QUESTIONNAIRE FOR NOMINEES BEFORE THE COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE

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

   Steven Michael Colloton

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

   United States Circuit Judge
   United States Court of Appeals for the Eighth Circuit

3. **Address**: List current office address and telephone number. If state of residence differs from your place of employment, please list the state where you currently reside.

   Office of the United States Attorney
   110 East Court Avenue, Suite 286
   Des Moines, Iowa 50309
   (515) 284-6420

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

   January 9, 1963
   Iowa City, Iowa

5. **Marital Status**: (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es). Please also indicate the number of dependent children.

   Deborah June Colloton (nee: Stone)
   Television Producer
   ABC News Network
   147 Columbus Avenue, 8th Floor
   New York, NY 10023
   Also works from home office in Des Moines.

   No dependent children.

6. **Education**: List in reverse chronological order, listing most recent first, each college, law school, and any other institutions of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was

received.

Yale Law School
Attended: Fall 1985 through Spring 1988
Received J.D. degree in 1988

Princeton University
Attended: Fall 1981 through Spring 1985
Received A.B. degree, *summa cum laude*, in 1985

University of Iowa
Attended: Summer 1982
No degree received

7. **Employment Record**: List in reverse chronological order, listing most recent first, all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and 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 job description where appropriate.

United States Attorney for the Southern District of Iowa
110 East Court Avenue, Suite 286
Des Moines, Iowa 50309
October 2001 to present

Member
Belin Lamson McCormick Zumbach Flynn, A Professional Corporation
666 Walnut Street, Suite 2000
Des Moines, Iowa 50309
October 1999 to October 2001

Adjunct Lecturer
University of Iowa College of Law
Boyd Law Building
Melrose & Byington
Iowa City, Iowa 52242
Spring 2000

Assistant United States Attorney
Northern District of Iowa
400 1st Street, SE, Suite 400
P.O. Box 74950

Cedar Rapids, Iowa 52407-4950
October 1991 to September 1999
(away from office on temporary detail during 1995-96)

Associate Independent Counsel
Office of Independent Counsel Kenneth W. Starr
10825 Financial Centre Parkway, Suite 134, Little Rock, Arkansas 72211
1001 Pennsylvania Avenue, NW, Suite 490N, Washington, DC 20004
January 1995 to November 1996
(occasional consultation after 1996, including a brief period in Washington in early 1998)

Special Assistant to the Assistant Attorney General
Office of Legal Counsel
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20004
1990-91

Law Clerk
Honorable William H. Rehnquist
Chief Justice
United States Supreme Court
One First Street, NE
Washington, DC 20543
1989-90

Law Clerk
Honorable Laurence H. Silberman
United States Circuit Judge
United States Court of Appeals for the D.C. Circuit
333 Constitution Avenue, NW
Washington, DC 20001
1988-89

Summer Associate
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, DC 20004
Summer 1987

Summer intern
Honorable Edward R. Becker
United States Circuit Judge

United States Court of Appeals for the Third Circuit
19613 United States Courthouse
601 Market Street
Philadelphia, PA 19106
Summer 1986

Summer Associate
Bell, Boyd & Lloyd
Three First National Plaza
70 West Madison Street
Chicago, IL 60602
Summer 1986

8. **Military Service**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number and type of discharge received.

None.

9. **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.

Special Achievement Award in official recognition of achievements and contributions to the United States Department of Justice (1999)

Certificate of Appreciation from the U.S. Drug Enforcement Administration for outstanding contributions in the field of drug law enforcement (1998)

Graduate, Leadership Iowa Program, Iowa Association of Business and Industry (1994-95)

Special Achievement Award, United States Department of Justice, in appreciation and recognition of sustained superior performance of duty (1993)

Central Intelligence Agency Seal Medallion in recognition of exceptional service to the national security (1991)

Potter Stewart Prize, Yale Moot Court competition (1988)

Phi Beta Kappa, Princeton University (1985)

10. **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.

Iowa State Bar Association

Polk County, Iowa, Bar Association

C. Edwin Moore Inn of Court, Des Moines, Iowa

The Supreme Court Historical Society

Southern District of Iowa Branch of the Historical Society of United States Courts in the Eighth Circuit

District of Columbia Bar

U.S. Department of Justice Appellate Working Group, 8th Circuit representative, 1999

The Federalist Society for Law & Public Policy Studies, co-chair, Criminal Rules and Procedure subcommittee, Criminal Law Practice Group, 2000-01

Linn County, Iowa, Bar Association

Dean Mason Ladd Inn of Court, Cedar Rapids, Iowa

In my capacity as United States Attorney, I have been a member of the following entities or committees:

Executive Board, Midwest HIDTA (High Intensity Drug Trafficking Area) Program, Office of National Drug Control Policy, 2002 to present

Steering Committee, Department of Justice Weed & Seed program site, Des Moines, Iowa, 2002 to present (combined during a portion of 2002 with an Enterprise Community Steering Committee in Des Moines)

Subcommittee on Sentencing Guidelines of the Attorney General's Advisory Committee, United States Department of Justice

Polk County, Iowa, Chiefs Association

Omaha-Council Bluffs Metropolitan Chiefs Association

Policy Advisory Group, FBI Federal Gang Task Force and Metropolitan Enforcement Group Task Force, Quad Cities of Iowa and Illinois

11. **Bar and Court Admission**: List each state and court in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

Illinois, 1988

District of Columbia, 1990

Iowa, 1994

Supreme Court of the United States, 1996

United States Court of Appeals for the Eighth Circuit, 1990

United States Court of Appeals for the First Circuit, 1990

United States Court of Appeals for the Federal Circuit, 1999

United States District Court for the Northern District of Iowa, 1995

United States District Court for the Southern District of Iowa, 1999

United States District Courts for the Eastern and Western Districts of Arkansas, 1995

I do not believe that any of these memberships has lapsed. My membership in the Illinois bar is currently on "inactive" status, and previously was classified as an "out of state" membership during some period of time. My status in the D.C. Bar is also "inactive" at this time.

12. **Memberships**: List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, charitable, or other organizations since graduation from college, other than those listed in response to Questions 10 or 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion - either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

I understand this question to include a request for organizations to which I belong or have belonged only by virtue of a financial contribution. I am a member, or have formerly been a member, in the following organizations since graduation from college:

American Automobile Association of Minnesota/Iowa

American Red Cross, Grant Wood Area Chapter, Honor Society Level

Brown-Camp Lofts Homeowners Association, Des Moines, Iowa

Des Moines A.M. Rotary Club

Des Moines Embassy Club (spouse is member)

Friends of Princeton Basketball

Hancher Silver Circle, Hancher Auditorium, Iowa City, Iowa

The Ivy Club, Princeton, New Jersey, graduate member (member of board of governors, 1985-88)

Mothers Against Drunk Driving, Polk County, Iowa, Chapter

National Multiple Sclerosis Society, Iowa Chapter

Phi Beta Kappa Society

Polk County, Iowa, I-Club

Polk County, Iowa, Republican Central Committee

Princeton University Alumni Association of Iowa, Schools Committee

St. Augustin Catholic Church, Des Moines, Iowa; member of St. Augustin Choir and Perpetual Adoration worshiper

University of Iowa I-Club

University of Iowa Presidents Club

YMCA of Greater Des Moines

Additional information regarding The Ivy Club: The Ivy Club is an eating club for undergraduate students at Princeton University. However, every undergraduate member in good standing upon graduation from college is automatically a "graduate member" of the club, and I have thus been a graduate member from 1985 to the present. I also served on the club's board of governors from approximately 1985 to 1989. As of 1985, the club was all male. Since

approximately 1990, the club has admitted both male and female undergraduate students. I resigned from the club's board of governors in 1989.

13. **Published Writings**: List the titles, publishers, and dates of books, articles, reports, or other material you have written or edited, including material published on the Internet. Please supply four (4) copies of all published material to the Committee, unless the Committee has advised you that a copy has been obtained from another source. Also, please supply four (4) copies of all speeches delivered by you, in written or videotaped form over the past ten years, including the date and place where they were delivered, and readily available press reports about the speech.

"Supreme Court Highlights," *The Federalist Paper*, July 1993

Student note, "Freedom of Association: The Attack on Single-Sex College Social Organizations," 4 *Yale Law & Policy Review* 426 (1986)

During my tenure as United States Attorney, I have been asked to make remarks in a variety of forums. I typically have not spoken from a formal prepared speech. On some occasions, I have displayed slides from a PowerPoint presentation while speaking. The following is a list of occasions on which I made remarks as United States Attorney:

Remarks at Iowa Federal Public Defender seminar (11-8-01)
Remarks at Investiture as United States Attorney (11-19-01)
Remarks at Iowa State Bar Association's Federal Practice Seminar regarding USA Patriot Act (12-14-01)
Remarks at Iowa Celebration for Victim Rights Week (4-22-02)
Remarks to Corporate Counsel section of Iowa State Bar Association regarding Justice Department guidelines on prosecution of corporations (5-28-02)
Remarks to Iowa County Attorneys Association regarding Justice Department priorities (6-11-02)
Remarks on panel of U.S. Attorneys at 13th Annual Regional Law Enforcement Training Conference, hosted by Community Relations Service and Overland Park, KS, Police Department (8-15-02)
Remarks to Iowa Association of Criminal Defense Lawyers regarding federal policies and procedures (8-28-02)
Remarks at meeting of Dean Mason Ladd Inn of Court regarding anti-terrorism efforts in Iowa (10-10-02)
Remarks at seminar for Iowa government attorneys regarding ethics and communicating with the media (11-1-02)
Remarks at CLE seminar for Business section of the Iowa State Bar Association regarding Sarbanes-Oxley Act and DOJ initiative against corporate fraud (11-8-02)
Remarks at Kiwanis Club luncheon regarding work of U.S. Attorney's Office (11-27-02)
Remarks at Iowa Law Enforcement Academy graduation ceremony (12-20-02)

Remarks at Polk County Bar Association Luncheon regarding recent legal developments concerning terrorism (1-14-03)

14. **Congressional Testimony**: List any occasion when you have testified before a committee or subcommittee of the Congress, including the name of the committee or subcommittee, the date of the testimony and a brief description of the substance of the testimony. In addition, please supply four (4) copies of any written statement submitted as testimony and the transcript of the testimony, if in your possession.

None.

15. **Health**: Describe the present state of your health and provide the date of your last physical examination.

My last physical examinations was on January 7, 2003. My physician described my health as excellent, and certified that I was fit for a judicial position.

16. **Citations**: If you are or have been a judge, provide:

(a) a short summary and citations for the ten (10) most significant opinions you have written;

(b) a short summary and citations for all rulings of yours that were reversed or significantly criticized on appeal, together with a short summary of and citations for the opinions of the reviewing court; and

(c) a short summary of and citations for all significant opinions on federal or state constitutional issues, together with the citation for appellate court rulings on such opinions.

If any of the opinions or rulings listed were in state court or were not officially reported, please provide copies of the opinions.

Not applicable.

17. **Public Office, Political Activities and Affiliations**:

(a) List chronologically any public offices you have held, federal, state or local, 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 nominations for appointed office for which were not confirmed by a state or federal legislative body.

October 2001 to present: United States Attorney for the Southern District of Iowa Appointed by President George W. Bush, by and with the advise and consent of the United States Senate.

(b) Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Yes. During the 2000 presidential election campaign, I was designated executive director of Lawyers for Bush-Cheney in Iowa. My responsibilities were primarily to identify attorneys in Iowa who wished to join the group, and to recruit attorneys to assist as campaign volunteers. During the Iowa Caucuses in January 2000, I participated in a caucus training program for the Bush campaign. In August 2000, I sold several tickets for a table at a fundraising event for the Republican Party of Iowa at which then-Governor Bush was the featured speaker. I also attended two county canvass meetings in Iowa in November 2000 to monitor the tabulation of votes in the presidential election on behalf of the Republican Party of Iowa.

As a college student in the 1980s, I worked as a volunteer on a campaign of former United States Representative Cooper Evans of Iowa. My responsibilities included the distribution of campaign materials.

I performed minimal volunteer work on other campaigns in Iowa prior to age 18.

18. **Legal Career**: Please answer each part separately.

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

(1) whether you served as clerk to a judge, and if so, the name for the judge, the court and dates of the period you were a clerk;

-- Law Clerk, The Honorable William H. Rehnquist, United States Supreme Court, 1989-90

-- Law Clerk, The Honorable Laurence H. Silberman, United States Court of Appeals for the District of Columbia Circuit, 1988-89

(2) whether you practiced alone, and if so, the addresses and dates;

Not applicable.

(3) 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.

-- Special Assistant to the Assistant Attorney General, Office of Legal Counsel, United States Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20543, 1990-91

-- Assistant United States Attorney, Northern District of Iowa, 425 2nd Street, SE, Suite 950, and 400 1st Street, SE, Suite 400, Cedar Rapids, IA, 1991-99 (away on temporary detail in 1995-96)

-- Associate Independent Counsel, In re: Madison Guaranty Savings & Loan, 10825 Financial Centre Parkway, Suite 134, Little Rock, Arkansas 72211, and 1001 Pennsylvania Avenue, NW, Suite 490N, Washington, DC 20004, 1995-96

-- Member, Belin Lamson McCormick Zumbach Flynn, A Professional Corporation, 666 Walnut Street, Suite 2000, Des Moines, IA 50309, 1999-2001

-- United States Attorney for the Southern District of Iowa, 110 East Court Avenue, Suite 286, Des Moines, Iowa 50309, October 2001 to present

(b) (1) Describe the general character of your law practice and indicate by date if and when its character has changed over the years.

-- As a law clerk from 1988 to 1990, my work consisted primarily of conducting legal research, preparing memoranda about pending cases and petitions for certiorari, and assisting in the preparation of opinions authored by Chief Justice Rehnquist and Judge Silberman.

-- As an attorney with the Office of Legal Counsel at the Department of Justice, most of my practice involved the preparation of legal opinions for agencies of the Executive Branch. I also briefed and argued one case before the United States Court of Appeals for the First Circuit on behalf of the Department of Transportation. I also helped to prepare comments on pending legislation, and assisted in the process of judicial selection.

-- As an Assistant United States Attorney and Associate Independent Counsel from 1991 to 1999, I practiced federal criminal law on behalf of the United States. My practice involved grand jury investigations,

negotiations with defense counsel, pretrial hearings, jury trials, plea hearings, contested sentencing hearings, and appellate litigation.

-- As a partner at the Belin Law Firm from 1999 to 2001, I practiced general civil litigation on behalf of a range of commercial clients. My practice involved the discovery process of written interrogatories, document productions, and depositions upon oral examination, the briefing and arguing of dispositive motions, and the negotiation of settlement agreements.

-- As United States Attorney from October 2001 to present, I have been responsible for managing an office of approximately 25 Assistant United States Attorneys and 60 total employees. Much of my work as United States Attorney has been management. I have worked in the Southern District of Iowa to implement initiatives of the Department of Justice such as the anti-terrorism task forces, the Project Safe Neighborhoods initiative to reduce gun violence, and the OCDETF program to combat major drug trafficking. I have personally engaged in review of proposed indictments and appeals to the United States Court of Appeals arising in the Southern District of Iowa. I have represented the office at various law enforcement functions and strategy meetings. I have personally conducted a substantial criminal investigation in the district, and I have personally handled two affirmative appeals to the United States Court of Appeals, one of which is pending.

(1) Describe your typical former clients, and mention the areas, if any, in which you have specialized.

-- As a federal prosecutor, I have worked in conjunction with several "client" agencies, including the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, and Firearms, the Internal Revenue Service, the Postal Inspection Service, and the Immigration and Naturalization Service. I also worked with a variety of state and local agencies, including the Iowa Division of Narcotics Enforcement, the Iowa Division of Criminal Investigation, and various county sheriffs and local police departments. For several years, I handled primarily cases involving violations of the federal drug trafficking and firearms laws.

I also specialized in appellate litigation, serving as the Appellate Coordinator for the United States Attorney's Office in Northern Iowa at the end of my tenure with that office. In that capacity, I was responsible for reviewing all appellate briefs filed by Assistant United States Attorneys

in the United States Court of Appeals, and I was assigned certain appeals by the United States Attorney or supervisory Assistant United States Attorney to litigate personally. In 1999, I was selected as the Assistant United States Attorney representative from the 8th Circuit for the U.S. Justice Department's Appellate Working Group. I resigned from that group after brief service when I accepted a position at a private law firm.

-- In the private practice, I remained a generalist, handling a range of matters in civil litigation. I represented relatively large national and international clients such as Meredith Corporation of Des Moines, Iowa; General Growth Properties, Inc., of Chicago, Illinois; Unisys Corporation of Blue Bell, Pennsylvania; and Amylum, N.V. of Belgium. I also represented Iowa companies, such as Bankers Trust Company of Des Moines, Iowa, and Vermeer Manufacturing Company of Pella, Iowa, as well as smaller out-of-state businesses, such as Laundry Link, L.L.C., of Birmingham, Alabama.

(c) (1) Describe whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe each such variance, providing dates.

-- As an attorney with the Office of Legal Counsel at the Justice Department, most of my work involved providing counsel within the Executive Branch, although I argued one appeal before the United States Court of Appeals for the First Circuit.

-- As an Assistant United States Attorney, I appeared frequently in United States District Court and the United States Court of Appeals. As an Associate Independent Counsel, I appeared in court occasionally, but less frequently, because much of my practice was devoted to investigative work.

-- In private practice, I appeared in court on several occasions, but with less frequency than as an Assistant United States Attorney, because much of my practice involved the civil discovery process and motion practice.

-- As United States Attorney, I have appeared in court only occasionally, as most of my work has been devoted to management of the United States Attorney's Office and supervision of approximately 25 Assistant United States Attorneys and 60 total employees.

(2) Indicate the percentage of these appearances in

(A) federal courts;

Approximately 95 percent.

(B) state courts of record;

Approximately 5 percent.

(C) other courts.

None.

(3) Indicate the percentage of these appearances in:

(A) civil proceedings;

Approximately 20 percent, including 100 percent of my litigation from 1999 to 2001.

(B) criminal proceedings.

Approximately 80 percent, including 100 percent of my litigation from 1991 to 1999.

(4) State the number of cases in courts of record you tried to verdict or judgment rather than settled, indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried approximately 13 federal criminal cases to verdict. I was sole counsel in 11 cases, and associate counsel in two cases. I have also been sole counsel in numerous evidentiary hearings in federal criminal cases, including hearings on motions to suppress evidence, and contested sentencing hearings to determine the appropriate sentence for defendants who pleaded guilty. I have litigated four civil cases to judgment, although each was resolved based on a dispositive motion rather than by trial. I have argued approximately 18 cases in the United States Courts of Appeals, and briefed as sole counsel four others that were resolved without oral argument. I have participated as co-counsel in the briefing of at least three other substantial appeals before the United States Court of Appeals, the Iowa Supreme Court, and the Iowa Court of Appeals, respectively.

(5) Indicate the percentage of these trials that were decided by a jury.

All of the trials were jury trials. All of the contested evidentiary hearings were conducted before a United States District Judge or United States Magistrate Judge without a jury. All of the dispositive motions in civil cases were heard by a judge without a jury.

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

I was co-counsel with Kenneth W. Starr on a Brief for the United States in Opposition to petitions for writs of certiorari filed in Nos. 95-2008, 95-2013, and 95-2070, captioned *William J. Marks, Sr., v. United States*; *Jim Guy Tucker v. United States*; and *John Haley v. United States*, respectively. The petitions were denied.

(e) Describe legal services that you have provided to disadvantaged persons or on a *pro bono* basis, and list specific examples of such service and the amount of time devoted to each.

During my time in the private practice of law from 1999 to 2001, I volunteered as an intake attorney with the Polk County Legal Aid Society. A member of my law firm volunteered for one morning each week, and I did so approximately two or three times per year. Prior to 1999, and since October 2001, I have devoted my legal career to public service, and I believe that much of my work in public service benefited the victims of crime, many of whom are among the disadvantaged in society.

I have volunteered as a judge for moot court competitions at the University of Iowa College of Law, evaluating and providing suggestions to students presenting argument. I have volunteered time to serve as a faculty advisor with respect to the preparation of student law review notes, and to participate in events regarding career options for students graduating from law school in Iowa. I have also volunteered in other civic activities outside the legal area, such as the American Heart Association's Heartwalk and the Schools Committee of Princeton University.

19. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, and for each provide the date of representation, the name of the court, the name of the judge or judges before whom the case was litigated and the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties. In addition, please provide the following:

(a) the citations, if the cases were reported, and the docket number and date if unreported;

(b) a detailed summary of the substance of each case outlining briefly the factual and legal issues involved;

(c) the party or parties whom you represented; and

(d) describe in detail the nature of your participation in the litigation and the final disposition of the case.

-- *United States v. Dustin Lee Honken*, No. CR 96-3004 (N.D. Iowa); 184 F.3d 961 (8th Cir.), *cert. denied*, 528 U.S. 1056 (1999).

I litigated this case as an Assistant U.S. Attorney from approximately 1997 to 1999. This case involved a prosecution for methamphetamine trafficking, and a sentencing hearing that included evidence of obstruction of justice. Mr. Honken was charged with methamphetamine trafficking charges, and I was one of two prosecutors who conducted an investigation and litigated a contested sentencing hearing in the new criminal case. Mr. Honken pleaded guilty to drug charges, but several contested issues were litigated in a lengthy sentencing hearing. I prepared written briefs for the district court, and presented evidence at the sentencing hearing along with my co-counsel.

I was appellate counsel for the United States before the Eighth Circuit. I prepared the briefs of the United States, and argued the appeal. The court of appeals reversed a decision by the district court to grant a sentencing reduction for acceptance of responsibility. The court's decision established the standard that a district court must apply when determining whether to award an adjustment for acceptance of responsibility to a defendant who also obstructed justice during the criminal case.

The case was prosecuted in the United States District Court for the Northern District of Iowa before the Honorable Mark W. Bennett. The appeal was considered by a three-judge panel of the United States Court of Appeals for the Eighth Circuit, composed of Judges Theodore McMillian, John R. Gibson, and David Hansen.

My co-counsel was Patrick Reinert, P.O. Box 74950, Cedar Rapids, Iowa 52407-4950, telephone: (319) 363-6333.

Counsel for Mr. Honken was Alfredo Parrish, 2910 Grand Avenue, Des Moines, Iowa 50312, telephone: (515) 284-5737.

United States v. Tucker, Marks, and Haley, No. 4:1995cr00117 (E.D. Ark.); 78 F.3d 1313 (8th Cir. 1996), *reh'g denied*, 82 F.3d 1423 (8th Cir. 1996), *cert. denied*, 519 U.S. 820 (1996).

This was a tax fraud investigation and prosecution conducted by the Office of Independent Counsel Kenneth W. Starr, where I was an Associate Independent Counsel. After succeeding an attorney on the staff of regulatory independent counsel Robert Fiske, I conducted investigative work, including the presentation of evidence to the federal grand jury. I had a substantial role in preparing legal briefs on issues raised in pre-trial litigation, including the jurisdiction of the independent counsel, before the district court and the court of appeals. Due to the significance of the jurisdictional issue for the investigation, Independent Counsel Starr personally argued the case before the United States District Court and the United States Court of Appeals.

The Independent Counsel's appeal to the Eighth Circuit addressed the question whether a decision of the Attorney General of the United States to "refer" a matter to an independent counsel on the ground that it was "related" to matters within the jurisdiction of the independent counsel is subject to judicial review. The appeal also discussed whether, assuming the issue was reviewable, the pending indictment was "related" to the independent counsel's original jurisdictional mandate. Finally, the appeal addressed whether the matter should be reassigned to a different district judge on remand from the court of appeals.

The court of appeals reversed the decision of the district court to dismiss the indictment, and remanded the case with directions that it should be reassigned to a different district judge. The case was delayed for years by appellate litigation, the health of a defendant, and other issues. All three defendants pleaded guilty after I left the Office of Independent Counsel. I worked on this case during 1995 and 1996.

The case was prosecuted in the United States District Court for the Eastern District of Arkansas. The case was heard initially by the Honorable Henry Woods. The case was later reassigned to the Honorable Stephen Reasoner. The government's appeal in 1996 was considered by a three-judge panel of the United States Court of Appeals for the Eighth Circuit, comprised of Judges Pasco M. Bowman III, C. Arlen Beam, and James Loken.

My co-counsel included Kenneth W. Starr, 655 15th Street, NW, Washington, DC 20005, telephone: (202) 879-5130, W. Hickman Ewing, Jr., 1500 Cobblestone Cove, Germantown, TN 38138, telephone: (901) 754-4116, and Timothy Mayopolous, 277 Park Avenue, New York, NY 10172, telephone: (212) 892-2201.

Counsel for Mr. Tucker were George B. Collins and James J. Lessmeister, One North LaSalle Street, Suite 2235, Chicago, Illinois 60602, telephone: (312) 372-7813. Counsel for Mr. Marks were Robert Davis and Van Van Bebber, 1717 Main Street, Suite 2800, Dallas, Texas 75201, telephone: (214) 939-5500, and H. Campbell Zachry, Jenkens & Gilchrist, 1445 Ross Avenue, Suite 3200, Dallas, Texas 75202, telephone: (214) 855-4500. Counsel for Mr. Haley were Ted Boswell, P.O. Box 798, Bryant, Arkansas, 72089-0798, telephone: (501) 847-3031, and Curtis Bowman, Cauley, Geller, Bowman & Coates, LLP, 11311 Arcade Drive, Suite 200, Little Rock, Arkansas 72212, telephone: (501) 312-8500.

United States v. Kenny Homer Bevard III, 44 Fed.Appx. 748 (8th Cir. 2002), *pet. for cert. filed*, No. 02-7699 (Nov. 22, 2002).

This was an appeal of a sentence in a criminal case arising under the Armed Career Criminal Act, 18 U.S.C. § 924(e)(1). The appeal raised a constitutional question resolved in favor of a criminal defendant by the United States Court of Appeals for the Ninth Circuit in *United States v. Tighe*, 266 F.3d 1187 (9th Cir. 2001), but in favor of the government by the district court in this case. Because the case had the potential to create a conflict of authority in the circuit courts on a matter of constitutional law, I personally briefed and argued the appeal for the United States.

The primary issue raised by the defendant's appeal was whether a district court may constitutionally enhance a defendant's sentence, including the statutory maximum sentence, based on a prior juvenile adjudication, or whether the rule of *Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000), requires that the prior juvenile adjudication be charged in an indictment and proved to a trial jury by proof beyond a reasonable doubt. The United States argued that the Supreme Court's decision in *Almendarez-Torres v. United States*, 523 U.S. 224 (1998), and subsequent precedent of the Eighth Circuit establishes that a prior juvenile adjudication is the equivalent of a "prior conviction" or a "sentencing-related circumstances of recidivism" that may be found by the district court.

Shortly before oral argument in *Bevard*, the Eighth Circuit decided the same issue in favor of the government in *United States v. Smalley*, 294 F.3d 1030 (8th Cir. 2002), *cert. denied*, 123 S. Ct. 870 (2003). The court reaffirmed *Smalley* in the *Bevard* decision. *Bevard*, 44 Fed.Appx. 748, 2002 WL 1968337. The petition for certiorari in *Bevard* is pending before the Supreme Court.

The appeal in Bevard also raised issues whether there was sufficient evidence to support the district court's finding that Bevard had sustained three prior violent felonies within the meaning of the Armed Career Criminal Act, and whether the

district court correctly applied enhancements under the United States Sentencing Guidelines. The court of appeals affirmed the district court's finding that Bevard sustained three qualifying felonies under the statute, but agreed with the government that the district court had misapplied the sentencing guidelines. Accordingly, the case was remanded for resentencing.

The case was prosecuted in the United States District Court for the Southern District of Iowa by Assistant United States Attorney Ed Kelly. The district judge was the Honorable Ronald E. Longstaff. The appeal was heard by a panel of the United States Court of Appeals for the Eighth Circuit comprised of Chief Judge David R. Hansen, and Judges George Fagg and Kermit Bye. I worked on this case during 2001.

Counsel for Mr. Bevard was Assistant Federal Defender James Whelan, 300 Walnut Street, Suite 295, Des Moines, Iowa 50309-2255, telephone: (515) 246-1761.

United States v. Wallace Jackson, et al., No. CR 93-0033 (N.D. Iowa); 67 F.3d 1359 (8th Cir. 1995), *cert. denied*, 517 U.S. 1192 (1996).

The Wallace Jackson case was the principal prosecution in a significant investigation of a conspiracy to distribute crack cocaine and firearms violations in Clinton and Cedar Rapids, Iowa. I conducted the grand jury investigation and prosecution of Jackson and several co-defendants as an Assistant United States Attorney. Jackson was convicted after a jury trial, and sentenced to a term of 360 months imprisonment. Several other defendants pled guilty.

The Jackson prosecution raised various legal issues, including the constitutionality of search warrants, the admissibility of evidence such as co-conspirator statements, firearms, and audiotape recordings, the validity of a subpoena to a state prosecutor, and the appropriateness of certain jury instructions.

The case was prosecuted in the United States District Court for the Northern District of Iowa before the Honorable Michael J. Melloy. I did not represent the United States on appeal, because I had departed the United States Attorney's Office on a temporary assignment. I worked on this case in 1993 and 1994.

Counsel for Mr. Jackson was Wallace Taylor, 118 3rd Avenue, Cedar Rapids, Iowa 52401, telephone: (319) 366-2428.

Counsel for co-defendant Patricia Peters was Thomas J. O'Flaherty, O'Flaherty Law Firm, P.O. Box 520, Swisher, Iowa 52338-0520, telephone: (319) 857-4757. Counsel for co-defendant Katherine Vasquez was David McManus, 118

3rd Avenue, Suite 830, Cedar Rapids, Iowa 52401, telephone: (319) 366-4313. Counsel for co-defendant Tara Barsema was Alfred Willett, Suite 500, 118 Third Avenue, SE, Cedar Rapids, Iowa 52401, telephone: (319) 364-2467. Counsel for co-defendant Rhonda Morris was Karen Volz, 4056 Glass Road, NE, Cedar Rapids, Iowa 52402, telephone: (319) 393-9090. Counsel for co-defendant Damon Julian was Phil MacTaggart, Suite 401, 101 W. 2nd Street, Davenport, Iowa 52801, telephone: (563) 322-8931. Counsel for co-defendant Vaniel Graham was James Bobenhouse, 1120 2nd Avenue, SE, Cedar Rapids, Iowa 52403, telephone: (319) 366-6460.

United States v. Samuel Clark, No. CR 92-3002 (N.D. Iowa); 22 F.3d 799 (8th Cir. 1994)

This was a prosecution for possession with intent to distribute crack cocaine. The principal issue in the case was one of constitutional law. Mr. Clark asserted that the investigating officers violated his rights under the Fourth Amendment when they surreptitiously recorded a conversation between Clark and a companion while the two were left unattended in a marked patrol car. I represented the United States in a suppression hearing in the district court, and I briefed and argued an appeal to the United States Court of Appeals.

The district court granted Mr. Clark's motion to suppress. The primary issue on appeal was whether the defendant had a reasonable expectation of privacy while seated in a patrol car without a law enforcement officer present. The court of appeals agreed with the arguments asserted by the United States that the conduct of the officers did not violate the Fourth Amendment, and that the evidence was admissible. Mr. Clark eventually pled guilty.

The case was prosecuted in the United States District Court for the Northern District of Iowa before the Honorable John A. Jarvey, United States Magistrate Judge, and the Honorable Donald E. O'Brien, United States District Judge. The government's appeal was considered by a three-judge panel of the United States Court of Appeals for the Eighth Circuit, comprised of Judges Richard S. Arnold, C. Arlen Beam, and Andrew Bogue. I worked on this case from approximately 1992 to 1994.

Counsel for Mr. Clark in the district court was Don C. Nickerson, 636 Grand Avenue, Des Moines, Iowa 50309-2565, telephone: (515) 245-4744. Counsel for Mr. Clark on appeal was Ross Hauser, 3rd Avenue Bridge, P.O. Box 5488, Cedar Rapids, Iowa 52406-5488, telephone: (319) 398-3920.

United States v. Kevin Bassham, No. CR 97-0034 (N.D. Iowa); 162 F.3d 1165 (8th Cir.), *cert. denied*, 525 U.S. 942 (1998).

United States v. Andrew Smith, No. CR 97-0029 (N.D. Iowa)

Mr. Bassham and Mr. Smith were charged with a series of robberies, including federal bank robbery, in Cedar Rapids and Marion, Iowa. I conducted the grand jury investigation, prosecuted the two cases for the United States, and briefed the government's response to Mr. Bassham's appeal. Mr. Bassham was convicted after a jury trial, and sentenced to a substantial term of imprisonment. Mr. Smith pled guilty, and was also sentenced to prison. I worked on these cases during 1997-98.

The cases were prosecuted in the United States District Court for the Northern District of Iowa before the Honorable Michael J. Melloy. Mr. Bassham's appeal was considered by a three-judge panel of the United States Court of Appeals for the Eighth Circuit comprised of Judges George Fagg, Myron Bright, and C. Arlen Beam.

Counsel for Mr. Bassham was Anne M. Laverty, 225 2nd Street, SE, Suite 310, Cedar Rapids, Iowa 52401, telephone: (319) 363-2266.

Counsel for Mr. Smith was Lorraine Snead Ingels, P.O. Box 1085, Cedar Rapids, Iowa 52406-1085, telephone unknown.

United States v. Roland Thomson, No. CR 99-0020 (N.D. Iowa)

This was a prosecution for possession of child pornography. Mr. Thomson, whose wife was an elementary school teacher, induced children at the school to pose for photographs. He produced close-up photographs of the clothed private areas of young girls, and the photographs were seized from his residence during execution of a search warrant. I conducted grand jury investigation, litigated pre-trial motions, and negotiated a guilty plea. The guilty plea and sentencing hearing occurred after I departed the United States Attorney's Office.

In a pre-trial motion to dismiss the indictment, Thomson argued that (1) the sexual exploitation statute under which he was charged required the government to prove he had knowledge of the interstate commerce element of the offense, (2) the definition of "sexually explicit conduct" in the statute did not encompass lascivious exhibitions that do not depict nudity or discernible genitals, and (3) various provisions of the Protection of Children Against Sexual Exploitation Act were unconstitutional under the First Amendment or on other grounds. I prepared briefs in opposition to the defendant's motion to dismiss the indictment, and represented the United States at an evidentiary hearing and oral argument on the motion. The district court rejected the defendant's arguments and denied the motion to dismiss.

The case was prosecuted in the United States District Court for the Northern District of Iowa. The pre-trial motions were heard by the Honorable John A. Jarvey, United States Magistrate Judge, and the Honorable Mark W. Bennett, United States District Judge. I worked on this case during 1999.

Counsel for Mr. Thomson was William Kutmus, 604 Locust Street, Suite 618, Des Moines, Iowa 50309, telephone: (515) 288-3339.

Iowa Techniques v. Laundry Link, L.L.C., No. C 00-182 (N.D. Iowa)

I represented Laundry Link, L.L.C., of Birmingham, Alabama, in this action brought by Iowa Techniques, which alleged violations of the Lanham Act. I briefed and argued a motion to dismiss the case for lack of personal jurisdiction, and the motion was granted by the district court.

The principal issue in the motion was whether Laundry Link had sufficient minimum contacts with the State of Iowa to justify the exercise of personal jurisdiction over the company. The plaintiff argued that the exercise of personal jurisdiction would be consistent with the Due Process Clause because Laundry Link had engaged in business in Iowa, and had directed communications to the plaintiff in Iowa. Laundry Link's motion argued that the use of interstate facilities to communicate with the forum was not sufficient to provide the requisite "minimum contacts." The motion also asserted that the mere allegation that the plaintiff felt the effect of alleged tortious conduct in the state was not sufficient to justify personal jurisdiction. After oral argument, the district court granted the motion and dismissed the case. The motion was very important to Laundry Link, because the company is a small one-man operation that could not afford to defend the lawsuit in a distant forum.

The case was litigated in the United States District Court for the Northern District of Iowa before the Honorable Michael J. Melloy. I worked on this matter during 2000 and 2001.

Counsel for Iowa Techniques were Vernon Squires, P.O. Box 2804, Cedar Rapids, Iowa 52406-2804, telephone: (319) 363-0101, and Jason Sawyer, 335 S. Clinton Street, Iowa City, Iowa 52244, telephone: (319) 337-5522.

Roquette America, Inc., et al. v. Gerber, et al., 651 N.W.2d 896 (Iowa App. 2002), *review denied*, No. 00-1076 (Sep. 20, 2002).

This was an appeal by several European companies and individual defendants in connection with a tort action filed in the Iowa District Court for Lee County, Iowa. The corporate parties competed in the business of manufacturing starches

and starch derivatives that are used in the production of a wide range of commercial products. In this action, the plaintiffs alleged that the defendants had breached a covenant not to compete, misappropriated trade secrets, and intentionally interfered with contractual relations. The dispute arose after one of the defendant corporations hired a former employee of one of the plaintiffs. The plaintiffs asserted that the employee disclosed trade secrets while employed by the defendants, and that the defendants used this information to advance their market position in the competition with plaintiffs.

My law firm represented the defendants in the litigation: Laurent Gerber, a French citizen and the former employee in dispute, Amylum Belgium N.V., a Belgian corporation, Amylum Group Services, a Belgian corporation, Amylum France SAS, a French corporation, Amylum SPI Europe, a French corporation, and Carole Piwnica, a Belgian citizen.

I became involved in this matter after the Iowa District Court had denied the defendants' motion to dismiss the case for lack of personal jurisdiction. I was the primary drafter of an application for interlocutory review, pursuant to Iowa Rule of Appellate Procedure 2, filed with the Iowa Supreme Court. The application argued that the case presented a constitutional question of first impression in the Iowa appellate courts, namely: How does the so-called "effects test" for personal jurisdiction, derived from the Supreme Court's decision in *Calder v. Jones*, 465 U.S. 783 (1984), apply to an allegation of business torts in a dispute between corporate entities? The application also emphasized that it would serve the interests of justice to resolve the jurisdictional issue prior to a trial involving parties from France, Belgium, and the United States. The Iowa Supreme Court granted the application for interlocutory review referred the case to the Iowa Court of Appeals.

One of my co-counsel and I divided primary responsibility for preparing the briefs of the defendants for submission to the Iowa Court of Appeals. I was the primary drafter of a section concerning the constitutional question whether the exercise of personal jurisdiction over the defendants was consistent with the Due Process Clause of the Fourteenth Amendment. The brief discussed how the *Calder* "effects test" had been applied to business torts in other jurisdictions and distilled the applicable requirements for the exercise of personal jurisdiction. Under that doctrine, a plaintiff is required to show that (1) the defendant's acts were intentional, (2) the actions were expressly aimed at the forum, and (3) the brunt of the harm was suffered in the forum state. The brief argued in part that because the disputed employee was hired in Europe, and the primary competition between plaintiffs and defendants occurred in Europe, the allegedly tortious acts were not expressly aimed at Iowa, and the brunt of any harm was suffered largely in Europe.

The case was argued orally by my co-counsel after I was appointed United States Attorney. In a published opinion, the Iowa Court of Appeals determined that the district court erred in its application of the *Calder* effect test, and held that the Iowa district court did not have personal jurisdiction over the defendants. The Iowa Supreme Court denied an application for further review.

The case was litigated in the Iowa Supreme Court on a petition for interlocutory review, and in the Iowa Court of Appeals before a panel comprised of Judges Robert Mahan, Van Zimmer, and Larry Eisenhauer. I worked on this matter during 2000 and 2001.

My co-counsel were Mark E. Weinhardt and Mark McCormick, 666 Walnut Street, Suite 2000, Des Moines, Iowa 50309, telephone: (515) 243-7100, and Jonathan K. Cooperman and Frank C. DiPrisco, 101 Park Avenue, New York, New York 10178, telephone: (212) 808-7800, and James P. Hoffman, 3550 270th Avenue, Keokuk, Iowa 52632.

Counsel for the plaintiffs were Oleg Rivkin, Eric Lindquist, and Kristen Perrault, 825 Third Avenue, 11th Floor, New York, NY 10022, telephone: (212) 480-4800, and Joseph R. Gunderson and Edward C. Poulsen, 317 Sixth Avenue, Suite 600, Des Moines, Iowa 50309, telephone: (515) 288-9205.

Ward v. Skinner, 943 F.2d 157 (1st Cir. 1991), *cert. denied*, 503 U.S. 959 (1992).

This was an appeal by an interstate truck driver who challenged a Department of Transportation safety rule that disqualified those with a history of epilepsy from driving trucks in interstate commerce. As a Justice Department lawyer, I prepared the briefs, subject to supervision and approval by the Civil Division of the Justice Department, and argued the appeal for the DOT. The court of appeals, in an opinion by then-Judge Stephen Breyer, ruled in favor of the Department, upholding the regulation.

Mr. Ward's basic claim on appeal was that Section 504 of the Rehabilitation Act required the DOT to grant him a waiver from the general rule that prohibited him from driving trucks. The Rehabilitation Act prohibits discrimination against persons "with handicaps" (in this case, epilepsy) if the individual is "otherwise qualified" to perform the activity in question (in this case, to drive). The DOT, relying on the recommendations of medical task force, had concluded that it was not safe to grant a waiver to persons with a history of epilepsy who use anti-convulsant drugs.

Judge Breyer's opinion for the court held that there was sufficient law to apply to review the DOT's decision. Applying Supreme Court precedent, the court then

held that an agency, in treating handicapped persons, may sometimes proceed by way of general rule or principle, at least where (1) the agency behaves reasonably in doing so, (2) a more individualized inquiry would impose significant additional burdens upon the agency, and (3) Congress, as well as the agency, has expressed some kind of approval of the general rules or principles concerned. Applying this standard, the court held that the conclusion of the DOT medical task force was reasonable, and that the DOT could rely upon the task force's general, recommended rule in denying a waiver to the appellant.

The case was heard by a three-judge panel of the United States Court of Appeals for the First Circuit, comprised of then-Judge Stephen Breyer, Judge Bruce Selya, and Judge Raymond Pettine. I litigated this matter during 1991.

My co-counsel were Robert V. Zener, 3000 K Street, NW, Suite 300, Washington, DC 20007, telephone: (202) 424-7500. Stuart Gerson, 1227 25th Street, NW, Suite 700, Washington, DC 20037, telephone: (202) 861-0900, was also on the brief as the Assistant Attorney General for the Civil Division.

Counsel for Mr. Ward were Harold L. Lichten, 18 Tremont Street, Suite 500 Boston, Massachusetts 02108, telephone: (617) 367-7200, and Deborah Piltch and Jane K. Alper, 11 Beacon Street, Suite 925, Boston, Massachusetts 02108, telephone: (617) 723-8455.

20. **Criminal History**: State whether you have ever been convicted of a crime, within ten years of your nomination, other than a minor traffic violation, that is reflected in a record available to the public, and if so, provide the relevant dates of arrest, charge and disposition and describe the particulars of the offense.

None.

21. **Party to Civil or Administrative Proceedings**: State whether you, or any business of which you are or were an officer, have ever been a party or otherwise involved as a party in any civil or administrative proceeding, within ten years of your nomination, that is reflected in a record available to the public. If so, please describe in detail the nature of your participation in the litigation and the final disposition of the case. Include all proceedings in which you were a party in interest. Do not list any proceedings in which you were a guardian *ad litem*, stakeholder, or material witness.

I was named as a "respondent" in an action captioned *Gary J. Cates v. United States (a Federal corporation) chief judge Michael J. Melloy, magistrate John A. Jarvey, Assistant United States Attorney Steven Colloton, United States Attorney General Janet Reno, Mark C. Meyer, DEA task force officer Peter Wright, and all unknown grand jury members.*

Mr. Cates was a criminal defendant whose case I prosecuted as an Assistant United States Attorney in the Northern District of Iowa. Mr. Cates labeled the action a "Writ of Quo Warranto" and purported to file it in the United States Court of Appeals for the District of Columbia Circuit on or about May 6, 1998. The matter apparently was transferred to the United States District Court for the Northern District of Iowa, and given case number C 98-0072-MWB. On May 21, 1998, Judge Mark W. Bennett dismissed the action without prejudice on the ground that the Plaintiff submitted neither the filing fee nor an application to proceed *in forma pauperis*.

22. **Potential Conflict of Interest**: Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts of interest during your initial service in the position to which you have been nominated.

To resolve any potential conflict of interest, I expect to follow the guidance set forth in the Code of Conduct for United States Judges. In particular, I expect to draw on the procedure set forth in the "Checklists for Financial and Other Conflicts of Interest" published by the Administrative Office for U.S. Courts.

The categories of litigation and financial arrangements that are most likely to present potential conflicts of interest during my initial service as a United States Circuit Judge include (1) cases involving parties in which my wife or I have a financial interest, such as entities in which one of us may own stock, (2) cases in which the United States Attorney for the Southern District of Iowa is a party or in which my former law firm represents a party, (3) cases in which my wife's employer is a party, and (4) cases in which a third degree relative of mine or my wife's has an interest as an attorney or a party.

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

I do not have any plans, commitments or arrangement to pursue outside employment. I have enjoyed law teaching in the past, and I would consider such an arrangement in the future if it were approved by the chief judge of the Court and otherwise in accordance with governing rules and regulations.

24. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding the nomination, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500. 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.

See Financial Disclosure Report.

25. **Statement of Net Worth**: Complete and attach the financial net worth statement in detail. Add schedules as called for.

See attached financial net worth statement.

26. **Selection Process**: Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts?

Senator Charles E. Grassley has established a committee to interview and evaluate candidates for nomination to the federal courts.

(a) If so, did it recommend your nomination?

After the committee completed its review process, Senator Grassley recommended me and three other candidates from Iowa to President Bush.

(b) Describe your experience in the judicial selection process, including the circumstances leading to your nomination and the interviews in which you participated.

When Senator Grassley announced that Chief Judge David R. Hansen would assume senior status on April 1, 2003, and that Senator Grassley would consider applicants from Iowa for the upcoming vacancy on the United States Court of Appeals for the Eighth Circuit, I sent a letter of interest to Senator Grassley. I was contacted by Senator Grassley's office and invited to an interview with Senator Grassley's committee. My interview with the committee concerned primarily my professional qualifications for the position.

After Senator Grassley recommended me to President Bush for consideration, I was invited to the White House for an interview with the Counsel to the President, members of his staff, and a representative from the Department of Justice. My interview concerned primarily my interest in serving in the judiciary, my professional experience, and my professional qualifications for the position.

The Department of Justice then notified me that I would move to the next step of the process of consideration for a possible nomination. I completed questionnaires related to my background and signed various waiver forms. I was interviewed by an agent of the FBI. I completed this questionnaire. With the assistance of an accountant, I completed a financial disclosure report. I scheduled a physical examination, and my physician completed medical evaluation forms certifying that I am fit for judicial service. I provided writing samples to the Department of Justice, and I was interviewed by staff of

the Office of Legal Policy at the Department of Justice over the telephone. Shortly before February 12, 2003, I was notified that the President would send my nomination to the Senate. Since then, I have worked to finalize this questionnaire and gather materials requested by the Committee on the Judiciary.

(c) Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking or seeking a commitment as to how you would rule on such case, issue, or question? If so, please explain fully.

No.

AO-10 (w)
Rev. 1/2002

FINANCIAL DISCLOSURE REPORT

Nomination Report

Report required by the Ethics in Government Act of 1978, as amended (5 U.S.C. App. Sec. 101-111)

1. Person Reporting (Last name, first, middle initial)	2. Court or Organization	3. Date of Report
Colloton, Steven M.	US Ct. of Appeals - 8th Circut	02/17/2003

4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)	5. Report Type (check type)	6. Reporting Period
US Circuit Judge- Nominee	X Nomination, Date 02/12/2003 Initial Annual Final	01/01/2002 to 01/31/2003

7. Chambers or Office Address	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is in my opinion, in compliance with applicable laws and regulations.
110 E. Court Avenue, Suite 286 Des Moines, IA 50309-2053	Reviewing Officer _____ Date _____

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each section where you have no reportable information. Sign on the last page.

I. POSITIONS *(Reporting individual only; see pp. 9-13 of Instructions.)*

	POSITION	NAME OF ORGANIZATION / ENTITY
☐	NONE (No reportable positions.)	
1	Member	Belin Lamson McCormick Zumbach Flynn, A P.C., Des Moines, IA - Resigned 10/01
2	Co-Chair, Practice Group Subcommittee	The Federalist Society, Washington, D.C. - Resigned 9/01
3		

II. AGREEMENTS *(Reporting individual only; see pp.14-16 of Instructions.)*

	DATE	PARTIES AND TERMS
☒	NONE (No reportable agreements.)	
1		
2		
3		

III. NON-INVESTMENT INCOME *(Reporting individual and spouse; see pp. 17-24 of Instructions.)*

	DATE	SOURCE AND TYPE	GROSS INCOME (yours, not spouse's)
☐	NONE (No reportable non-investment income.)		
1	2002	American Broadcasting Cos, Inc. - Spouse Wages	
2	2002	Nationwide (FKA Provident) Insurance Company of America - See Section VIII	790
3	2002	TIAA Life Insurance Company - Dividends	460
4			

ANCIAL DISCLOSURE REPORT	Name of Person Reporting Colloton, Steven M.	Date of Report 02/17/2003

REIMBURSEMENTS — transportation, lodging, food, entertainment.

ludes those to spouse and dependent children. See pp. 25-27 of Instructions.)

] NONE (No such reportable reimbursements.)	SOURCE	DESCRIPTION
EXEMPT		

GIFTS

:ludes those to spouse and dependent children. See pp. 28-31 of Instructions.)

] NONE (No such reportable gifts.)	SOURCE	DESCRIPTION	VALUE
EXEMPT			

LIABILITIES

udes those of spouse and dependent children. See pp 32-33 of Instructions.)

] NONE (No reportable liabilities.)	CREDITOR	DESCRIPTION	VALUE CODE*

.L CODES:J=$15,000 or less K=$15,001-$50,000 L=$50,001 to $100,000 M=$100,001-$250,000 N=$250,001-$500,000
O=$500,001-$1,000,000 P1=$1,000,001-$5,000,000 P2=$5,000,001-$25,000,000 P3=$25,000,001-$50,000,000 P4=$50,000,001 or more

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	Colloton, Steven M.	02/17/2003

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 34-57 of Instructions.)*

A. Description of Assets (including trust assets) *Place "(X)" after each asset exempt from prior disclosure.*	B. Income during reporting period (1) Amount Code (A-H)	B. (2) Type (e.g., dividend, rent or interest)	C. Gross value at end of reporting period (1) Value Code (J-P)	C. (2) Value Method Code (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, partial sale, merger, redemption	If not exempt from disclosure (2) Date: Month -	(3) Value Code (J-P)	(4) Gain Code (A-H	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income,assets, or transactions.)					Exempt				
1 Iowa State Bank and Trust - Checking Account	A	Interest	K	T	"				
2 Iowa State Bank and Trust - Money Market	A	Interest	N	T	"				
3 Smith Barney Muni Money Market Fd Cl A	B	Interest	J	T	"				
4 Smith Barney Bank Deposit Program	A	Interest	J	T	"				
5 Vanguard Prime Money Market	B	Dividend	M	T	"				
6 Vanguard 500 Index Fund	A	Dividend			"				
7 Vanguard Intermediate Term Tax-Exempt Muni Bond Fund	A	Interest	K	T	"				
8 UNI, St. Bd. of Regents Dorm Rev Bond, 3.375%, Due	A	Interest	J	T	"				
9 U of IA, St. Bd. of Regents Aca Bldg Bond, 5%, Due 7/20	B	Interest	K	T	"				
10 U of IA, St. Bd. of Regents Dorm Bond, 6.25%, Due	C	Interest	L	T	"				
11 ISB Financial Corp, IA City,IA-500 Common	A	Dividend	L	W	"				
12 401(k) - Spouse					"				
13 Disney Stock Fund - Spouse	A	Dividend	J	T	"				
14 Fidelity Magellan - Spouse	A	Dividend	J	T	"				
15 Putnam New Opps A Fund - Spouse	A	Dividend	J	T	"				
16 Nationwide Life Insurance Company (Whole Life)	A	Dividend	J	U	"				
17 TIAA Life Insurance Company (Whole Life Policy)	A	Dividend	J	U	"				

1 Inc/Gain Codes: A=$1,000 or less B=$1,001-$2,500 C=$2,501-$5,000 D=$5,001-$15,000 E=$15,001-$50,000

2 Val Codes: I=$15,000 or less K=$15,001-$50,000 L=$50,001-$100,000 M=$100,001-$250,000 N=$250,001-$500,000

3 Val Mth Codes: Q=Appraisal R=Cost (real estate only) S=Assessment T=Cash/Market

NANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	Colloton, Steven M.	02/17/2003

III. ADDITIONAL INFORMATION OR EXPLANATIONS.

dicate part of report.)

ovident Life Insurance Company demutualized during 2002. In this process, ovident became part of Nationwide Life Insurance Company. On October 1, 02, and as result of demutualization, I received shares of Nationwide fe Insurance Company. On December 17, 2002, I signed a sell order, and received a check dated January 2, 2003, for $750 for the sale of these ares. These proceeds are included in the gross income of this policy in ction III of this report.

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	Colloton, Steven M.	02/17/2003

IX. CERTIFICATION

I certify that all the information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. 4, section 501 et. seq., 5 U.S.C. 7353 and Judicial Conference regulations.

Signature Steven M. Colloton Date 2-17-03

Note: Any individual who knowingly and wilfully falsifies or fails to file this report may be subject to civil and criminal sanctions (5 U.S.C. App. 4, Section 104).

FILING INSTRUCTIONS

Mail original and three additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
One Columbus Circle, N.E.
Suite 2-301
Washington, D.C. 20544

FINANCIAL STATEMENT NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		339	000	Notes payable to banks-secured			-
U.S. Government securities-add schedule			-	Notes payable to banks-unsecured			-
Listed securities-add schedule		306	000	Notes payable to relatives			-
Unlisted securities-add schedule		18	000	Notes payable to others			-
Accounts and notes receivable:				Accounts and bills due		10	000
Due from relatives and friends			-	Unpaid income tax			-
Due from others			-	Other unpaid income and interest			-
Doubtful			-	Real estate mortgages payable-add schedule		77	000
Real estate owned-add schedule		363	000	Chattel mortgages and other liens payable			-
Real estate mortgages receivable			-	Other debts-itemize:			-
Autos and other personal property		75	000				
Cash value-life insurance		8	000				
Other assets itemize:							
Accrued interest on bonds		2	000				
Thrift Savings Plan		166	000				
401(k) - American Broad. Cos. - Spouse		6	000	Total liabilities		87	000
				Net Worth	1	196	000
Total Assets	1	283	000	Total liabilities and net worth	1	283	000
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor			-	Are any assets pledged? (Add schedule)			No
On leases or contracts			-	Are you defendant in any suits or legal actions?			No
Legal Claims			-	Have you ever taken bankruptcy?			No
Provision for Federal Income Tax		54	000				
Other special debt			-				

Steven M. Colloton
Financial Statement Net Worth - Supplemental Scehdules

Listed Securities	
1,075 Shares of McCleodUSA, Inc. Common	1,000
75,000 State Univ. of Iowa, St. Board of Regents Dorm Rev Bonds, 6.25%, due 7/2007	88,000
10,000 UNI, St. Board of Regents Dorm Rev Bonds, 3.375%, due 7/2010	10,000
20,000 State Univ. of Iowa, St. Board of Regents Academic Bldg Rev Bonds, 5%, due 7/2015	20,000
Vanguard Prime Money Market	171,000
Vanguard Intermediate Term Tax-Exempt Muni Bond Fund	16,000
	306,000
Unlisted Securities	
500 Shares of ISB Financial Corp, Iowa City, IA Common	18,000
Real Estate Owned	
Residence - Des Moines, IA	213,000
Residence - New York, NY	150,000
	363,000
Real Estate Mortgages	
Residence - New York, NY, due to Iowa State Bank and Trust Co., Iowa City, IA	77,000