open the Door" to Lower Crime, Fewer Social Ills*, Cronkite News Services, Sept. 7, 2012. Copy supplied (reprinted in multiple outlets under different titles).

Felicia Fonseca, *Ariz. Tribe Boosts Jail Time for Reservation Crime*, The Associated Press, Sept. 5, 2012. Copy supplied (reprinted in multiple outlets).

*Hopi Encouraged by Federal Vow to Combat Crime in Indian Country*, Navajo-Hopi Observer, Jan. 28, 2010. Copy supplied.

Mike Sunnucks, *Border Crimes Distract Prosecutors from White Collar Fraud*, Business Journal (Phoenix), Oct. 15, 2009. Copy supplied.

Paul Elias, *High Court's Calif. Pot Ruling Also Outlaws Homemade Machine Guns*, Associated Press, Jul. 1, 2006. Copy supplied.

Amanda Lee Myers, *Businessman Appeals Fraud Conviction*, Scottsdale Tribune, Dec. 20, 2005. Copy supplied.

Dennis Wagner, *Man Convicted of Fraud in Biotech Scam; Investors Taken for \$2.5 Million, Prosecutor Says*, Arizona Republic, Oct. 8, 2003. Copy supplied.

*U.S. Alleges Home Mailing Plan is Fraud*, Organized Crime Digest, Nov. 1, 2002. Copy supplied.

Press Releases:

From November 2011 to the present, I have served as Chair of the Supreme Court of Arizona's Committee on Character and Fitness. During that tenure the Court periodically issued press releases in my name, although I did not personally prepare the releases:

Press release, *Results of the July 2013 Uniform Bar Examination*, Supreme Court of Arizona's Committee on Character and Fitness, October 11, 2013. Copy supplied.

Press release, *Results of the July 2012 Uniform Bar Examination*, Supreme Court of Arizona's Committee on Character and Fitness, October 12, 2012. Copy supplied.

Press release, *Results of the February 2012 Uniform Bar Examination*, Supreme Court of Arizona's Committee on Character and Fitness, May 11, 2012. Copy supplied.

Press release, *Charges Announced in 1973 Murder of Tucson Woman*, United States Attorney's Office for the District of Arizona, Aug. 28, 2009. Copy supplied.

Press release, *Mexican Citizen Sentenced to 22 Years for His Role in a Violent Peoria, Arizona Drop House*, United States Attorney's Office for the District of Arizona, Aug. 19, 2009. Copy supplied.

Press release, *ATF, U.S. Attorney, Arizona Attorney General and Firearms Industry Join Forces to Stop Illegal Purchases of Firearms in Tucson*, United States Attorney's Office for the District of Arizona, Aug. 13, 2009. Copy supplied.

Press release, *Four Sentenced for Conspiracy and Money Laundering as Part of Large scale Marijuana Trafficking Organization*, U.S. Justice Department Drug Enforcement Administration Phoenix Field Office, Aug. 12, 2009. Copy supplied.

Press release, *Arizona Man Sentenced to Five Years in Prison for Receipt of Child Pornography*, United States Department of Justice and United States Attorney's Office for the District of Arizona, August 12, 2009. Copy supplied.

Press Conferences:

August 13, 2009: Press conference announcing the "Don't Lie for the Other Guy" Campaign in Tucson, Arizona. No transcript or recording of the event exists. Related press release supplied above.

October 30, 2007: Press conference announcing the results of Hurricane Katrina Assistance Fraud sweep. Press coverage supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held any judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_

- i. Of these, approximately what percent were:

jury trials:	____%
bench trials:	____% [total 100%]
civil proceedings:	____%
criminal proceedings:	____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
  - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
  - e. Provide a list of all cases in which certiorari was requested or granted.
  - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
  - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held any judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;



- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

**15. 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.

In 1999 Arizona Governor Jane Dee Hull appointed me to serve as Commissioner on the Supreme Court of Arizona Merit Selection Commission for Trial Court Appointments in Maricopa County. I served from December 1999 to February 2006.

I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have never held office in or rendered services, whether compensated or not, to any political party or election committee. I have never held a position or played a role in a political campaign.

**16. 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;  
  
From 1994 to 1995, I served as a law clerk to the Honorable William C. Canby, Jr., Circuit Judge of the United States Court of Appeals for the Ninth Circuit.
  - ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced law 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.

1995 – 1998

Brown & Bain, P.A. (now Perkins Coie LLP)  
2901 North Central Avenue, Suite 2000  
Phoenix, Arizona 85012  
Associate (1995 – 1998)

1998 – present

United States Attorney's Office for the District of Arizona  
40 North Central Avenue, 12th Floor  
Phoenix, Arizona 85004  
United States Attorney (for the interim period between presidential appointees) (2009)  
Chief Assistant United States Attorney (2012 – present)  
Senior Litigation Counsel (2009 – 2012)  
Tribal Liaison (2009 – 2012)  
Criminal Chief (2006 – 2009)  
Deputy Appellate Chief (2005 – 2006)  
Assistant United States Attorney (1998 – 2009, 2010 – present)

- 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 not served as a mediator or arbitrator in alternative dispute resolutions.

b. Describe:

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

From 1995 to 1998, as a private civil attorney in a large firm, I practiced in intellectual property litigation, complex commercial litigation and appellate law. I also focused on government and election law. During my time in private civil practice I tried matters to a jury, the bench and an arbitrator, both as sole counsel and as co-counsel.

From 1998 until 2001, as a new prosecutor, I handled immigration, firearms and drug trafficking cases involving the litigation of Title III electronic surveillance, the use of cooperating defendants, professional confidential informants and expert testimony on the modus operandi of

drug trafficking organizations. Trial matters ranged from single-defendant drug courier cases to organizational conspiracy charges.

From 2001 through 2005, I prosecuted in the office's White Collar Bureau, specializing in complex investment fraud and computer crime, investigating several offenses with an overseas nexus. I developed experience obtaining evidence and testimony in foreign jurisdictions, and became the District's Mutual Legal Assistance Treaty (MLAT) Coordinator, as well as our Computer and Telecommunications Crime Coordinator. In these capacities I advised all AUSAs on law, policy, methods and protocol for obtaining electronic evidence and evidence from foreign jurisdictions. My trial experience in this assignment ranged from low-level federal employee corruption cases that took a few days to try to bankruptcy fraud and offshore investment fraud matters that lasted several weeks to more than a month.

From mid-2005 through 2006, I served as the Appellate Deputy Chief, supervising the Phoenix Appellate Section and editing the appellate work product of all line AUSAs in the Civil and Criminal Divisions for the Phoenix, Yuma and Flagstaff offices. I also wrote appellate briefs and handled oral arguments before the Ninth Circuit. During this time I became the District's Professional Responsibility Officer, responsible for training all AUSAs on their ethical obligations and advising them on issues as they arose.

From late 2006 to 2009, I was Chief of the Criminal Division, responsible for the supervision of every AUSA in the Criminal Division and every criminal case filed in the Phoenix, Flagstaff and Yuma offices. I developed standards of practice, ran our attorney training program, drafted district policies and procedures consistent with broad Department-wide procedures, reviewed and approved all charging and non-guideline plea decisions, and staffed cases. For six months of this time in late 2008 and early 2009, I also served as Acting First Assistant United States Attorney, supervising all aspects of the office's operations and personnel issues in all our locations. I did not maintain a caseload during this time.

On July 31, 2009, I was appointed by the Attorney General to serve as United States Attorney for the interim period between presidential appointees. I managed and represented the District in that capacity until the Senate confirmation of the President's nominee for United States Attorney in mid-September 2009.

From November 2009 through December 2012, I served as Senior Litigation Counsel and Tribal Liaison for the District. As Senior Litigation Counsel, I was responsible for the development of all

District-wide Criminal Division policies, and the training of all AUSAs on those policies, including the Department's and the District's new criminal discovery and disclosure policies. I also was tasked with training every federal agent in the district who might act as case agent or witness in federal cases on the government's disclosure obligations under the law and Department policy. As Tribal Liaison I formulated and delivered programs to improve the success of criminal investigations and prosecutions in Indian Country. I trained tribal and federal law enforcement on substantive law, procedure, evidentiary requirements and investigative practices that would meet federal prosecution standards, and I evaluated and revised federal practices that limited our effectiveness. I also was responsible for developing and maintaining working relationships with the elected leaders, police chiefs, judges and prosecutors of the 22 tribes in Arizona.

In January 2013 I became Chief Assistant United States Attorney, where I presently manage the civil and criminal personnel and operations in our Phoenix, Flagstaff and Yuma offices and represent the United States Attorney in dealings with our partner agencies, the federal judges and the public. I continue to serve as the Professional Responsibility Officer for all Assistant United States Attorneys in the District and in that capacity I provide legal ethics advice and counseling on a daily basis.

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

From 1995 to 1998, my typical clients included large technology firms and smaller entrepreneurs and I specialized in patent and commercial litigation, as well as some securities transactional law. The firm also assigned me work on election law matters for individual and organizational clients.

Since 1998, my client has been the United States Government and the people it serves. During that time, I have specialized in the substantive criminal law areas of fraud and computer crime, in federal Indian law, in professional responsibility and the law of lawyering, and in criminal discovery.

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

From 1995 through early 2007, almost one hundred percent of my practice was in litigation, and I would appear daily in magistrate court and district court from the time I joined the United States Attorney's Office in 1998 until I began managing the office's Appellate Section. Since 2007 my court appearances have been less

frequent, as I have spent the great majority of my time managing office operations or training and mentoring other prosecutors.

i. Indicate the percentage of your practice in:

1. federal courts: 95%
2. state courts of record: 5%
3. other courts: 0%
4. administrative agencies: 0%

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.

I have tried approximately twelve matters to conclusion. I was associate counsel on two of those matters and chief counsel or sole counsel on the remainder.

i. What percentage of these trials were:

1. jury: 92%
2. non-jury: 8%

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.

17. **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. Taylor*, Docket Number 04-CR-00809-PHX-NVW (District of Arizona 2004 – 2008), Honorable Neil V. Wake presiding; 2007 WL 2087149 (9th Cir. July 19, 2007).

This case involved a bankruptcy fraud scheme by a businessman. Defendant repeatedly filed for Chapter 7 protection to discharge his debts and those of his sole proprietorship, repeatedly altering the name under which he filed and never acknowledging his prior petitions. Defendant also concealed several hundred thousand dollars in assets from creditors and the bankruptcy court. I represented the United States in this matter, substituting on along with co-counsel in early 2005. Co-counsel and I prepared and tried the matter to a jury during the first two weeks of May 2005, after which defendant was found guilty of nine counts of bankruptcy fraud. I briefed the appeal, after which the Circuit Court affirmed six counts of conviction and reversed on three counts, under Ninth Circuit Docket Number CA 05-10822. I remained on the case until finality in 2008.

Defendant was represented at trial by Cameron A. Morgan, 4295 North 75th Street, Scottsdale, AZ 85251; (480) 990-9507.

My co-counsel on this matter was Assistant United States Attorney John R. Lopez, 40 North Central Avenue, 12th Floor, Phoenix, AZ 85004; (602) 514-7528.

2. *United States v. Hankins*, 04-CR-00372-PHX-SRB (District of Arizona 2004 – 2006), Honorable Susan R. Bolton presiding.

This case involved the theft and subsequent sale of over one million rounds of ammunition by associates of a nationwide criminal gang. I charged the defendant with possessing stolen ammunition in April 2004, and prepared and tried the case to a jury over three days in January 2005 with co-counsel. After the jury deadlocked and the key cooperating witness passed away, the defendant entered a felony plea to being a drug addict in possession of firearms and ammunition. I represented the United States in this matter from 2004 to October 2006.

Defendant was represented at trial by Michael V. Black, 3219 East Camelback Road, Suite 446, Phoenix, AZ 85018; (602) 265-7200.

My co-counsel at trial was Assistant United States Attorney William C. Solomon, 40 North Central Avenue, 12th Floor, Phoenix, AZ 85004; (602) 514-7547.

3. *United States v. Rainey*, 04-CR-00227-PHX-NVW (District of Arizona 2004 – 2005), Honorable Neil V. Wake presiding.

This matter involved the theft from a secured United States Department of Interior facility of sensitive electronic equipment that was on loan from the Department of Defense and whose loss raised national security implications. Within a day of learning of the theft, federal agents had identified one of the unique stolen

components being offered for sale on eBay. I came into the matter with the task of tracking the stolen equipment from an eBay listing to a physical location as fast as possible. Within 18 hours, through a combination of court orders for electronically stored records and working with counsel for internet service providers, the investigation traced the item from a fictitious eBay seller account to a fictitious Hotmail account to a concrete Cox Communications internet service subscriber to a residential address. I then obtained a search warrant for the house, where all of the stolen sensitive items were recovered. Defendant was charged with theft of government property and conspiracy and entered a guilty plea. I represented the United States on this matter from its inception in January 2004 to finality in 2005.

Defendant was represented by Baltazar J. Iniguez, 3106 North 16th Street, Phoenix, AZ 85016; (602) 285-5688.

4. *United States v. Coleman*, 02-CR-00487-PHX-EHC (District of Arizona 2002 – 2005), Honorable Earl H. Carroll presiding.

This matter involved the systematic defrauding of the Combined Federal Campaign for Arizona—the vehicle through which federal employees make their contributions to recognized charitable organizations—by its executive director. Defendant provided false reports to the campaign board and falsified co-signatures on campaign accounts and lines of credit to divert to his own use nearly \$130,000 in federal employee charitable contributions. While investigating the defendant's accounting, the prosecution team discovered that the defendant had at the same time defrauded the United States Small Business Administration into issuing him a \$460,000 loan for a business he did not have. Defendant pleaded guilty to theft of government property and false statements and was sentenced to thirty-three months in prison. I represented the United States in this matter from charging in May of 2002 through finality in May of 2005.

Defendant was represented by Gabriel Valdez, Jr., 337 North Fourth Avenue, Phoenix, AZ 85003; (602) 254-2010.

5. *United States v. Sanabria*, Docket Number 01-CR-01135-PHX-FJM (District of Arizona 2001 – 2003), Honorable Frederick J. Martone presiding; 2003 WL 21949805 (9th Cir. August 12, 2003).

This matter involved theft by a United States Postal Service facility manager of tens of thousands of dollars from the facility under her management. The defendant scheduled other employees to work in other parts of the facility so she could be alone with the registered items, and then falsified shipping and inventory records to lay blame on other employees. I substituted into the matter along with co-counsel in May 2002, several days before trial, when assigned counsel took ill. Co-counsel and I prepared the matter and executed a four-day trial, after which the jury convicted defendant on the sole count of the indictment. I helped draft the

appellate brief. On appeal, the Circuit Court affirmed the conviction in a memorandum disposition under Docket Number CA 02-10548. I remained on the matter until finality in late 2003.

Defendant was represented by James Sun Park, Park Law Office PLC, 2702 North Third Street, Suite 4005, Phoenix, AZ 85004; (602) 462-5700.

My co-counsel at trial was former Assistant United States Attorney Daniel R. Drake, now in private practice, at Drake Law PLC, 4340 East Indian School Road, Suite 21-113, Phoenix, AZ 85018; (602) 881-5341.

6. *United States v. Hernandez, et al.*, 01-CR-00981-PHX-SRB (District of Arizona 2001 – 2004), Honorable Susan R. Bolton presiding.

This case involved a scheme to defraud an Arizona chemical processing company of nearly \$800,000 via false and inflated supplier billing. Hernandez, a maintenance manager for the victim chemical company, reached agreements with five separate suppliers to submit orders for unnecessary supplies and services, and then approved the invoices for which no product had been shipped, in exchange for kickbacks of fifty percent of the false invoice totals. Over a seven year period, the ring collected a minimum of \$791,500 for product the victim never received. Preparing the case involved the analysis and organization of voluminous documents. The suppliers all agreed to cooperate and provide testimony against Hernandez, who ultimately pleaded guilty on the eve of trial.

Lead defendant Hernandez was represented by Patricia Gitre, 1616 East Indian School Road, Phoenix, AZ 85016; (602) 254-3400.

Defendant Saltman was represented by Allan B. Bickart, 812 West Clubhouse Drive, Prescott, AZ 86303; (602) 255-0330.

Defendant Goldstein was represented by Jerry Y. Fong, 706 Cowper Street, Suite 203, San Francisco, CA 94301; (650) 322-6123.

Defendant White was represented by David Michael Cantor, One East Washington Street, Suite 1800, Phoenix, AZ 85004; (602) 307-0808.

Defendant Mattison was represented by Michael V. Black, 3219 East Camelback Road, Suite 446, Phoenix, AZ 85018; (602) 265-7200.

Defendant Wistar was represented by Thomas C. Foster, now deceased.

7. *United States v. Drizin*, Docket Number 00-CR-00857-PHX-SMM (District of Arizona 2000-2006), Honorable Stephen M. McNamee presiding; 2007 WL 1853978 (9th Cir. June 25, 2007).



The case involved a multi-million dollar investment fraud scheme. The defendant solicited victims to invest in an empty shell corporation he owned by promising the shell would imminently merge with a private firm that had developed an HIV-inhibiting drug. Defendant also represented that the merger was backed by wealthy European investors who had already invested millions, and he produced false documentation to that effect. In reality, there were no such investors, and defendant was using the banking and corporate secrecy laws of the British Channel Islands to conceal this fact from victims.

I represented the United States, substituting into the matter in early 2003 to prepare the case for trial. Through the use of Fed. R. Crim Pr. 15 and the Mutual Legal Assistance Treaty the United States has with the Isle of Guernsey, I compelled the appearance and testimony in a Guernsey court of a banker who refused to travel to the United States or give evidence voluntarily, and then introduced that video-recorded testimony at defendant's trial in Arizona. I prepared and served as lead counsel for the approximately four-week trial, after which defendant was convicted on multiple counts of wire fraud in late 2003. I briefed and argued the appeal, and defendant's conviction was affirmed in 2007, under Ninth Circuit Docket Number CA 05-10820.

Defendant Drizin was represented through trial and sentencing by Robert M. Ross, of Klass, Helman & Ross, 16133 Ventura Boulevard, Suite 1145, Encino, CA 91436; (818) 788-7007.

Defendant Drizin was represented on appeal by Glen T. Jonas, Jonas & Driscoll, LLP, 555 West Fifth Street, 31st Floor, Los Angeles, CA 90013; (213) 683-2033.

Co-defendant Kyle Gillman was represented by Bruce Feder, Feder Law Office PA, 2930 East Camelback Road, Suite 160, Phoenix, AZ 85016; (602) 257-0135.

My co-counsel at trial in this matter was Assistant United States Attorney Howard D. Sukenic, 40 North Central Avenue, 12th Floor, Phoenix, AZ 85004; (602) 514-7522.

8. *United States v. Duarte*, 99-CR-01053-PHX-SMM (District of Arizona 1999 – 2001), Honorable Stephen M. McNamee presiding; 2001 WL 1154631 (9th Cir. October 1, 2001).

The case involved a drug courier transporting nearly twenty-pound quantities of methamphetamine from Mexico through California and into Arizona. I substituted onto the matter in March 2000 with co-counsel to prepare and try the matter. The four-day jury trial centered on the government's expert testimony on the modus operandi of drug trafficking organizations to counter the defense that the defendant had no idea the methamphetamine was in his vehicle. The jury convicted the defendant of possession with intent to distribute methamphetamine. I briefed and argued the appeal, which the Circuit Court affirmed by memorandum

decision under docket number CA 00-10552. I represented the United States in this matter from April 2000 through finality in October 2001.

Defendant was represented at trial and on appeal by Gerald A. Williams, Federal Defender's Office, 850 West Adams Street, Suite 250, Phoenix, AZ 85007; (602) 372-2564.

My co-counsel on the trial in this matter was Assistant United States Attorney Soo C. Song, now of the United States Attorney's Office for the Western District of Pennsylvania, United States Post Office and Courthouse, 700 Grand Street, Suite 4000, Pittsburgh, PA 15219; (412) 894-7420.

9. *Hershey v. Conseco, Inc., et al.*, Docket Number CV 96-22453 (Superior Court of Arizona in and for Maricopa County 1996 – 1997), Honorable Rebecca S. Albrecht presiding.

This matter involved an attempt by a minority shareholder in an insurance company doing business nationwide, Capitol American Life Insurance Company, to use Arizona insurance regulations to hold up the \$680 million acquisition of Capitol American by another national insurer, Conseco. Plaintiff Hershey sought an injunction in the Arizona courts against the closing of the acquisition on the ground that it would be "inequitable" to Capitol American shareholders, which would violate the Arizona Insurance Code. I was associate counsel for Capitol American. Lead counsel and I prepared for and executed a two-day bench trial on the injunction, where I was responsible for identifying and preparing affidavits or testimony from other substantial shareholders in Capitol American who would testify that the acquisition tender offer from Conseco was very favorable. Upon conclusion of the trial, the court denied the injunction, and the parties to the acquisition immediately filed the acquisition closing documents with all federal and state securities regulators and corporation commissions, obviating any appeal. Lead counsel and I represented Capitol American in this matter from January 17, 1997 until the conclusion of the trial on March 6, 1997 and the subsequent closing of the transaction that same day.

Counsel for Plaintiff Hershey was Andrew S. Gordon, now of Coppersmith, Schermer & Brockelman PLC, 2800 North Central Avenue, Suite 1200, Phoenix, AZ 85004; (602) 381-5460.

Counsel for Co-defendant Conseco, Inc., was S. David Childers, now of Kutak Rock LLP, 8601 north Scottsdale Road, Suite 300, Scottsdale, AZ 85253; (480) 429-4880.

My lead counsel was Daniel C. Barr, now of Perkins Coie LLP, 2901 North Central Avenue, Suite 2000, Phoenix, AZ 85001; (602) 351-8000.

10. *Cutler v. Crum*, Docket Number CV 95-13079 (Superior Court of Arizona in and for Maricopa County 1995 – 1996), Honorable Crane McClennen presiding; 186 Ariz. 351, 922 P.2d 316 (Ariz. App. 1996).

This case culminated in a defamation trial over whether defendant had impugned plaintiff's integrity as an attorney and a businessman. As associate counsel for plaintiff, I prepared most of the discovery and pleadings and examined witnesses at trial. I also briefed and argued the interlocutory appeal in this matter. After a three-day trial, the jury found plaintiff had been defamed. I represented the plaintiff from September 1995 through conclusion of the trial in 1996.

Defendant was represented by Paul F. Lazarus, now of Burch and Cracchiolo PA, 702 East Osborn Road, Suite 200, Phoenix, AZ 85014; (602) 234-8766.

My lead counsel was Daniel C. Barr, now of Perkins Coie LLP, 2901 North Central Avenue, Suite 2000, Phoenix, AZ 85001; (602) 351-8000.

18. **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.)

From 2002 through 2004 I was responsible for addressing all requests for assistance in the District of Arizona by foreign nations' prosecution agencies made pursuant to Mutual Legal Assistance Treaties, or MLATs, that the United States had with those other sovereigns. The district court in Arizona appointed me as a Commissioner under the relevant MLATs in approximately thirty matters, and I exercised that authority to compel the production of testimony and evidence for use by foreign prosecutors, in a format that would be admissible in their tribunals.

Since 2004 I have been the Professional Responsibility Officer for an office of 170 lawyers, advising them and answering their questions on a daily basis on issues that could affect their ability to practice law. That experience, coupled with my years of teaching Professional Responsibility at the O'Connor College of Law, has created a facility with critical ethical issues, such as prohibited contacts with represented persons, the law of privilege, the extent of discovery obligations and the variations of prosecutorial misconduct.

In the past three years I have drafted the United States Attorney's Office Criminal Policy Manual, its Criminal Discovery Policy, its Electronic Discovery Policy and its Operation Plan for Public Safety in Indian Country. These lengthy exercises have allowed me to analyze and reflect deeply on how to develop quality policy and procedure for large legal organizations with high case volume that nonetheless must deliver careful consideration to

each individual matter, to ensure rights are observed in every case.

As Tribal Liaison I advised prosecutors and tribal government officials on the complex law of Indian Country jurisdiction, and applied that knowledge to resolving longstanding issues relevant to several of Arizona's tribal governments.

Finally, in my work as Chair of the Arizona Supreme Court's Committee on Character and Fitness and its Attorney Regulation Advisory Committee, I have worked to improve substantially the function of evaluating applicants for admission to the practice of law in Arizona, balancing the need to protect clients, the public and the judicial system from unfit practitioners, on the one hand, with the need to be fair and provide due process to every applicant, no matter what load the system may bear.

19. **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.

In the Fall 2001 academic semester, I taught the Business Associations I course at the Arizona State University College of Law (now the O'Connor College of Law). The course covered the creation, governance, liabilities, dissolution and winding up of partnerships and limited liability companies. I no longer have a copy of the syllabus for the course.

From 2002 through 2007, I taught the required Professional Responsibility course a total of six semesters at the O'Connor College of Law at Arizona State University. The course covered the duties owed by attorneys and their agents to clients, the court, other counsel and third persons under the American Bar Association Model Rules of Professional Responsibility, as well as the law of privilege. I no longer have a syllabus for the course.

20. **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 deferred income arrangements, stock, options, uncompleted contracts or other future benefits that I expect to derive from previous business relationships or any other sources.

21. **Outside Commitments During Court 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.

If confirmed, I have no commitments or agreements to pursue outside employment, with or

without compensation. I currently serve on the Arizona Supreme Court's Attorney Regulation Advisory Committee, and since the beginning of 2012, as Chair of the Admissions Subcommittee, I have managed a comprehensive review of the current attorney admissions process. My Subcommittee is tasked with creating a complete written recommendation for a new applicant evaluation and admission process for Arizona. The information gathering process will conclude in November 2013 and final written recommendations are expected to be transmitted to the Supreme Court by Summer 2014. I would like to see this process through to completion and would consult with the Administrative Office of the Courts and the applicable judicial canons and the Code of Conduct for United States Judges to determine whether such volunteer work would in any way present a conflict of interest or the appearance thereof. If it did, I would resign from the relevant Arizona Supreme Court Committees and end my involvement with the review and recommendation process.

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

Please see the attached financial disclosure form.

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

Please see the attached financial net worth statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements 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.

Because all criminal and civil matters currently pending in the Phoenix Division of the United States Attorney's Office are under my supervision I would recuse from those cases. I am not aware of any other person or entity with whom I have a personal, financial or professional relationship that is likely to present a conflict of interest.

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

To avoid any real or potential conflict of interest, I would consult the rules and decisions addressing what constitutes a conflict of interest, including 28 U.S.C. Section 455, Canon 3 of the Code of Judicial Conduct for United States Judges, and

any and all other laws, rules, and practices governing such circumstances. If I had any uncertainty about a potential conflict issue I would consult with my fellow judges and or others designated by the court to advise on such issues.

25. **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.

During my years in private practice, from 1995 to 1998, the law firm for which I worked was very active in pro bono legal representation of indigent individuals and not-for-profit organizations serving the poor and the public interest, and the firm provided several of those opportunities to me. I performed legal research and writing on a capital habeas matter and represented an indigent client in a consumer fraud matter involving the purchase of a used car.

During my time at the United States Attorney's Office from 1998 to the present, Department of Justice policies and ethical rules have prohibited my direct representation of indigent clients, so I have directed my pro bono service toward programs improving the justice system and the delivery of quality legal services. From 1999 to 2006 I served on the Supreme Court Merit Selection Commission for Trial Court Appointments, recruiting, evaluating and nominating to the Governor judges of the Superior Court bench for Maricopa County, one of the largest state trial benches in the United States. While on the Commission I participated in the selection of 43 superior court judges.

Since 2006, I have served on the Arizona Supreme Court's Committee on Character and Fitness, which evaluates the suitability of every applicant for admission to the State Bar of Arizona. Each Committee member reads the character reports of assigned applicants and participates in at least one formal applicant hearing and several informal hearings per month. Since 2011, I have served as Chair of that committee, where I rule on procedural and evidentiary motions made by applicants' counsel and preside over all formal hearings.

Since 2011, I have also served on the Arizona Supreme Court's Attorney Regulation Advisory Committee, where as Chair of the Admissions Subcommittee I am responsible for a systemic review of, and final recommendations to modernize, Arizona's process for evaluating applicants to the practice of law.

I have also volunteered outside of the legal community. From 1994 to 1998, my wife and I volunteered through the Tempe Cares Program to work shifts on local Habitat for Humanity build sites. Finally, my family and I have been regular volunteers preparing and serving meals at the Saint Vincent de Paul shelter and preparing food boxes at the Interfaith Missions food pantry in Phoenix since 2006 and 2011, respectively. Either through our associations with Boy Scouts, Boys' Team Charity or our children's school service organization, we currently serve about one shift a month as a family.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On March 8, 2013, I submitted an application and cover letter to Senator John McCain's Federal Judicial Evaluation Committee. In April 2013, I sat for an interview in Phoenix, Arizona, with a member of this Committee, and on June 8, 2013, I sat for an interview with the entire Committee in Phoenix, Arizona. On June 28, 2013, the Chairman of that Committee advised me that Senator McCain was submitting my name to the President for his consideration. Since June 28, 2013, I have been in contact with officials from the Office of Legal Policy in the Department of Justice. On August 28, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On September 19, 2013, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

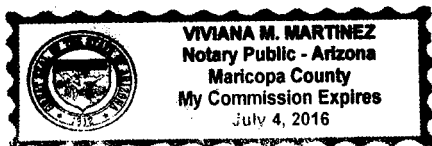
No.

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

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SEP 23, 2013  
(DATE)

John J. Tuchi  
(NAME)



Viviana M. Martinez  
(NOTARY)