

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jonathan Eugene Hawley

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

United States District Judge for the Central District of Illinois

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.

211 United States Courthouse
100 North East Monroe Street
Peoria, Illinois 61602

Residence: Morton, Illinois

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

1971; Peoria, 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.

1994 – 1997, DePaul University College of Law; J.D. (*cum laude*), 1997

1993, Pontifical Gregorian University; no degree received

1992 – 1993, St. Charles Borromeo Seminary; no degree received

1989 – 1992, University of Illinois at Chicago; B.A. (*cum laude*), 1992

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.

2014 – present
United States District Court for the Central District of Illinois
100 North East Monroe Street
Peoria, Illinois 61602
United States Magistrate Judge (2014 – present)
Executive United States Magistrate Judge (2023 – present)

1999 – 2014
Federal Public Defender's Office for the Central District of Illinois
401 Main Street, Suite 1500
Peoria, Illinois 61602
Chief Federal Public Defender (2011 – 2014)
Acting Federal Public Defender (2010 – 2011)
First Assistant Federal Public Defender (2003 – 2010)
Appellate Division Chief (2000 – 2010)
Assistant Federal Public Defender (2000 – 2003)
Research and Writing Specialist (1999 – 2000)

1998 – 1999
Honorable James D. Heiple
Illinois Supreme Court
South Second Street
Springfield, Illinois 62701
Law Clerk

Summer 1998
Honorable Michael P. McCuskey
United States District Court for the Central District of Illinois
201 South Vine Street
Urbana, Illinois 61802
Law Clerk

1997 – 1998
Honorable Michael P. McCuskey
Illinois Third District Appellate Court
1004 Columbus Street
Ottawa, Illinois 61350
Law Clerk

Other Affiliations (uncompensated)

2013
University of Illinois College of Law
504 East Pennsylvania Avenue
Champaign, Illinois 61820

Adjunct Law Professor

2008 – 2010

Illinois Association of Criminal Defense Lawyers
1440 West Taylor Street, Number 811
Chicago, Illinois 60607
Member, Board of Directors

2003 – 2006

Friends of Fatherless Boys
P.O. Box 3086
Peoria, Illinois 61612
Member, Board of Directors

1996 – 1997

Honorable Michael M. Mihm
United States District Court for the Central District of Illinois
100 North East Monroe Street
Peoria, Illinois 61602
Judicial Extern

Summer 1995

Honorable Richard D. Cudahy
United States Court of Appeals for the Seventh Circuit
219 South Dearborn Street, Suite 2722
Chicago, Illinois 60604
Judicial Extern

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 did not serve in the military. I registered for the selective service upon turning 18.

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

DePaul University College of Law

Top 10 Dean's Scholarship (1995 – 1997)

Order of the Coif (1997)

CALI Excellence for the Future Awards in Federal Courts (1996)

CALI Excellence for the Future Awards in State Constitutional Law (1996)

Law Review (1996 – 1997)

CALI Excellence for the Future Awards in Contracts (1995)

University of Illinois at Chicago
Phi Beta Kappa Honor Society (1992)

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.

Administrative Office of the United States Courts
Judiciary Information Technology Security Task Force (2021 – 2023)
Information Technology Advisory Council (2014 – 2018)
Human Resources Advisory Council (2012 – 2014)

Federal Judicial Center
Benchbook Committee, Member (2024 – present)
Magistrate Judge Education Advisory Committee
Chairperson (2021 – 2024)
Member (2017 – 2024)

Federal Magistrate Judges Association (2014 – present)

Illinois Third District Capital Litigation Trial Bar Screening Committee (2006 – 2013)

Illinois Association of Criminal Defense Attorneys
Member (2000 – 2010)
Board Member (2008 – 2010)

National Association of Criminal Defense Lawyers, Member (2000 – 2014)

Seventh Circuit Bar Association (2000 – present)

Seventh Circuit Judicial Council, Magistrate Judge Representative (2016 – 2018)

United States District Court for the Central District of Illinois
Information Technology Committee, Chairperson (2020 – present)
Criminal Law Committee (2020 – present)
Space and Security Committee (2020 – present)
Merit Selection Committee on Re-Appointment of Federal Public Defender
Thomas Patton (2018)
Merit Selection Committee on the Re-Appointment of Magistrate Judge Byron G.
Cudmore (2013)
Merit Selection Committee on the Re-Appointment of Magistrate Judge David G.
Bernthal (2010)

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.

Illinois, 1997

There have been 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.

Supreme Court of the United States, 2012

United States Court of Appeals for the Seventh Circuit, 1999

United States District Court for the Central District of Illinois, 1998

United States District Court for the Southern District of Illinois, 2003

United States District Court for the Eastern District of Wisconsin, 2000

There have been 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.

Blessed Sacrament Church, Morton, Illinois Education Commission
Member (2006 – 2011)
Chairperson (2009 – 2011)

Blessed Sacrament Church Parish Council (2008 – 2010)

Friends of Fatherless Boys, Board Member (2003 – 2006)

Mt. Hawley Country Club (2003 – 2008)

Pekin Country Club (2022 – 2023)

Regional Dialogue Advisory Council (2024 – present)

Roman Catholic Diocese of Peoria Education Commission (2010 – 2012)

Roman Catholic Diocese of Peoria Review Commission (2002 – present)

Union League Club of Chicago (2003 – 2012)

- 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.

To the best of my knowledge, none of the 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.

Press Release/Note/Opinion/Editorial, James A. Lewis, United States Attorney for the Central District of Illinois, and Jonathan E. Hawley, Federal Public Defender for the Central District of Illinois, jointly commemorating the 50th anniversary of the Supreme Court's decision in *Gideon v. Wainwright* (Mar. 15, 2013). Copy supplied.

Seventh Circuit Criminal Case Summaries Organized by Topic: August 2012 through January 2013 (2013), Federal Public Defender's Office for the Central District of Illinois. Copy supplied.

Issues Pending in Criminal Cases in the Seventh Circuit (2013), Federal Public Defender's Office for the Central District of Illinois. I do not have a copy of this document, and it does not appear to be available online any longer.

With Johanna M. Christiansen, Andrew J. McGowan, Elisabeth R. Pollock, & A. Brian Threlkeld, *Handbook for Criminal Appeals in the Seventh Circuit* (2d. ed. 2012), Federal Public Defender's Office for the Central District of Illinois. Copy supplied.

Defender's Message, THE BACK BENCHER, Vol. 48, Fall 2011. Copy supplied.

Considering § 3553(a) Factors in Conjunction with Rule 35(b) and § 3553(e)

Motions, THE BACK BENCHER, Vol. 43, Summer 2008. Copy supplied.

With Kent Anderson & Richard H. Parsons, *Ways to Challenge the detention of your client who has been declared a material witness or the incommunicado detention of any client, Part 2*, THE CHAMPION, April 2003. Copy supplied.

With Kent Anderson & Richard H. Parsons, *Challenging the detention of a client who has been declared a material witness or the incommunicado detention of any client, Part 1*, THE CHAMPION, March 2003. Copy supplied.

The "Reliability" Objection, THE BACK BENCHER, Vol. 21, 2000. Copy supplied.

Seventh Circuit Criminal Case Digest, THE BACK BENCHER, quarterly from 1999 to 2014, Federal Public Defender's Office for the Central District of Illinois. I have copies of the following editions, which are supplied: Vol. 18, 1999 Summer; Vol. 19, 1999 Fall; Vol. 20, 1999 Holiday Edition; Vol. 21, 2000; Vol. 22, 2000 Spring-Summer; Vol. 23, 2000 Fall; Vol. 24, 2001 Winter; Vol. 25 2001 Spring; Vol. 26, 2001 Autumn; Vol. 27, 2002 Winter; Vol. 29, 2002 Summer; Vol. 30, 2002 Fall; Vol. 31, 2003 Winter; Vol. 32, 2003 Reversible Errors Edition; Vol. 33, 2003 Fall; Vol. 36, 2004 Spring-Summer; Vol. 37, 2004 Fall-Winter; Vol. 38, 2005 Summer; Vol. 39, 2006 Winter; Vol. 40, 2006 Summer; Vol. 41, 2007 Winter; Vol. 42, 2007 Fall; Vol. 43, 2008 Summer; Vol. 44, 2009 Spring; Vol. 45, 2010 Spring; Vol. 46, 2010 Summer.

- 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.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom

the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

As part of my duties as a United States Magistrate Judge, I occasionally preside over naturalization ceremonies that are held in the U.S. District Court for the Central District of Illinois and give congratulatory remarks to the new citizens. I have no notes, transcripts, or recordings. I most recently presided over a naturalization ceremony on March 15, 2024. To the best of my recollection, I also presided over naturalization ceremonies on: February 9, 2024; August 18, 2023; June 16, 2023; July 12, 2022; March 22, 2022; December 8, 2021; November 22, 2021; September 24, 2021; May 26, 2021; March 16, 2021; January 21, 2021; August 26, 2020; January 17, 2020; May 17, 2019; March 22, 2019; October 12, 2018; November 7, 2017; November 18, 2016; May 20, 2016; March 11, 2016; September 18, 2015; September 19, 2014; and May 16, 2014. Press coverage for November 18, 2016, and May 20, 2016, ceremonies supplied.

February 1, 2024: Presenter, “Probable cause and Pretrial release and Detention,” Regional Dialogue and the University of World Economy and Diplomacy, Tashkent, Uzbekistan. Presentation supplied.

January 30–31, 2024: Panelist, “Probable Cause and Pre-trial release and detention,” Federal Judicial Center and Regional Dialogue, Tashkent, Uzbekistan. The panel was for Uzbekistan judges on the U.S. and European standards for probable cause and pre-trial release. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Federal Judicial Center is Thurgood Marshall Federal Judicial Building, One Columbus Circle, Northeast, Washington, DC 20002. The address for Regional Dialogue in Uzbekistan is Mukimi str. 2/1, Yahhasaray district; Tashkent, 100100, Uzbekistan.

October 3, 2023: Panelist, “Cyber Issues at the Courts,” Federal Judicial Center and Regional Dialogue, Tashkent, Uzbekistan. The panel was for Uzbekistan judges and Uzbekistan court information technology specialists on the challenges courts face in the area of cyber security. I have no notes, transcript, or recording. The address for the Federal Judicial Center is Thurgood Marshall Federal Judicial Building, One Columbus Circle, Northeast, Washington, DC 20002. The address for Regional Dialogue in Uzbekistan is Mukimi str. 2/1, Yahhasaray district; Tashkent, 100100, Uzbekistan.

September 6, 2023: Presenter, “Adjudicating Public Corruption Cases,” Federal Judicial Center and Central and Eastern European Law Institute, Pristina, Kosovo. The presentation was for Kosovo judges on how to develop a program for other judges in Kosovo on adjudicating public corruption cases. I have no notes, transcript, or recording. The address for the Federal Judicial Center is Thurgood Marshall Federal Judicial Building, One Columbus Circle, Northeast, Washington, DC 20002. The address for the Central and Eastern European Law

Institute is Havlickovy Sady 58, 120 00, Prague, Czech Republic.

July 8–9, 2023: Presenter, “Adjudicating Terrorism Cases,” Federal Judicial Center and Central and Eastern European Law Institute, Lucknow, India. Presentation supplied.

May 30–June 1, 2023: Presenter, “Adjudicating Public Corruption Cases,” Federal Judicial Center and Central and Eastern European Law Institute, Prague, Czech Republic. Presentation supplied.

January 28–29, 2023: Presenter, “Adjudicating Terrorism Cases,” Federal Judicial Center and Central and Eastern European Law Institute, Ranchi, India. Presentation supplied.

November 12–13, 2022: Presenter, “Adjudicating Terrorism Cases,” Federal Judicial Center and Central and Eastern European Law Institute, Chennai, India. Presentation supplied.

October 18, 2022: Panelist, “Fulfilling the Goals of the Bail Reform Act,” Criminal Law Committee of the Judicial Conference of the United States Courts National Sentencing Policy Institute, Detroit, Michigan. The panel was for federal court professionals on the Bail Reform Act. I have no notes, transcript, or recording. The address for the Judicial Conference of the United States Courts is Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, Washington, DC 20002.

August 24, 2022: Panelist, “Update from the Information Technology Security Task Force,” United States Courts of Appeals for the Seventh and Ninth Circuits, Phoenix, Arizona. The panel was for federal court information technology employees from the Seventh and Ninth Circuits on the work of the Information Technology Security Task Force for the Administrative Office of the United States Courts. I have no notes, transcript, or recording. The address for the Court of Appeals for the Seventh Circuit is Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Room 2722, Chicago, Illinois 60604. The address for the Court of Appeals for the Ninth Circuit is 95 Seventh Street, San Francisco, California 94103.

August 31, 2021: Panelist (virtual), “Use of Office 365 for the Courts,” United States Court of Appeals for the Eleventh Circuit, virtual event. The panel was for federal court information technology employees on how to use Office 365 for court needs. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the Eleventh Circuit is 56 Forsyth Street, Northwest, Atlanta, Georgia 30303.

December 22, 2020: Panelist, “Effective Remote Advocacy: A Conversation with Federal Judges,” Supreme Court of Illinois Judicial College and the United States

District Court for the Central District of Illinois, Virtual event. Video available at <https://vimeo.com/493778777>.

July 16, 2020: Panelist, “State & Federal Court Series: Prisoners in Pandemics: Bonds, Sentencing & Compassionate Release,” Virtual event. Video available at <https://www.pathlms.com/aoic/courses/21550/webinars/11389>.

December 11, 2019: Speaker, Dunlap Middle School, Dunlap, Illinois. I spoke to middle school children about the federal courts and the Constitution. I have no notes, transcript, or recording. The address of the Dunlap Middle School is 5200 West Cedar Hills Drive, Dunlap, Illinois 61525.

September 9, 2019: Speaker, “Discovery Issues in Federal Court,” Federal Bar Association, Peoria, Illinois. The presentation was on common discovery issues in civil cases filed in federal court. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

November 16, 2018: Panelist, “View from the Bench,” Federal Public Defender’s Office for the Central District of Illinois, Urbana, Illinois. The panel consisted of federal judges from the Central District of Illinois providing information to Criminal Justice Act Panel attorneys concerning their standing orders and practices in criminal cases. I have no notes, transcript, or recording. The address for the Federal Public Defender for the Central District of Illinois is 401 Main Street, Suite 1500, Peoria, Illinois 61602.

September 21, 2018: Panelist, “Standing Order in Civil Cases,” Peoria County Bar Association, Peoria, Illinois. The panel was for civil practitioners on the standing orders of judges in the Central District of Illinois. I have no notes, transcript, or recording. The address for the Peoria County Bar Association is 110 South West Jefferson Avenue, Peoria, Illinois 61602.

June 12–14, 2018: Panelist, “Recent Cases addressing Corporate Liability for Data Breaches,” NetDiligence, Philadelphia, Pennsylvania. I spoke on a panel of federal judges regarding caselaw addressing corporate liability for data breaches and cyberattacks. I have no notes, transcript, or recording. The address of NetDiligence is P.O. Box 204, Gladwyne, Pennsylvania 19035.

April 20, 2018: Panelist, “View from the Bench,” Federal Public Defender’s Office for the Central District of Illinois, Urbana, Illinois. The panel consisted of federal judges from the Central District of Illinois providing information to Criminal Justice Act Panel attorneys concerning their standing orders and practices in criminal cases. I have no notes, transcript, or recording. The address for the Federal Public Defender for the Central District of Illinois is 401 Main Street, Suite 1500, Peoria, Illinois 61602.

November 22, 2017: Speaker, "The Constitution and the Judiciary," Morton Community High School, Morton, Illinois. The presentation was made to a high school civics class on the Constitution and the judiciary. I have no notes, transcript, or recording. The address of Morton High School is 350 North Illinois Avenue, Morton, Illinois 61550.

June 14, 2017: Speaker, "Standing Order," Federal Bar Association, Peoria, Illinois. The presentation was on my standing order in civil cases. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

January 25, 2017: Panelist, "Use of Courtroom Technology," Peoria Chapter of the Abraham Lincoln Inns of Court, Peoria, Illinois. The panel was on the use of courtroom technology by lawyers when presenting their cases. I have no notes, transcript, or recording. The Peoria Chapter of the Abraham Lincoln Inns of Court has ceased to exist and has no known address.

September 29, 2016: Panelist, "Demystifying the Grand Jury," The Black Law Students' Association, Champaign, Illinois. The panel discussed the legal and social implications of grand jury proceedings in cases involving alleged police misconduct. I have no notes, transcript, or recording. The address of the University of Illinois College of Law is 504 East Pennsylvania Avenue, Champaign, Illinois 61820.

June 16, 2016: Speaker, "Applying the Bail Reform Act," Community Public Defender for the Northern District of Illinois, Rockford, Illinois. The presentation was to criminal practitioners on the standards required by the Bail Reform Act for pretrial release and detention. I have no notes, transcript, or recording. The address for the Federal Public Defender for the Northern District of Illinois, Rockford Division is 401 West State Street, Suite 800, Rockford, Illinois 61101.

May 15, 2016: Speaker, "Being a Mentor to Young Lawyers," Peoria Chapter of the Abraham Lincoln Inns of Court, Peoria, Illinois. The presentation was on the importance of being a mentor to young lawyers. I have no notes, transcript, or recording. The Peoria Chapter of the Abraham Lincoln Inns of Court has ceased to exist and has no known address.

January 23, 2016: Speaker, "Civil Practice in Federal Court," Peoria County Bar Association, Peoria, Illinois. The presentation was on common issues lawyers encounter in civil cases in the Central District of Illinois. I have no notes, transcript, or recording. The address for the Peoria County Bar Association is 110 South West Jefferson Avenue, Peoria Illinois 61602.

January 9, 2016: Speaker, "Civil Practice in Federal Court," Peoria County Bar Association, Peoria, Illinois. The presentation was on common issues lawyers encounter in civil cases in the Central District of Illinois. I have no notes,

transcript, or recording. The address for the Peoria County Bar Association is 110 South West Jefferson Avenue, Peoria, Illinois 61602.

July 22, 2015: Panelist, "View from the Bench," Federal Bar Association, Central Illinois Chapter, Peoria, Illinois. The panel consisted of federal judges from the Central District of Illinois discussing their various practices and procedures in civil cases. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

May 13, 2015: Speaker, "Magna Carta Law Day Speech," Peoria County Bar Association, Peoria, Illinois. Notes supplied.

April 17, 2015: Panelist, "View from the Bench," Federal Public Defender's Office for the Central District of Illinois, Urbana, Illinois. The panel consisted of federal judges from the Central District of Illinois providing information to Criminal Justice Act Panel attorneys concerning their standing orders and practices in criminal cases. I have no notes, transcript, or recording. The address for the Federal Public Defender for the Central District of Illinois is 401 Main Street, Suite 1500, Peoria, Illinois 61602.

November 13, 2014: Speaker, "Question and Answer," Morton Blessed Sacrament School, Morton, Illinois. The presentation was a question and answer session with middle school students on the federal judiciary. I have no notes, transcript, or recording. The address for Blessed Sacrament School is 233 East Greenwood Street, Morton, Illinois 61550.

September 24, 2014, Speaker, "Brown Bag Lunch with Young Lawyers," Peoria County Bar Association, Peoria, Illinois. The presentation consisted of questions and answers with young lawyers about federal practice. I have no notes, transcript, or recording. The address of the Peoria County Bar Association is 110 South West Jefferson Avenue, Peoria, Illinois 61602.

June 19, 2014: Speaker, "The Federal Court in the Central District of Illinois and What a Magistrate Judge Does," Morton Rotary Club. This presentation was on the geographic location of the court in the Central District of Illinois and the duties of a magistrate judge. I have no notes, transcript, or recording. The address of the Morton Rotary Club is 135 South First Avenue, Morton, Illinois 61550.

May 15, 2014: Speaker, Speaker, "The Constitution and the Judiciary," Morton Community High School, Morton, Illinois. The presentation was made to a high school civics class on the Constitution and the judiciary. I have no notes, transcript, or recording. The address of Morton High School is 350 North Illinois Avenue, Morton, Illinois 61550.

April 11, 2014: Speaker, "Investiture Speech, U.S. District Court for the Central

District of Illinois, Peoria, Illinois. Transcript supplied.

February 1999 to March 2014: During my time as a Federal Public Defender, I did not keep track of the specifics of when and where I spoke. The vast majority of my presentations, if not all of them, during that time period were on recent cases decided by the Seventh Circuit Court of Appeals. I would regularly give updates to federal criminal defense attorneys on recent decisions in both the Seventh Circuit and the United States Supreme Court. The groups before which I spoke during this time period are, to the best of my recollection: Administrative Office of the United States Courts, Defender Services Division; Seventh Circuit Court of Appeals; Wisconsin Bar Association; Illinois Association of Criminal Defense Lawyers; Eastern District of Wisconsin Bar Association; Federal Bar Association of the Central and Southern Districts of Illinois; and the Federal Defender Programs in the Northern District of Illinois, Central District of Illinois, Southern District of Illinois, Eastern District of Wisconsin, Northern District of Indiana, and Southern District of Indiana. I did not prepare notes or written materials for these presentations, basing my remarks on the summaries of recent decisions which appeared in my office's newsletter, *The Back Bencher*. Available back issues of the newsletter, and my case summaries, are accessible on the Seventh Circuit's website at https://www.ca7.uscourts.gov/pub_def.htm. I have no notes, transcripts, or recordings.

- 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.

Jolie Rodriguez, *It's just the start: The Last Stop on The Road To U.S. Citizenship*, WEEK News (Mar. 15, 2024). Copy supplied, and video available at https://www.google.com/search?q=Jolie+Rodreiquet+It%27s+just+the+start+last+stop+on+the+road+to+US+Citizenshi&oq=Jolie+Rodreiquet+It%27s+just+the+start+last+stop+on+the+road+to+US+Citizenshi&gs_lcrp=EgZjaHJvbWUyBggAEEUYOdIBCTE5NjQxajBqN6gCALACAA&sourceid=chrome&ie=UTF-8#fpstate=ive&vld=cid:707c63fa,vid:wJGX-4WWwnI,st:0.

Judges in the U.S. and India Cultivate a Shared Commitment to Lifelong Learning, JUDICATURE INTERNATIONAL, December 2023. Copy supplied.

University of Chicago, *Federal Criminal Justice Clinic at UChicago finds routine violations of law in federal courts*, TARGETED NEWS SERVICE, Dec. 9, 2022. Copy supplied.

Tami Abdollah, *Study: Federal magistrates, prosecutors misunderstand bail law, jailing people who should go free*, USA TODAY, Dec. 7, 2022. Copy supplied.

Groundbreaking Report Reveals Federal Jailing Crisis that Disproportionately

Impacts People of Color, PRWEB NEWSWIRE, Dec. 7, 2022. Copy supplied.

David Adam, *Lovelace, his sons and wife to receive \$4.5 million in settlement of 2017 civil lawsuit against city, county*, MUDDY RIVER NEWS, July 11, 2022. Copy supplied.

Andy Kravetz, *Judge grants dancers class action distinction*, PEKIN DAILY TIMES, Sept. 29, 2015. Copy supplied.

Andy Kravetz, *Morton High School junior selected to be a page in U.S. Senate*, PEORIA JOURNAL STAR, Jan. 15, 2015. Copy supplied.

Andy Kravetz, *Chief federal public defender named new magistrate judge*, PEORIA JOURNAL STAR, Dec. 18, 2013. Copy supplied.

Joseph Tanfani, *Drug Sentencing Shift Starts to Gain Traction Some Prosecutors Pulling Back Under Holder's Guidelines*, CHI. TRIB., Nov. 4, 2013. Copy supplied.

Andy Kravetz, *Shutdown Had Silver Lining for Federal Public Defenders*, PEORIA JOURNAL STAR, Oct. 18, 2013. Copy supplied.

Peoria Federal Defender Office Benefits after Shutdown, WMBD News (Oct. 8, 2013). I am unable to locate a transcript or recording.

Noel Brinkerhoff, *Federal Public Defenders set to take heavy hit from budget cuts*, ALLGOV, Aug. 27, 2013. Copy supplied.

Ron Nixon, *Public Defenders Are Tightening Belts Because of Steep Federal Budget Cuts*, N.Y. TIMES, Aug. 23, 2013. Copy supplied.

Andy Kravetz, *U.S. attorney says sentencing changes hold promise*, PEORIA JOURNAL STAR, Aug. 16, 2013. Copy supplied.

Andy Kravetz, *Top federal public defender wary of sequester effects*, PEORIA JOURNAL STAR, Aug. 10, 2013. Copy supplied.

Chief Public Defender on Sequester: Representation is going to suffer, WMBD News (Aug. 9, 2013). I am unable to locate a transcript or recording.

Sequester hurts Illinois Federal Public Defenders, WBEZ Chicago Public Radio (Apr. 2013). I am unable to locate a transcript or recording.

Kurt Erickson, *Some drug offenders freed early from prison*, THE PANTAGRAPH, Nov. 2, 2011. Copy supplied.

Andy Kravetz, *New chief federal public defender sworn in*, PEORIA JOURNAL STAR, Aug. 16, 2011. Copy 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.

In 2014, I was appointed by the district judges of the United States District Court for the Central District of Illinois to be the magistrate judge for the Peoria and Rock Island Divisions. This court has jurisdiction over all federal civil and criminal matters for the Central District of Illinois. Every felony criminal and civil case filed in the Peoria and Rock Island Divisions is referred to me for case management and non-dispositive motions. Since appointment, 4,374 cases have been referred to me (3,163 civil and 1,211 felony criminal). In civil referral cases, matters decided by me include issues regarding the amendment of complaints and pleadings, motions related to discovery disputes, motions to quash subpoenas, and motions related to case management. In felony criminal cases, I handle all initial criminal proceedings (initial appearances, detention hearings, bond revocation proceedings), conduct pretrial conferences, conduct guilty plea hearings, and issue search warrants. I also preside over Class A Misdemeanor proceedings, having imposed sentence in 136 such cases. By consent of the parties, I have also been the presiding judge in 421 civil cases, in which I handled all non-dispositive and dispositive matters.

In 2023, Chief United States District Judge Sara L. Darrow designated me as the Executive Magistrate Judge for the Central District of Illinois. In this capacity, I liaise on behalf of the court with other government agencies, assist with administrative issues court-wide, and manage the administrative aspects of the work of the magistrate judges in the district.

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

I have presided over 26 trials (19 jury trials and 7 bench trials).

- i. Of these cases, approximately what percent were:

jury trials:	73%
bench trials:	27%

- ii. Of these cases, approximately what percent were:

civil proceedings:	84%
criminal proceedings:	16%

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

See attached list of citations.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Berardi v. City of Pekin, Illinois*, No. 1:18-cv-01438-JEH (C.D. Ill. 2018)

In this class action consent case, the plaintiffs alleged the defendant city's pedestrian rights-of-way were largely inaccessible to people with mobility disabilities and were therefore in violation of the Americans with Disabilities Act and Rehabilitation Act. After I conducted two settlement conferences in the case, the parties reached a tentative agreement as to monetary terms of a settlement. At the third settlement conference I held, agreement was reached on the remaining outstanding issues. The parties later consented to disposition of this case by a magistrate judge. Thereafter, I entered a final judgment and order approving the class action settlement in which I found the settlement terms to be proper and reasonably calculated to ensure accessibility of pedestrian rights-of-way located in the city to persons with mobility issues. The consent decree provided, among other things, that the city would commit \$1.75 million over the course of three fiscal years to making pedestrian rights-of-way accessible to persons with mobility issues.

Counsel for Plaintiffs:

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Counsel for Defendants:

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Cynthia S. Grandfield
Joseph Anthony Giambrone
Del Galdo Law Group LLC

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(708) 222-7000

2. *Duce Construction Company v. Carlson Bros., Inc.*, No. 2:17-cv-02173-JEH
(C.D. Ill. 2018)

In this consent case which concluded with a bench trial before me, the parties consented to a magistrate judge's jurisdiction in a case where the plaintiff and defendant entered into a subcontract agreement providing the plaintiff would perform earthwork, excavation, and site utility work at a project. The plaintiff alleged the defendant, who received a payment bond pursuant to the Miller Act, failed to pay the plaintiff for work performed in breach of the parties' contract. Prior to the bench trial, I denied motions for partial summary judgment filed by the parties. Following a bench trial, I entered an order in favor of the plaintiff on its breach of contract and Miller Act claims. The final judgment in favor of the plaintiff was in the amount of \$347,655. The defendant filed an appeal in the Seventh Circuit Court of Appeals, but subsequently voluntarily dismissed it.

Counsel for Duce Construction Company, Inc.:

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Counsel for Carlson Bros., Inc. and Liberty Mutual Insurance Company:

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Counsel for Near North National Title:

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Nicholas Davis Strom
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3. *Villavicencio Serva v. Ojelade et al.*, No. 1:17-cv-01038-JEH (C.D. Ill. 2017)

In this consent case which concluded in a jury trial before me, the plaintiff, an inmate in an Illinois prison, filed a *pro se* complaint alleging prison medical

professionals were unconstitutionally, deliberately indifferent to his serious medical needs by failing to timely arrange for a surgery to repair broken hardware placed in his femur. Prior to trial, the parties consented to me presiding over the case. I granted the plaintiff's motion to request counsel, and I recruited *pro bono* counsel for him. I then allowed for the plaintiff's counsel to conduct discovery which the plaintiff had not been able to conduct when he was without counsel, including the retention of an expert medical witness. At the close of the additional discovery, I decided multiple motions *in limine*, proposed jury instructions to the parties, proposed a jury selection plan to the parties, and finally conducted the jury trial. The jury found in favor of the plaintiff against one of the defendants and awarded the plaintiff \$20,000 in compensatory damages. The jury found in favor of the other defendant.

Counsel for Plaintiff:

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Counsel for Hart, Ojelade, and Hansen:

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Counsel for Burle:

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4. *Barn II, Inc. v. West Bend Mutual Insurance Company*, No. 1:17-cv-01184-JEH (C.D. Ill. 2017)

In this consent case which concluded in a jury trial before me, the plaintiff, a dinner theater, alleged that the defendant insurance company improperly denied the plaintiff's claim for policy coverage after its timber barn was severely damaged after a storm. The insurance company refused to provide coverage for the damage, claiming that the damage was caused by excluded pre-existing conditions rather than the storm which came through the community the day the damage occurred to the dinner theater. I oversaw the discovery stage of the case after it was removed from state court on the basis of diversity jurisdiction, and I

granted the plaintiff's motion to amend its complaint to reinstate a count alleging that the insurance company's denial of coverage was vexatious and unreasonable. After the parties consented to a magistrate judge's jurisdiction, I ruled on motions *in limine* and presented my proposed jury instructions in advance of trial. A jury found in the plaintiff's favor on its breach of contract claim after a five-day trial, awarding the plaintiff \$468,000 in damages. I found for the plaintiff on its claim that the defendant's denial of coverage was vexatious and unreasonable, which entitled the plaintiff to an additional \$227,670 in attorney fees.

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5. *Delapo v. City of Moline et al.*, No. 4:17-cv-04012-JEH (C.D. Ill. 2017)

In this consent case which concluded in a jury trial before me, the plaintiff brought a § 1983 civil rights action alleging the defendant police officers used excessive force when arresting him, along with other constitutional violation

claims. The case was originally referred to me for case management and discovery disputes, but after the presiding district judge ruled on dispositive motions, the parties consented to me for trial. Prior to trial, I ruled on motions *in limine*, resolved jury instruction issues, and resolved issues related to jury selection. The jury returned a verdict in favor of all defendants on all claims.

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Counsel for Defendants:

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6. *Bielfeldt v. Graves*, No. 1:15-cv-01419-JEH, 2017 WL 4844933 (C.D. Ill. Oct. 26, 2017), *aff'd*, 726 F. App'x 488 (7th Cir. 2018)

The parties consented to a magistrate judge's jurisdiction in an action by shareholders alleging two of the defendant company's officers, shareholders, and employees committed federal and Illinois securities fraud, Racketeer Influenced and Corrupt Organizations Act (RICO) violations, and various other state common law violations. Two 50/50 shareholders became involved in the litigation after the company they owned faced a financial crisis, but only one of the shareholders, the defendant, provided personal funds to keep the company afloat. The defendant eventually issued himself additional shares in the company to account for the capital he contributed to the company, which the plaintiff claimed illegally diluted his shares in the company, among other things. I granted summary judgment in the defendant's favor on the two federal claims in the case, and I declined to exercise supplemental jurisdiction over the remaining state law claims and counterclaims. I found that the parties' pre-existing stock restriction agreement allowed the defendant to be issued additional shares of stock in exchange for a capital contribution to the company so long as the defendant followed the procedures set forth in that agreement, which I concluded he did. The Seventh Circuit Court of Appeals affirmed my decision.

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7. *Rodesky v. Wexford Health Sources, Inc.*, No. 1:15-cv-01002-JEH (C.D. Ill. 2015)

In this consent case which concluded in a jury trial before me, the plaintiff, an inmate in an Illinois prison, filed multiple claims against medical practitioners, correctional employees, and the corporation contracted by Illinois to provide medical care to inmates, Wexford Health Sources, Inc. The plaintiff was an insulin dependent diabetic, and he claimed that the defendants were deliberately indifferent to his serious medical needs and that they violated the Americans with Disabilities Act (ADA) and Rehabilitation Act (RHA) by failing to make reasonable accommodations while in the prison to account for his diabetes. After the parties consented to me presiding over the case, I handled multiple issues related to the entry of protective orders, contested scheduling issues, discovery disputes, and dispositive motions. At the final pretrial conference, I ruled on several motions *in limine*, jury instruction issues, and jury selection issues. On the first morning of the trial, all defendants employed by Wexford Health Sources and Wexford Health Sources, Inc. as a corporate defendant settled with the plaintiff (the amount of settlement is not in the public record). The case then proceeded to trial against the defendant employed by the Illinois Department of Corrections, and the jury returned a verdict in favor of the defendant on the deliberate indifference claim and a verdict in favor of plaintiff on the ADA and RHA claims in the amount of \$400,000. Thereafter, I denied the plaintiff's claim for injunctive relief on the ADA and RHA claims and ruled on numerous other post-trial motions. The defendants filed a notice of appeal but subsequently voluntarily dismissed it.

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Counsel for Pfister, Jeffreys, and Bowman:

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8. *Moore v. Dotson et al.*, No. 1:14-cv-01220-JEH (C.D. Ill. 2014)

In this consent case which concluded in a jury trial before me, the plaintiff brought a § 1983 civil rights action alleging the defendant police officers used excessive force when arresting her. I resolved a number of disputes as the referred magistrate judge, and the presiding district judge also referred the final pretrial conference to me, where I resolved multiple motions *in limine*. The parties then consented to me to try the case before a jury, and I again ruled on multiple pre-trial and jury instruction issues. At the conclusion of the jury trial, the jury could not reach a unanimous verdict, and I declared a mistrial. I then granted judgment as a matter of law for one of the defendant police officers and set the case for retrial for the remaining defendants. I then ruled on another round of pretrial motions, including motions *in limine*, motions to reconsider, and jury instruction issues. After the second jury trial, the jury returned a verdict in favor of all defendants.

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Counsel for Defendants:

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9. *Iowa Based Milling, LLC v. Fischer Excavating, Inc.*, No. 4:12-cv-04082-JEH (C.D. Ill. 2012)

In this consent case which concluded in a bench trial before me, the plaintiff made a breach of contract claim related to work done to resurface a runway at Quad Cities International Airport in Moline, Illinois. The plaintiff alleged the defendant subcontractor, who obtained a bond on the project, failed to pay the plaintiff for

its work at the airport, and the plaintiff brought suit for breach of contract, quantum meruit and unjust enrichment, fraud and misrepresentation, and claims under the Miller Act payment bond and under the Illinois Public Construction Bond Act. After handling all case management issues, discovery disputes, and pretrial motions, I conducted a bench trial, and I entered judgment in the plaintiff's favor on its breach of contract claim, bond claims, and the remaining count of the defendant subcontractor's counterclaim. I also found in favor of the defendant subcontractor on the plaintiff's quantum meruit, unjust enrichment, common law fraud and misrepresentation, and Illinois Consumer Fraud and Deceptive Business Practices Act claims. I awarded the plaintiff \$85,182 on the breach of contract and bond claim, in addition to \$25,940 in prejudgment interest.

Counsel for Plaintiff:

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Counsel for Continental Casualty Company:

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10. *United States ex rel. Conyers v. Kellogg, Brown & Root, Inc.*, No. 4:12-cv-04095-SLD-JEH (C.D. Ill. 2012)

This case stemmed from a LOGCAP III contract awarded by the Army Operations Support Command to a division of Kellogg, Brown & Root (KBR) in December 2001. The relator brought this *qui tam* action under the False Claims Act, and the government intervened, claiming KBR, through the actions of three KBR procurement managers operating out of Kuwait, awarded subcontracts in exchange for kickbacks. Claimed damages were several million dollars. I presided over several discovery disputes pertaining to electronically stored information and various other discovery issues, spanning multiple years and countries. I also

reviewed and approved proposed protective orders as to produced privileged material and the use and disclosure of confidential information produced during the case, among others. The case was ultimately transferred out of the district and settled for \$13,677,621.

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- 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.

1. *Sherman v. BNSF Railway Company*, No. 1:17-cv-01192, 2022 WL 138630 (C.D. Ill. Jan. 14, 2022).

Counsel for Sherman:

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2. *Breitfelder v. Binegar*, No. 4:20-cv-04222, 2022 WL 854817 (C.D. Ill. Mar. 22, 2022).

Counsel for Breitfelder:

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3. *United States v. Carruthers*, No. 4:20-CR-40047, 2021 WL 4823257 (C.D. Ill. Oct. 15, 2021).

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4. *Robinson v. Moskus*, 491 F. Supp. 3d 359 (C.D. Ill. 2020).

Counsel for Robinson:

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5. *United States v. Gay*, 4:20-cr-40026, 2020 WL 5983880 (C.D. Ill. Oct. 7, 2020).

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6. *Morrison v. Wal-Mart Stores, Inc.*, 321 F.R.D. 336 (C.D. Ill. 2017)

Counsel for Morrison:

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7. *Donald v. Wexford Health Sources, Inc.*, 266 F. Supp. 3d 1097 (C.D. Ill. 2017).

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8. *Williamson v. City of Pekin*, No. 1:13-cv-01436, 2015 WL 13747583 (C.D. Ill. July 15, 2015).

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9. *Ryan v. Cargill, Inc.*, 73 F. Supp. 3d 994 (C.D. Ill. 2014).

Counsel for Ryan:

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10. *United States v. Morgan*, 1:14-cr-10043, 2014 WL 3375028 (C.D. Ill. July 9, 2014).

Counsel for the United States:

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Counsel for Morgan:

Robert A. Alvarado (retired)

- e. Provide a list of all cases in which certiorari was requested or granted.

Based on a review of my files and legal databases, certiorari has not been requested or granted in any of my cases.

- 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.

Peter T.R. v. Comm’r of Soc. Sec., No. 4:19-cv-04160, 2023 WL 11808617 (C.D. Ill. Dec. 11, 2023), *R. & R. adopted in part and rejected in part*, 2024 WL 2797047 (C.D. Ill. May 31, 2024). The plaintiff, who is statutorily blind and was proceeding pro se, had previously received child’s benefits on his father’s earning record and then disability insurance benefits on his own record until his disability ceased due to substantial gainful work activity. The plaintiff challenged an administrative law judge’s (ALJ) determination that he received an overpayment from the Social Security Administration (SSA), and the plaintiff alleged his mother was harmed by the SSA’s overpayment determination where the SSA withheld her benefits to recover the plaintiff’s overpayment. The plaintiff claimed, among other things, violations of the Freedom of Information Act (FOIA), Privacy Act, Fair Credit Reporting Act (FCRA), and his right to procedural due process under the Fifth Amendment. After the district judge remanded the case pursuant to Sentence Six of 42 U.S.C. § 405(g), the Appeals Council (AC) issued a partially favorable decision, and the plaintiff thereafter proceeded with the litigation. I concluded the AC relied upon substantial evidence in support of its final overpayment calculation. I also concluded: the plaintiff was not entitled to relief under the FCRA where he no longer had a claim under it; a valid waiver of counsel was obtained at the plaintiff’s 2018 administrative hearing; the Acting Commissioner was entitled to summary judgment on the plaintiff’s FOIA and Privacy Act claims; the plaintiff failed to state a Fifth Amendment equal protection claim; the Acting Commissioner was entitled to summary judgment on the plaintiff’s Fifth Amendment procedural due process claim; the plaintiff did not have standing, third party or otherwise, to assert a claim on his mother’s behalf; the court was without authority to award the plaintiff money damages or injunctive relief; the plaintiff’s request for an award of costs pursuant to the Equal Access to Justice Act was premature; and the pro se plaintiff could not recover attorney fees because he was not a lawyer. Whereas I found a 42 U.S.C. § 405(g) Sentence Four remand was not warranted, the district judge declined to adopt that finding and found that remand via Sentence Four was warranted to allow the Commissioner to address whether the plaintiff was entitled to an overpayment waiver.

Wayland v. OSF Healthcare Sys., No. 1:20-cv-01337-JEH, 2023 WL 2608865 (C.D. Ill. Feb. 27, 2023), *vacated and remanded*, 94 F.4th 654 (7th Cir. 2024). This case stemmed from the termination of an employee, who then sued her former employer alleging that her termination violated her rights under the Family and Medical Leave Act. I granted summary judgment in favor of the employer, finding no rational trier of fact could find from the record that the company interfered with the plaintiff’s rights under the Act or retaliated against her for her use of FMLA leave. More specifically, I found that given the timing of when the plaintiff requested FMLA and her failure to meet her employer’s performance standards, there was no causal nexus between her family and medical leave and her termination. A majority of the reviewing court disagreed, finding that a

material dispute of fact existed on the question of whether the employer held the plaintiff to standards that were at least as demanding as when she worked full time, and then firing her for falling short, thereby interfering with her FMLA rights or retaliating against her for use of FMLA. The case was remanded to me and is currently awaiting trial.

Sanders v. Melvin, No. 1:16-cv-01366-JEH (C.D. Ill. Sept. 24, 2020), *rev'd*, 25 F.4th 475 (7th Cir. 2022). Inmate, who had “three strikes” for filing actions or appeals that were dismissed for being frivolous, malicious, or failing to state a claim, brought pro se action against officials of the Illinois Department of Corrections (IDOC) and of healthcare services company, challenging his conditions of confinement, and sought to proceed in forma pauperis (IFP) under the imminent-danger exception to the three-strikes rule, indicating his belief that certain practices at correctional center, where he was housed in solitary confinement, would lead to self-harm. The district court initially granted inmate’s application to proceed IFP, but after a merit review, revoked its grant, and inmate appealed. The Seventh Circuit vacated the revocation, restoring inmate’s IFP status, and remanded. On remand, the parties consented to the jurisdiction of a magistrate judge, and I was assigned to the case as the presiding judge. The inmate paid the filing fee, terminating his IFP status, and filed an amended complaint, adding several claims. The IDOC defendants moved for sanctions, claiming that inmate had lied to obtain IFP status, and I dismissed inmate’s suit with prejudice pursuant to the court’s inherent authority to punish fraud on the court. Inmate appealed, and the Seventh Circuit reversed, disagreeing with my finding that inmate committed fraud on the court, and concluding that I should have considered lesser sanctions before dismissing inmate’s complaint. On remand, both the Wexford Health Sources, Inc. and IDOC defendants’ motions for summary judgment were granted.

Zaya v. Sood, No. 12-1307-JEH, 2015 WL 13039472 (C.D. Ill. Feb. 26, 2015), *rev'd and remanded*, 836 F.3d 800 (7th Cir. 2016). A state prison inmate brought § 1983 action against a prison physician, alleging deliberate indifference to inmate's serious medical needs, in violation of the Eighth Amendment, in connection with treatment of inmate’s broken wrist. I granted summary judgment to the physician, and the inmate appealed. The Court of Appeals reversed and held that a genuine dispute of material fact existed as to whether the prison physician, who was a general practitioner, consciously disregarded substantial risk of harm to the inmate by ignoring an orthopedic specialist’s instructions to send inmate back to the specialist three weeks after the specialist treated inmate’s broken wrist.

Mary B.D. v. Comm’r of Soc. Sec., No. 1:21-cv-01083, 2022 WL 3336441 (C.D. Ill. July 5, 2022), *R. & R. adopted in part and rejected in part*, 2022 WL 4536123 (C.D. Ill. Sept. 28, 2022). The plaintiff, a Social Security disability claimant, was denied disability insurance benefits (DIB) by an Administrative Law Judge (ALJ). On appeal in the district court, the plaintiff argued the ALJ committed several

errors including that she cherry-picked the record, erroneously assessed record opinion evidence, and was patently wrong in the assessment of the plaintiff's credibility. I concluded the ALJ did not commit reversible error where the ALJ explicitly connected the dots between the evidence and her conclusions and articulated how she reconciled conflicting evidence. With regard to a physical therapist's functional capacity evaluation (FCE), I found the analysis tipped in the Commissioner's favor where the ALJ did not materially misrepresent the FCE and listed several reasons for not finding the physical therapist's opinion more persuasive. The district judge declined to adopt my finding that the ALJ's error in reviewing the FCE was harmless. He reversed and remanded the matter to the Commissioner for the ALJ to evaluate the FCE in accordance with the pertinent Social Security rules and regulations.

United States v. Cole, No. 4:20-cr-040033-SLD (C.D. Ill. 2020). The defendant was charged by indictment with one count of possessing marijuana with intent to distribute, one count of possessing a firearm in furtherance of a drug trafficking offense, and one count of being a felon in possession of a firearm and ammunition. After a contested detention hearing, I ordered the defendant be released on certain conditions, including residential substance abuse treatment upon the availability of space for the defendant at a treatment facility. The government appealed my release order to the district judge, who ordered that the defendant be detained. Order setting conditions of release and detention order of the district judge supplied.

Liggins v. United States, No. 2:19-cv-02129-SLD-JEH (C.D. Ill. Nov. 15, 2023), *R. & R. rejected*, 2024 WL 786976 (C.D. Ill. Feb. 26, 2024). The defendant was originally charged by indictment with one count of possession of 500 grams or more of a mixture or substance containing cocaine with intent to deliver it and one count of being a felon in possession of a firearm. The defendant ultimately pleaded guilty to both offenses. After sentencing, the now petitioner filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255, arguing that his trial attorney was ineffective for failing to make a challenge to an enhanced sentencing range based upon prior felony drug convictions. The district judge referred that matter to me for an evidentiary hearing and a report and recommendation. The petitioner's former attorney was deceased at the time of the evidentiary hearing and, accordingly, only the petitioner's testimony was presented at the hearing. I credited the petitioner's testimony regarding the failure of his attorney to discuss whether a challenge should be made at sentencing regarding the prior felony drug convictions, and, consequently, issued from the bench a report and recommendation that the petition to vacate be granted. The district judge disagreed upon consideration of the government's objection to my report and recommendation, finding that defense counsel could have had a strategic reason for failing to challenge the enhancement.

Farrington v. United States, No. 2:19-cv-02314-SLD-JEH (C.D. Ill. Nov. 15, 2023), *R. & R. rejected*, 2024 WL 1251252 (C.D. Ill. Mar. 22, 2024). Petitioner

was originally convicted of possession of cocaine base with intent to distribute it. Thereafter, he filed a petition pursuant to 28 U.S.C. § 2255, arguing that his sentence should be vacated because his lawyer provided ineffective assistance on appeal by failing to raise a potentially meritorious argument. The district judge referred the matter to me for an evidentiary hearing, finding that a record needed to be developed on the question of whether appellate counsel had a strategic reason for failing to raise the issue. After an evidentiary hearing before me, I issued from the bench a report and recommendation that the district court find that appellate counsel did not have a strategic reason for failing to raise the issue. The district judge, upon consideration of an objection to my report and recommendation, concluded that appellate counsel had a strategic reason for failing to raise the argument on appeal when she concluded that the issue had little chance of success.

Andrew F. v. Comm'r of Soc. Sec., No. 4:19-cv-04194, 2020 WL 9074878 (C.D. Ill. Nov. 3, 2020), R. & R. *adopted in part and rejected in part*, 2021 WL 1156618 (C.D. Ill. Mar. 26, 2021). Plaintiff appealed the denial of Social Security benefits. I recommended that the denial of benefits be affirmed. The district judge, upon de novo review, sustained in part and rejected in part my recommendation. She rejected my recommendation insofar as she found that the ALJ erred in assessing the plaintiff's subjective symptoms and in formulating the plaintiff's residual functional capacity. The district judge reversed the agency and remanded the matter for further proceedings.

Ollison v. Wexford Health Sources, Inc., No. 1:17-cv-01077, 2019 WL 11321227 (C.D. Ill. July 2, 2019), *aff'd in part and rev'd in part*, 2019 WL 11321228 (C.D. Ill. Sept. 13, 2019). I granted the defendants' motion to file a late answer to the complaint, but barred the defendants from raising any new affirmative defenses given that three years had passed since the answer was due. The district judge affirmed the bulk of my order but reversed to the extent that he allowed the defendants to raise the single affirmative defense of failure to exhaust administrative remedies.

United States v. Drain, No. 4:16-cr-40003-SLD (C.D. Ill. 2016). The defendant was originally charged by indictment with one count of being a felon in possession of a firearm. After conviction and upon completion of his sentence, the defendant was on supervised release. The government filed a petition to revoke the defendant's supervision, alleging he had violated the terms of his supervised release by committing new law violations of public indecency and aggravated domestic battery. I released the defendant on conditions pending his final revocation hearing, the government filed a motion with the district judge to revoke the detention order, and she did in fact revoke the detention order after the hearing. Order setting conditions of release and detention order of the district judge supplied.

United States v. Hillcrest Resort, Inc., No. 4:15-cv-04194, 2019 WL 7596890

(C.D. Ill. Oct. 9, 2019), *R. & R. adopted in part and rejected in part*, 2019 WL 6112840 (C.D. Ill. Nov. 18, 2019). The United States moved to approve a marshal's report and confirm judicial sale, but the defendants moved to vacate the marshal's report and disapprove the sale. I recommended that the motion to confirm the judicial sale be denied and the motion to vacate the sale be granted. The district judge adopted in part and rejected in part my recommendation. She rejected the portion of my recommendation which recommended a finding of good cause. She concluded that an evidentiary hearing was required before a good cause finding could be made. The district judge later held the evidentiary hearing and granted the United States' motion to approve the marshal's report and confirm judicial sale.

Kevilus v. Ritchie, No. 14-1241, 2014 WL 6434150 (C.D. Ill. July 11, 2014), *R. & R. adopted in part and rejected in part*, 2014 WL 6433404 (C.D. Ill. Nov. 17, 2014). The pro se plaintiff filed a complaint against various judges and attorneys, alleging cover-ups and conspiracies among state court judges and various attorneys. For a number of reasons, I recommended the complaint be dismissed without leave to amend. The district judge affirmed in all respects, except he rejected the recommendation that the dismissal be without leave to amend. Instead, he gave the plaintiff 30 days to file an amended complaint.

Stigleman v. Wal-Mart Stores, Inc., No. 13-3370, 2014 WL 4947328 (C.D. Ill. Apr. 30, 2014), *R. & R. rejected*, 2014 WL 4947500 (C.D. Ill. Sept. 30, 2014). Plaintiff's estate filed a negligence action against Walmart for failing to provide a safe means of ingress and egress to its business invitees, which the plaintiff claimed resulted in the death of the plaintiff. The defendant filed a motion to dismiss, arguing that it owed no duty to the plaintiff given the circumstances of the case. I recommended the motion to dismiss be denied in its entirety, but the district judge rejected the recommendation and dismissed the complaint with leave to file an amended complaint.

- 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.

All of my opinions are available on Lexis and Westlaw. These decisions reflect substantive legal analysis. Those orders that are not captured by Lexis or Westlaw are contained in the docket available to the public on CM/ECF. If I rule from the bench on a motion, a docket entry reflecting that decision is entered on the docket.

- 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 have authored no significant opinions on federal or state constitutional issues.

- 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.

I have not sat by designation on any federal court of appeals.

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:
 - 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.

My court's clerk's office uses an automated electronic recusal system that monitors cases assigned to me to identify cases involving Sinclair Counseling & Therapy Services, LLC (my wife's counseling business); Sevco Mechanical, Inc. (my brother's HVAC contracting business), and Hawley Services (my brother's business). The system would prevent me from being assigned to cases involving any of these entities. Additionally, I review the docket sheet of all cases once I have an initial assignment and review it for possible conflicts, most notably friends and relatives. I would recuse myself in any case in which I have a significantly close relationship to a party or attorney.

The following is the only case of which I am aware that recusal was requested by a motion or other suggestion by a litigant or a party:

Jackson v. Melvin, No. 1:17-cv-01362-JEH (C.D. Ill. 2017). A pro se litigant filed a motion seeking my recusal, asserting that my adverse decisions placed him at a disadvantage and denied him a fair trial or proceedings. He renewed this motion several times. I denied the motion and the motions seeking to renew the motion, noting the United States Supreme Court precedent which establishes that "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." *Liteky v. United States*, 510 U.S. 540, 555 (1994).

Cole v. Meeks, No. 1:15-cv-01292-MMM-TSH (C.D. Ill. 2015). I recused from this case after my review of the complaint revealed two parties were state court judges with whom I have friendships.

Bailey v. OSF Healthcare System, No. 1:16-cv-01137-SLD-TSH (C.D. Ill. 2016). I recused from this case after my review of the complaint revealed that my sister was a participant in the pension plan which was a party to the case.

McBride v. YA'cup, No. 1:17-cv-01506-MJR (C.D. Ill. 2017). I recused from this case after my review of complaint revealed that two judges on my court were named as defendants.

Wilson v. Hoos, No. 1:17-cv-01572-JBM-TSH (C.D. Ill. 2017). I recused from this case after my review of complaint revealed a defendant was a state court judge with whom I am friends.

Great American E&S Insurance Company v. Diocese of Peoria, No. 1:19-cv-01019-CSB-EIL (C.D. Ill. 2019). I recused from this case after my review of complaint revealed that my work on the Peoria Diocese Review Commission could provide me with knowledge of the facts related to the case outside the litigation.

Gilfillan v. Bradley University, No. 1:18-cv-01297-MMM-TSH (C.D. Ill. 2018). I recused from this case after my review of pleadings filed while the case was pending revealed that my niece would be deposed as a witness.

Doe v. University of Illinois, No. 1:19-cv-01107-SLD-JEH (C.D. Ill. 2019). I recused from this case because upon being assigned to the case and conducting my initial review of the case for conflicts, I determined that I should recuse myself because my dependent child was in the employ of the defendant university at the time.

Thiele et al. v. Board of Trustees of Illinois State University, No. 1:20-cv-01197-SLD-TSH (C.D. Ill. 2020). I recused from this case after my review of the complaint revealed that litigation sought certification of a class which could potentially include my dependent son who, at the time, was a student at the defendant university.

Gay v. Keys, No. 4:20-cv-04250-SLD (C.D. Ill. 2020). I recused from this case after my review of the complaint revealed I presided over the defendant's criminal case and was supervising him while on bond. To avoid any appearance of impropriety or avoid any conflicts that could arise, I entered an order of recusal.

Hudson Insurance Company v. Rex Express, Inc., No. 1:22-cv-01019-JBM-KLM (C.D. Ill. 2022). This recusal was entered automatically by the clerk's office, although it appears on the docket as a docket entry. The basis for this recusal was that while my daughter was a dependent and in college, she worked as a paid intern for State Farm Mutual Insurance Company. After she graduated and was no longer a dependent, there was a delay between that time and removal of State Farm from my conflict list. State

Farm has now been removed from my conflict list.

United States v. Lindsey, No. 1:07-cr-10067-JBM-JEH (C.D. Ill. 2007). I recused myself from this case when, during a hearing on a motion to revoke bond, I learned that the defendant in the case was receiving professional services from my wife. As soon as this fact came out in court and I learned of this fact, I recused myself from further proceedings in the matter.

The following is a list of cases in which I have recused myself based upon my review of the complaint and my conflict list provided to the clerk's office through its automated system:

a. Cases in the Central District of Illinois where I recused because State Farm Mutual Insurance Company was a party and my dependent daughter was at the time a paid intern for that party:

1:15-cv-1058-TSH
1:15-cv-1303-CSB-EIL
1:17-cv-1515-JBM-TSH
1:17-cv-1537-JBM-TSH
1:18-cv-1155-MMM-TSH
1:18-cv-1180-JBM-TSH
1:18-cv-1237-JES-TSH
1:18-cv-1315-JBM-TSH
1:19-cv-01225-JBM-TSH
1:19-cv-01390-JBM-TSH
1:19-cv-1080-JES-TSH
1:19-cv-1120-JES-KLM
1:19-cv-1134-MMM-JEH
1:19-cv-1168-JES-TSH
1:20-cv-01050-JBM-TSH
1:20-cv-01052-JBM-TSH
1:20-cv-01448-MMM-KLM
1:20-cv-1260-JES-TSH
1:20-cv-1354-JBM-TSH
1:21-cv-01287-JES-EIL
1:21-cv-1152-JES-TSH
4:20-cv-4098-SLD-TSH
4:21-cv-4106-SLD-TSH

b. Cases in the Central District of Illinois where I recused because UnityPoint, UnityPlace, or Methodist Medical Center was a party. At the time, my wife was employed by the parent company of these affiliated entities.

1:18-cv-01208-JBM-TSH
1:18-cv-01377-JES-TSH

1:18-cv-01390-JES-TSH
1:19-cv-01412-JES-TSH
1:21-cv-1237-JES-TSH
4:18-cv-4197-TSH

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.

I have not held any public office other than judicial 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.

None.

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 1997 to 1998 I was a law clerk to the Honorable Michael P. McCuskey, Justice of the Illinois Third District Appellate Court. I continued to serve as a clerk for Judge McCuskey after he was appointed as a United States District Judge for the Central District of Illinois in 1998.

From 1998 to 1999 I was a law clerk to the Honorable James D. Heiple, Justice of the Illinois Supreme Court.

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

I have never 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;

1999 – 2014

Federal Public Defender's Office for the Central District of Illinois
401 Main Street, Suite 1500

Peoria, Illinois 61602

Chief Federal Public Defender (2011 – 2014)

Acting Federal Public Defender (2010 – 2011)

First Assistant Federal Public Defender (2003 – 2010)

Appellate Division Chief (2000 – 2010)

Assistant Federal Public Defender (1999 – 2003)

Research and Writing Specialist (1999 – 2000)

- 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 resolution proceedings, except in my role as a magistrate judge.

b. Describe:

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

After my clerkships, my entire law practice was spent at the Federal Public Defender's Office for the Central District of Illinois. Although I performed some work related to trials when I first started with that office, I began to focus primarily on appellate work beginning in 2000. After becoming the Appellate Division Chief that same year, my work transitioned from writing and arguing my own cases before the Seventh Circuit Court of Appeals to supervising and supporting the work of lawyers in the Appellate Division. In 2003 when I became the First Assistant Federal Public Defender, my work transitioned again into also supervising the work of the Assistant Federal Public Defenders litigating cases in the district court. I also began to perform additional administrative tasks necessary to the operation of the office. When I became Acting Federal Public Defender in 2010 and then Chief Federal Public Defender in 2011, my role again transitioned into mostly supervisory and administrative work, rather than litigating cases personally.

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

My clients were all indigent individuals who were either charged with or convicted of federal crimes. The focus of my personal legal work, as opposed to the legal work which I supervised, was appellate in nature.

- 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.

All of my practice, with the exception of my clerkships, was in litigation. Specifically, I litigated appeals in the Federal Public Defender's Office and, when I transitioned to an entirely supervisory role in that office, it consisted of supervising both trial and appellate attorneys.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 100% |
| 2. state courts of record: | 0% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 0% |
| 2. criminal proceedings: | 100% |

- 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.

As an attorney, I did not try any cases. However, I personally litigated at least 300 appeals in the United States Court of Appeals for the Seventh Circuit, and I directly supervised at least 1,000 appeals. I also personally litigated in the district court at least 700 motions to reduce sentences based on retroactive changes to the United States Sentencing Guidelines.

- i. What percentage of these trials were:

- | | |
|--------------|-------------------------|
| 1. jury: | N/A (did not try cases) |
| 2. non-jury: | N/A (did not try cases) |

- 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.

My practice before the Supreme Court of the United States is limited to two matters. My office filed briefs before the court in *Dorsey v. United States*, 567 U.S. 260 (2012), and *Roberts v. United States*, 572 U.S. 639 (2014). I did not personally argue either of these cases for my office, but I supervised the drafting of the briefs in both cases. The petitions for certiorari, opening briefs, and reply briefs are supplied.

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. Robers*, No. 2:10-cr-00095-RTR (E.D. Wis. 2010), *rev'd in part, aff'd in part*, 698 F.3d 937 (7th Cir. 2012), *aff'd*, 572 U.S. 639 (2014).

My office participated in this case as co-counsel in the Supreme Court of the United States. In the district court, the defendant was convicted of a federal crime for submitting fraudulent mortgage loan applications to two banks. On appeal, he argued that the district court had miscalculated his restitution obligation under the Mandatory Victims Restitution Act of 1996, which requires property crime offenders to pay “an amount equal to ... the value of the property” less “the value (as of the date the property is returned) of any part of the property that is returned.” 18 U.S.C. § 3663A(b)(1)(B). We argued that “part of the property” was “returned” to the banks when they took title to the houses. And, since the statute says that “returned” property shall be valued “as of the date the property is returned,” the sentencing court should have reduced the restitution amount by more than \$280,000, which is what the banks received from the sale of the houses, but since the banks sold the houses in a falling real estate market, the houses had been worth more when the banks took title to them. The court rejected this argument and affirmed the lower court. The dates of my representation were 2013 to 2014. My participation in this case was limited to work in the United States Supreme Court. Specifically, in addition to generally supervising the Assistant Federal Public Defender assigned to the case, I participated in the drafting and editing of all briefs filed in the United States Supreme Court.

Courts and Presiding Judges:

Supreme Court of the United States, Hon. John Roberts, Antonin Scalia, Anthony Kennedy, Ruth Bader Ginsburg, Stephen Breyer, Clarence Thomas, Samuel Alito, Elena Kagan, and Sonia Sotomayor

Co-Counsel:

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2. *United States v. Lyons*, 733 F.3d 777 (7th Cir. 2013), *cert. denied*, 572 U.S. 1041 (2014), *aff'd after remand*, 559 F. App'x 567 (7th Cir. 2014), *cert. denied*, 574 U.S. 948 (2014).

I represented the defendant on appeal from his conviction and sentence of 210 months' imprisonment for being a felon in possession of a firearm. My office successfully argued that the district judge committed procedural error when failing to adequately explain the sentence imposed, because the district judge used only boilerplate language when imposing sentence without addressing the defendant's arguments. At sentencing, the defendant argued for a below-guidelines sentence. The district judge, however, imposed a within-guidelines sentence, and, when doing so, did not mention any of the arguments the defendant made for a lower sentence. The court of appeals concluded that the absence of any explanation for why the district judge rejected the defendant's argument precluded meaningful appellate review such that the sentence had to be vacated and the case remanded for resentencing. On remand, the district judge re-imposed the same 210-month sentence, but provided a thorough explanation on the record for the sentence imposed. My office represented the defendant from 2011 until after I left the office and became a U.S. Magistrate Judge in 2014. I supervised all Assistant Federal Public Defenders who performed work in both the district and appellate courts and edited the appellate briefs.

Court and Presiding Judges:

United States Court of Appeals for Seventh Circuit, Hon. William Bauer, Richard Posner, and John Tinker

Co-Counsel:

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Opposing Counsel:

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(563) 940-5181

3. *United States v. Goodwin*, 717 F.3d 511 (7th Cir. 2013), *cert. denied*, 571 U.S. 929 (2013).

I represented the defendant on appeal. My office successfully challenged conditions of supervised release imposed by the district court under a plain error standard of review. As was common at the time, the district court imposed conditions of supervised release, but the defendant had no notice prior to sentencing regarding the conditions of supervised release the district judge contemplated imposing. Then, at sentencing, the court imposed numerous conditions of supervised release without explanation or giving the defendant an opportunity to object and offer alternative conditions. The court of appeals held it was plain error for the court to impose the conditions without explanation and without providing the defendant an opportunity to object to the language and nature of the conditions. The dates of my representation were 2011 to 2014, at which time I left the office to become a U.S. Magistrate Judge. My role in the case involved generally supervising the Assistant Federal Public Defenders who represented the defendant in the district and appellate courts. I directly participated in the editing of the briefs filed in the appellate court. I did not argue the case. Although I generally supervised the attorneys who litigated the case in the district court, I had no direct involvement with the litigation before the district court.

Court and Presiding Judges:

United States Court of Appeals for Seventh Circuit, Hon. Richard Posner, Diane Wood, and John Tindler

Co-Counsel:

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4. *United States v. Dorsey*, No. 2:09-cr-20003-MPM-DGB (C.D. Ill. 2009), *rev'd sub nom. United States v. Fisher*, 635 F.3d 336 (7th Cir. 2011), *rev'd sub nom. Dorsey v. United States*, 567 U.S. 260 (2012).

Defendant was charged with crack cocaine offenses committed prior to the enactment of the Fair Sentencing Act and sentenced after its effective date. In the district court and the court of appeals, the courts held that the defendant could not receive the benefit of the lower mandatory minimum sentence set forth in the Fair Sentencing Act because his offense conduct occurred before the effective date of the Act. The Supreme Court reversed, holding that the Fair Sentencing Act applied to everyone sentenced after its effective date, regardless of when the offense conduct occurred. My office represented the defendant in all of the courts the case was litigated, and I participated in the defendant's representation with the other attorneys in my office. The dates of my representation were 2009 to 2012. In addition to generally supervising the Assistant Federal Public Defenders litigating the case at all levels, I actively participated in the drafting, editing, and revisions of all briefs in the Seventh Circuit and the Supreme Court. I also participated in moot court sessions in preparation of oral argument in the Supreme Court, but I did not argue the case at either the Seventh Circuit or the Supreme Court.

Courts and Presiding Judges:

U. S. District Court for the Central District of Illinois, Hon. Michael P. McCuskey
U. S. Court of Appeals for the Seventh Circuit, Hon. Terrance Evans, Diane Wood, and Ilana Rovner
Supreme Court of the United States, Hon. John Roberts, Antonin Scalia, Anthony Kennedy, Ruth Bader Ginsburg, Stephen Breyer, Clarence Thomas, Samuel Alito, Elena Kagan, and Sonia Sotomayor

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5. *United States v. Dooley*, 688 F.3d 318 (7th Cir. 2012), *on remand*, 2013 WL 105198 (C.D. Ill. Jan. 8, 2013), *aff'd*, 521 F. App'x 563 (7th Cir. 2013).

I represented the defendant in this criminal appeal after she pleaded guilty to multiple counts of aggravated identity theft and fraud. One of the statutes under which the defendant was convicted, 18 U.S.C. § 1028A, provides that each count of conviction for an offense under this statute carries a sentence of exactly two years' imprisonment, consecutive to any terms of imprisonment imposed on other counts of conviction. The district court at sentencing found that it was required to run the sentences on all three § 1028A counts consecutive to each other as well as the other counts of conviction, which I argued on appeal was error. The court of appeals agreed, noting that although a district judge may run the § 1028A counts consecutively to each other, it is not required to do so. Because the district judge mis-apprehended the law in this regard, the court of appeals found plain error and remanded for resentencing. The original sentence imposed was a total of 96 months' imprisonment and, at resentencing after remand, the district judge again imposed a total sentence of 96 months' imprisonment, although he reconfigured how that 96-month sentence was achieved among the various counts, consistent with the decision of the court of appeals. The dates of my representation were from 2011 to 2014. I participated in the drafting and editing of all briefs in the Court of Appeals for the Seventh Circuit and argued the case before that court.

Court and Presiding Judges:

United States Court of Appeals for Seventh Circuit, Hon. Frank Easterbrook, Diane Wood, and Diane Sykes

Co-Counsel:

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6. *United States v. Love*, 680 F.3d 994 (7th Cir. 2012).

My office represented the defendant on appeal after he pleaded guilty to several counts of mortgage fraud. On appeal, we argued that the district judge misapplied the Sentencing Guidelines when determining the number of victims of the defendant's offense. Specifically, the district judge found that Love's offense involved more than ten victims, which allowed for a two-point increase in his offense level. The judge sentenced Love to 66 months of total imprisonment. The government conceded error, noting that the record only established seven victims. The court of appeals agreed that the two-level enhancement was erroneously applied. Significantly, the court also found the error not to be harmless, even though the defendant received a below-guideline sentence in the lower court. Therefore, the court of appeals remanded for resentencing. On remand, the district judge resentenced the defendant to 55 months' total imprisonment. The dates of my representation were from 2011 to 2012. My office's representation of the defendant was limited to work in the Court of Appeals for the Seventh Circuit. In addition to generally supervising the Assistant Federal Public Defender assigned to this case, I edited the briefs filed in the appellate court. I did not argue the case.

Court and Presiding Judges:

United States Court of Appeals for the Seventh Circuit, Hon. William Bauer, Daniel Manion, and Diane Wood

Co-Counsel:

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Opposing Counsel:

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7. *United States v. Mount*, 675 F.3d 1052 (7th Cir. 2012).

My office represented the defendant on appeal and argued that the district judge erred in refusing to apply a one-level reduction in the defendant's Guideline offense level for providing timely notice of his intention to plead guilty before trial. The government moved for the defendant to receive the one-level reduction pursuant to Guideline section § 3E1.1(b). The district judge, however, denied that motion, citing the defendant's flight from prosecution as its basis. We successfully argued in our brief on appeal that once the government makes a motion for the one-level reduction in the offense level under the Guideline section, a district judge must grant the motion; she has no discretion to deny it. Accordingly, the court of appeals vacated the sentence and remanded for resentencing. The dates of my representation were from 2011 to 2012. My office's representation of the defendant was limited to work in the United States Court of Appeals for the Seventh Circuit. In addition to generally supervising the Assistant Federal Public Defender assigned to this case, I edited the briefs filed in the appellate court. I did not argue the case.

Court and Presiding Judges:

United States Court of Appeals for the Seventh Circuit, Hon. William Bauer, Ilana Rover, and Diane Wood

Co-Counsel:

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Opposing Counsel:

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(317) 226-6333

8. *United States v. Russell*, 340 F.3d 450 (7th Cir. 2003).

The defendant was convicted of bank fraud and originally sentenced to 70 months' imprisonment and 60 months of supervised release. After he served his sentence, his supervised release was revoked, and he was sentenced to a new 36-month term for violating his supervised release conditions to be followed by a new 46-month term of supervised release. I was appointed to represent the defendant on appeal, and I successfully argued that the district court exceeded its authority by sentencing the

defendant to a combined term of reimprisonment and additional supervised release in excess of his original term of supervised release. Specifically, according to the version of the statute in effect at the time of the defendant's sentencing on the supervised release violation, when sentencing a defendant for a supervised release violation, the plain language of the statute as interpreted by the Supreme Court limited the total combined term of imprisonment and supervised release to no more than the length of the supervised release term imposed at the defendant's original sentencing hearing. In this case, that combined term exceeded the original supervised release term by 24 months, and, accordingly, the court of appeals reversed the judgment of the district court and remanded with instructions to reduce the defendant's new supervised release term by 24 months. I drafted the briefs and orally argued this case in the Seventh Circuit, but I did not litigate this case in the district court either originally or after remand.

Court and Presiding Judges:

United States Court of Appeals for Seventh Circuit, Hon. Richard Posner, Kenneth Ripple, and Daniel Manion

Co-Counsel:

Richard H. Parsons (deceased)

Opposing Counsel:

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Northern District of Illinois, Eastern Division
219 South Dearborn Street, Fifth Floor
Chicago, IL 60604
(312) 353-5300

9. *United States v. Randle*, 324 F.3d 550 (7th Cir. 2003).

I represented the defendant on appeal. I successfully argued on appeal that 1) the district court had no authority under the Mandatory Victims Restitution Act to order restitution to either of two debtors with respect to whom defendant's conduct was charged but unconvicted, as neither was a "victim" as defined by the statute; 2) the defendant's written plea agreement did not evidence an agreement on his part to pay restitution to each of the three victims of his scheme; and 3) the district court's error was "plain." The dates of my representation were 2002 to 2003. I drafted the briefs and argued the appeal, and my representation of the defendant was limited to work in the Court of Appeals for the Seventh Circuit.

Court and Presiding Judges:

United States Court of Appeals for Seventh Circuit, Hon. Richard Posner, Michael Kanne, and Diane Wood

Co-Counsel:

Richard H. Parsons (deceased)

Opposing Counsel:

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Chicago, IL 60604
(312) 353-3741

10. *United States v. Harbin*, 250 F.3d 532 (7th Cir. 2001), *aff'd after new trial*, 368 F.3d 801 (7th Cir. 2004).

I represented codefendant Tyler in this consolidated criminal appeal. I drafted the brief on behalf of all codefendants, arguing that the government's use of a peremptory challenge in the middle of the trial after the jury had been selected constituted a structural error requiring reversal of the defendants' convictions without the necessity to show actual prejudice. The Seventh Circuit agreed and reversed. The dates of my representation were 2000 to 2001. I did not orally argue this case, and I only represented the defendant on appeal. My office did not handle any of the proceedings in the district court.

Court and Presiding Judges:

United States Court of Appeals for Seventh Circuit, Hon. Diane Wood, Kenneth Ripple, and Ilana Rovner

Co-Counsel:

Richard H. Parsons (deceased)

Opposing Counsel:

Andrew B. Baker (deceased)

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.)

Since becoming a magistrate judge in 2014, I have been very active in judicial education with the Federal Judicial Center ("FJC"). I have served as a faculty member for almost every Phase I and Phase II orientation program for newly appointed magistrate judges since 2014. In 2017, Chief Justice John Roberts appointed me to the FJC's Magistrate Judge Education Advisory Committee, which plans and provides training for all magistrate judges. In 2021, Chief Justice Roberts appointed me as Chairperson of that committee.

I have also participated in a number of training programs for judges internationally

through the Federal Judicial Center in cooperation with the Central and Eastern European Law Institute and Regional Dialogue. In 2022 and 2023, I participated in a program with Indian judges designed to assist the Indian judges with creating a two-day program on the adjudication of terrorism cases for other Indian judges. In 2023, I participated in a similar program with judges from Kosovo, but for the purpose of adjudicating anti-corruption cases. Finally, in 2024, I presented a two-day program to judges from Uzbekistan on the concepts of probable cause and pretrial release and detention.

I have also done work with the Administrative Office of the United States Courts. From 2021 to 2023, I served as the magistrate judge representative on the Judiciary Information Technology Security Task Force for the United States Courts, which was formed to address cybersecurity threats to the judiciary. From 2014 to 2018, I served as the magistrate judge representative on the Information Technology Advisory Council, which provides input to the Information Technology Committee of the United States Courts. In 2023, I also participated in a roundtable discussion with judges from Uzbekistan on cybersecurity issues which threaten the courts. Finally, as the Federal Public Defender, I served on the Human Resources Advisory Council for the United States Courts.

I am also actively involved in court governance issues at my local court. I am currently the chairperson of my district's Information Technology Committee, and I am a member of my district's Criminal Law Committee and Space and Facilities Committee. Finally, I was appointed by the chief judge of my district to serve as the Executive Magistrate Judge for the Central District of Illinois, where I assist the district judges in managing the work of the magistrate judges and providing input on policy issues which affect the work of magistrate judges in my district.

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.

I taught a clinical course at the University of Illinois College of Law in 2013 as an Adjunct Professor. The course was entitled "Federal Criminal Appeals," and the students worked under my supervision on actual criminal appeals pending in the United States Court of Appeals for the Seventh Circuit. I taught this course without compensation and, during the first semester in which I taught this course, I was selected to be a United States Magistrate Judge. I therefore resigned as the professor of this course, and another attorney in the Federal Public Defender's Office took over the course. I no longer have a copy of the syllabus.

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.

None.

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.

None.

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

See attached 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.

My wife is a Licensed Clinical Social Worker, and she owns her own Limited Liability Company, Sinclair Counseling & Therapy Services, LLC. I have her business listed on my conflict list and any case involving her or her business would be automatically flagged by the clerk's office and assigned to a different judge. My brother's two businesses, Sevco Mechanical, Inc. and Hawley Services are also on my conflict list. Finally, any employer of any of my dependent children is placed on my conflict list in the clerk's office. I own no stock, have no stake in any business, and foresee no potential financial conflicts beyond those set forth herein. I currently and will in the future review the docket in every case assigned to me to determine if any family member or close friend is a party or attorney.

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

If confirmed, I would continue to carefully review the Code of Conduct for

United States Judges, as well as 28 U.S.C. § 455. Additionally, the United States Court of Appeals for the Seventh Circuit rotates judges to respond to questions regarding conflicts of interest. In the past, I have contacted those judges and would do so in the future if needed. Moreover, the Administrative Office of the United States Courts also provides counsel on potential conflict of interest issues. I have used those services in the past and, if needed, will in the future.

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.

As both a Federal Public Defender and a United States Magistrate Judge, I was and am prohibited from the private practice of law, including performing pro bono representation. My work as a Federal Public Defender was exclusively on behalf of indigent clients.

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 February 5, 2024, Senators Durbin and Duckworth issued a press release announcing the application process for the position of United States District Judge for the Central District of Illinois, which will become vacant upon the incumbent taking senior status. I submitted my application to the screening committee on February 7, 2024. I had an in-person interview with the screening committee on March 26, 2024. I learned the following day that the committee had recommended me for an interview with the Senators. I thereafter had an interview with Senator Durbin on April 2, 2024, and an interview with Senator Duckworth on April 9, 2024. On April 11, 2024, I received a call informing me that the Senators were sending my name, along with others, for consideration by the President. The following morning, I was invited to interview with attorneys from the White House Counsel's Office, which happened later that day. I was then informed that the White House intended to move forward with the vetting process. Since April 12, 2024, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 3, 2024, the President announced his intent to nominate me.

- 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.