

Appendix A

Speaker Biographies

Speaker Biographies

NORMAN R. AUGUSTINE

Chair, Executive Committee, Lockheed Martin Corporation

Norman R. Augustine attended Princeton University where he graduated with a B.S.E. in Aeronautical Engineering *magna cum laude*, an M.S.E., and was elected to Phi Beta Kappa, Tau Beta Pi and Sigma Xi. In 1958, he joined the Douglas Aircraft Company where he held titles of program manager and chief engineer. Beginning in 1965, he served in the Pentagon in the Office of the Secretary of Defense as an assistant director of defense research and engineering. Joining the LTV Missiles and Space Company in 1970, he served as vice president, advanced programs and marketing. In 1973 he returned to government as Assistant Secretary of the Army and in 1975 as Under Secretary of the Army. Joining Martin Marietta Corporation in 1977, he served as chairman and CEO from 1988 and 1987, respectively, to 1995, having previously been president and chief operating officer. He served as president of Lockheed Martin Corporation upon the formation of that company in 1995, and became its chief executive officer on January 1, 1996, and later vice chairman and chairman. He currently serves as chairman of the executive committee of Lockheed Martin, having retired as an employee on August 1, 1997. After his retirement, Mr. Augustine became a lecturer with the rank of professor on the faculty of the Princeton University School of Engineering and Applied Science where he served until July of 1999. Mr. Augustine is in his ninth year as chairman and principal officer of the American Red Cross and is a former chairman of the National Academy of Engineering and a former president of the Boy Scouts of America. He is a member of the Board of Directors of Phillips Petroleum, Black & Decker, Procter & Gamble, and Lockheed Martin and a member of the Board of Trustees of Colonial Williamsburg, MIT, and Johns Hopkins. He is a former member of the Board of Trustees of Princeton University. Mr. Augustine has been presented the National Medal of Technology by the President of the United States and has five times been awarded the Department of Defense's highest civilian decoration, the Distinguished Service Medal. He is co-author of *The Defense Revolution* and *Shakespeare in Charge* and author of *Augustine's Laws* and *Augustine's Travels*.

DAVID AXELROD, ESQ.

Vorys, Sater, Seymour and Pease LLP

David Axelrod is chair of the Tax Section Committee on Civil and Criminal Tax Penalties. He was formerly a federal prosecutor and is presently a partner in the Columbus, Ohio, office of Vorys, Sater, Seymour and Pease, LLP. He practices in the areas of corporate compliance and in the representation of corporations and individuals in federal and state criminal cases. Mr. Axelrod is the author of many published articles on topics related to his practice and is listed in *Who's Who in American Law*.

ELIZABETH A. BANKER, ESQ.

Yahoo! Inc.

Elizabeth Banker is corporate counsel for compliance at Yahoo! Inc. Ms. Banker manages a team responsible for legal issues related to all of Yahoo!'s products and services, including law enforcement investigations, civil litigation/discovery, federal and state regulations, consumer protection and fraud, copyright, privacy, defamation, and other issues. Prior to joining Yahoo!, Ms. Banker was an associate in the Washington, D.C., office of Steptoe & Johnson LLP, where she worked on encryption licensing and policy issues. She also served as the assistant general counsel of the President's Commission on Critical Infrastructure Protection.

L. BARRETT BOSS, ESQ.

Asbill, Junkin, Moffitt & Boss, Chartered

Barry Boss became a partner with the law firm of Asbill, Junkin, Moffitt & Boss in March of 2000. Prior to re-joining the firm (where he had worked both as an associate and partner since graduating from law school), he served as an assistant federal public defender in Washington, D.C. between 1995 and 2000. In 1982, he received his B.A. in Rhetoric from Bates College and, in 1985, his J.D. with high honors from The George Washington University National Law Center. Presently, he is an adjunct professor at The George Washington University Law School and co-chair of the United States Sentencing Commission's Practitioners' Advisory Group.

FRANK O. BOWMAN, III, ESQ.

Associate Professor, Indiana University School of Law

Professor Bowman graduated from Harvard Law School in 1979 and then spent three years as a trial attorney in the Criminal Division of the U.S. Department of Justice in Washington, D.C. From 1983 until 1987, he was a deputy district attorney for Denver, Colorado. He also spent three years in private practice in Colorado. In 1989, Professor Bowman joined the U.S. Attorney's Office for the Southern District of Florida, where he was deputy chief of the Southern Criminal Division and specialized in complex white-collar crimes. In 1995-96, he served as special counsel to the United States Sentencing Commission in Washington, D.C. Professor Bowman is a co-author, with Roger Haines and Jennifer Woll, of the treatise, *Federal Sentencing Guidelines Handbook* (West Group 2000), the monthly newsletter, and annual book, *Federal Forfeiture Guide* (James Publishing). He is a frequent contributor to national law journals and a member of the editorial board of the *Federal Sentencing Reporter*, published by the Vera Institute of Justice, and of the *Criminal Justice Review*, published by Georgia State University. Professor Bowman is academic advisor to the Sentencing Guidelines Subcommittee of Criminal Law Committee of the Federal Judicial Conference. He has been adjunct professor of law at the University of Denver College of Law, a visiting professor at Washington & Lee University Law School, and a visiting professor at Gonzaga University School of Law.

HONORABLE JULIE E. CARNES

U.S. District Judge, Northern District of Georgia

After graduation from law school, Judge Carnes clerked for the Honorable Lewis R. Morgan of the United States Court of Appeals for the Fifth Circuit. Thereafter, she served as an assistant United States attorney for the Northern District of Georgia from 1978-1990, where, for most of those years, she was the appellate chief for the office. In 1989, Judge Carnes served as special counsel to the United States Sentencing Commission. In 1990, she was appointed as one of the seven members of the Sentencing Commission and served in that capacity from 1990-1996. In 1992, then Commissioner Carnes was appointed as a judge for the United States District Court, Northern District of Georgia, where she continues to sit. Judge Carnes has also represented Georgia as a member of the Eleventh Circuit Pattern Jury Instruction Committee, which has recently rewritten the criminal and civil pattern instructions.

HONORABLE RUBEN CASTILLO

U.S. District Judge for the Northern District of Illinois

Vice Chair, United States Sentencing Commission

Judge Ruben Castillo of Chicago, Illinois, has served as a U.S. district judge for the Northern District of Illinois since 1994. From 1991-1994, he was a partner in the Chicago office of Kirkland & Ellis. He was the regional counsel for the Mexican American Legal Defense and Educational Fund from 1988-1991. Judge Castillo served as an assistant U.S. attorney for the Northern District of Illinois from 1984-1988 and was previously with the firm of Jenner & Block. He is an adjunct professor of trial advocacy at Northwestern University School of Law, where he has taught since 1988. Judge Castillo received a B.A. from Loyola University of Chicago and a J.D. from Northwestern University School of Law, where he served on the editorial board of the *Journal of Criminal Law and Criminology*. Judge Castillo has been involved with the criminal justice system since 1978 when he was appointed as a deputy clerk for the local criminal courts, a position he maintained throughout college and law school.

SCOTT CHARNEY, ESQ.

PricewaterhouseCoopers

Scott Charney served as chief of the Computer Crime and Intellectual Property Section (CCIPS) of the Criminal Division of the Department of Justice from 1991 to 1999. In this role, Mr. Charney was responsible for supervising 22 federal prosecutors and implementing the Justice Department's computer crime and intellectual property initiatives. Under his direction, CCIPS investigated and prosecuted national and international hacker cases, economic espionage cases, and violations of the federal criminal copyright and trademark laws. Prior to that time, Mr. Charney served as an assistant United States attorney, Office of the United States Attorney for the District of Hawaii, and was responsible for the investigation and prosecution of complex cases involving organized crime (including Yakuza), labor racketeering, narcotics offenses, economic crimes, and public corruption. Prior to joining the federal prosecutive ranks, Mr. Charney was an assistant district attorney in the Office of the Bronx District

Attorney (New York City), ultimately serving as deputy chief of the Investigations Bureau. In that position, he supervised 23 assistant district attorneys responsible for the prosecution of cases involving arson, racketeering, political corruption, and economic crimes. During this time, Mr. Charney developed a prototype computer tracking system, later used throughout the city to manage criminal case tracking. At PricewaterhouseCoopers, he acts as principal for Digital Risk Management and Forensics in Washington, D.C.

ROBERT CHESNUT, ESQ.

Associate General Counsel, eBay Inc.

Robert Chesnut is the associate general counsel of eBay, Inc., the Internet's leading person-to-person trading community. As the associate general counsel, Mr. Chesnut is in charge of overseeing all of eBay's litigation in the United States and abroad. Further, he coordinates the company's relationship with state and federal law enforcement agencies, devising policies to inform eBay users of laws that ban or regulate the sale of certain merchandise or services. For example, Mr. Chesnut has devised policies banning or limiting listings of items such as alcohol, tobacco, human body parts (such as kidneys), stock, used medical devices, and real estate. He also works with law enforcement to investigate allegations that eBay users are engaged in fraud or the sale of stolen property. Mr. Chesnut joined eBay in early 1999 after spending 11 years as a federal prosecutor with the United States Attorney's Office for the Eastern District of Virginia. He served as the chief of that office's Major Crimes unit for five years, and handled several noteworthy espionage cases including the prosecutions of CIA employees Aldrich Ames and Harold Nicholson. Mr. Chesnut also handled a wide variety of cases, including fraud, computer crimes, violent crimes, and narcotics matters. He has received the John Marshall Award (the top litigation award from the Justice Department) and the Intelligence Community Seal Medallion from the Director of Central Intelligence.

JOHN CLINE, ESQ.

Freedman Boyd Daniels Hollander Goldberg & Cline P.A.

John Cline is a member of the Albuquerque, New Mexico, law firm of Freedman Boyd Daniels Hollander Goldberg & Cline P.A. His areas of practice are criminal trial practice, appellate practice, criminal appeals, federal criminal law, and health care fraud. Mr. Cline graduated from University of Texas Law School with a J.D., *magna cum laude*, in 1985. He is a member of the District of Columbia Bar, the State Bar of Texas and the State Bar of New Mexico.

MARK COHEN

*Associate Professor of Management, Owen Graduate School of Management, Vanderbilt University
Director, Vanderbilt Center for Environmental Management Studies (VCEMS)*

Before joining the faculty at Owen in 1986, Professor Cohen was a senior research economist with the U.S. Sentencing Commission and an economist with the Environmental Protection Agency and Federal Trade Commission. He has extensive experience analyzing government enforcement policies as both an academic and government economist, with particular emphasis in the area of environmental management and criminal justice policy. Professor Cohen has published over 40 articles and books on such diverse topics as: why firms become corporate criminals, cost-benefit analysis of oil spill regulation and enforcement, corporate crime and punishment, placing dollar values on street crime, and the monetary value of saving a high risk youth. He is currently conducting a study of the public's perception of appropriate prison sentences and willingness to pay to reduce crime, funded by the National Institute of Justice and the United States Sentencing Commission. Since 1998, Professor Cohen has served as chair of the American Statistical Association's Law and Justice Statistics Committee.

KENNETH COHEN, ESQ.

Director of Legislative Affairs, United States Sentencing Commission

Kenneth Cohen is director of legislative affairs at the United States Sentencing Commission. He chaired the policy development team that wrote the Commission staff report on the No Electronic Theft Act of 1997, and was attorney-advisor to Commissioner Deanell Tacha. Mr. Cohen previously was a litigator at Covington & Burling in Washington, D.C. and is a 1993 graduate of Harvard Law School.

THOMAS COSTABILE

Senior Vice President, Operations - Sony Disc Manufacturing

Thomas Costabile was named senior vice president of Operations at Sony Disc Manufacturing in Springfield, Oregon in 1994. He is responsible for planning, directing, and coordinating activities relating to all operations and services of the facility and its 400 current employees. Most recently, Mr. Costabile was vice president of Production and Facilities for Sony Music International, based in New York. From 1989 through 1993, he played a key role in the development and launch of optical disc manufacturing facilities in Australia, Mexico, Canada, and Brazil. Mr. Costabile helped to bring Sony Music Australia's first CD plant online and added CD manufacturing modules to Sony Music Canada's cassette tape manufacturing plant. In 1984, Mr. Costabile joined CBS Records as senior project engineer, Corporate Facilities, and became manager, Design, in 1985. In 1986, he was named director of Design & Projects for the International Division of CBS Records and was promoted to vice president of Production & Facilities in 1989. He received a B.S. *cum laude* in Mechanical Engineering from Manhattan College in 1975 and a M.B.A. from Long Island University in 1978. Mr. Costabile is a registered professional engineer active in the State of New York. As an involved business and community leader, Mr. Costabile volunteers his time with many state and local professional and non-profit organizations.

JAMES X. DEMPSEY, ESQ.

Center for Democracy and Technology

Jim Dempsey joined The Center for Democracy and Technology (CDT) in 1997. CDT is a non-profit public interest organization working to promote civil liberties and democratic values in the digital age. At CDT, Mr. Dempsey has concentrated on electronic surveillance and the Fourth Amendment; he also leads CDT's international project. From 1995 to 1996, Mr. Dempsey was deputy director of the non-profit Center for National Security Studies and special counsel to the non-governmental National Security Archive. From 1985 to 1994, Mr. Dempsey was assistant counsel to the House Judiciary Subcommittee on Civil and Constitutional Rights, where his primary areas of responsibility were oversight of the Federal Bureau of Investigation, privacy and civil liberties. Mr. Dempsey is the author (with David Cole) of *Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security* (1999). From 1980 to 1984, Mr. Dempsey was an associate at Arnold & Porter. He clerked for the Honorable Robert Braucher of the Massachusetts Supreme Judicial Court. Mr. Dempsey graduated from Harvard Law School in 1979 and from Yale College in 1975.

JAMES FELMAN, ESQ.

Kynes, Markman & Felman, P.A.

James E. Felman is a partner in the Tampa, Florida, law firm of Kynes, Markman & Felman, P.A. where he concentrates on the defense of complex criminal cases. Mr. Felman serves as the program chair of the National Seminar on the Federal Sentencing Guidelines, which is jointly sponsored by the Federal Bar Association and the United States Sentencing Commission. He was recently elected co-chairman of the Practitioners' Advisory Group to the Sentencing Commission. Mr. Felman is a co-author of the Second Edition of *Grand Jury Law and Practice*, a two-volume treatise published by West Group. His publications regarding the guidelines include "The Incompatibility of Real Offense Sentencing Guidelines and the Federal Criminal Code," 7:3 Fed. Sent. Rptr. 125 (1995), and "Defense Strategies for Litigating Substantial Assistance Downward Departures," *The Champion* (July 1994). Mr. Felman is the president-elect of the Tampa Bay Chapter of the Federal Bar Association, the vice-chairman of the Trial Lawyers Section, and the immediate past chairman of the Criminal Law Section of the Hillsborough County Bar Association. He is a former adjunct professor at the Stetson University College of Law where he taught federal criminal law. Mr. Felman's undergraduate degree is in history from Wake Forest University. He received his J.D. with high honors and his M.A. in philosophy from Duke University.

MARK FLANAGAN, JR., ESQ.

McKenna & Cuneo, L.L.P.

Mark Flanagan is a partner at McKenna & Cuneo, L.L.P. in Washington, D.C. and serves as co-chair, Sentencing Guidelines Subcommittee, ABA White-Collar Crime Committee. His practice focuses on white-collar criminal defense and civil fraud matters. Mr. Flanagan has defended large corporations, small businesses, and individuals in

a variety of substantive areas, including defense procurement, health care, food & drug, environmental, and international transactions. Prior to joining McKenna & Cuneo in 1988, Mr. Flanagan was an assistant United States attorney in the District of Columbia.

CAM FUNKHOUSER, ESQ.

National Association of Securities Dealers, Inc.

Cam Funkhouser is a native of the Washington, D.C., area where he graduated from Georgetown University with a bachelor's degree in business and George Mason University with a Juris Doctor. Mr. Funkhouser is a member of the Virginia State Bar. He has been employed by the National Association of Securities Dealers, Inc. since 1984, serving in various roles of increasing responsibility with a focus on the surveillance of securities traded on the Nasdaq Stock Market and the over-the-counter markets. Mr. Funkhouser has extensive experience conducting securities fraud investigations and is regularly called upon by civil and criminal law enforcement authorities to provide training, technical assistance, and expert testimony. Currently, he is responsible for overseeing the Market Surveillance program operated by NASD Regulation which monitors the activity of over 15,000 publicly traded securities. He and his staff are responsible for uncovering numerous cases of Internet fraud, insider trading, market manipulation, and other white-collar misconduct which were successfully investigated and prosecuted by NASD Regulation, the Securities and Exchange Commission and other law enforcement agencies across the country and internationally. The Market Regulation Department is located in Rockville, Maryland, and maintains a staff of more than 190.

HONORABLE J. PHIL GILBERT

Chief U.S. District Judge for the Southern District of Illinois

Judge J. Phil Gilbert was appointed United States district judge for the Southern District of Illinois in September, 1992 by President George Bush and became chief judge in October, 1993. Judge Gilbert is a lifelong resident of Carbondale and graduated from Carbondale Community High School in 1967. He is a graduate of the University of Illinois and Loyola University of Chicago School of Law. After law school, he returned to Carbondale and became a partner in the firm of Gilbert & Gilbert with his father, former State Senator John G. Gilbert, and his uncle, W. Philo Gilbert. He is a former assistant city attorney for Carbondale. He was appointed by Governor James Thompson to the Illinois State Board of Elections in 1978 and served as its chairman from 1981 to 1983 and vice chairman from 1983 to 1985. Judge Gilbert was a partner in the firm of Gilbert, Kimmel, Huffman & Prosser from 1983 to 1988. Prior to taking the federal bench, Judge Gilbert served as a circuit judge for the State of Illinois from 1988 to 1992. He currently serves on the Committee on Criminal Law of the Judicial Conference of the United States.

MICHAEL GOLDSMITH, ESQ.

Michael Goldsmith is a professor of law at Brigham Young University, where he teaches courses on criminal procedure, evidence, RICO, trial advocacy and complex criminal investigations. In 1994, President Clinton appointed Professor Goldsmith to the U.S. Sentencing Commission. In 1996-1997, Professor Goldsmith served as vice-chairman of the Commission. He is a former assistant United States attorney, and has also served as Counsel to the New York State Organized Crime Task Force. Professor Goldsmith has written extensively on RICO, asset forfeiture, and electronic surveillance, and previously served as vice-chairman of the ABA Criminal Justice Section, RICO Committee. His work has been cited in numerous judicial decisions and he has testified before the United States Congress on several occasions. Professor Goldsmith lectures on these issues throughout the country and has served as a consultant to many law firms and law enforcement agencies. Finally, Professor Goldsmith has been an expert witness in international RICO litigation and has also served on the faculty of numerous state and federal judicial training programs.

DAVID GOLDSTONE, ESQ.

Computer Crime and Intellectual Property Section of the Criminal Division of the Department of Justice

David J. Goldstone is a trial attorney in the Computer Crime and Intellectual Property Section of the Criminal Division of the Department of Justice. In that role, he is faced with a wide variety of complex legal issues that arise in relation to new technologies. Mr. Goldstone has participated in investigating and prosecuting cases involving

computer intrusions, wiretapping, intellectual property crimes, and searches of electronic information. Mr. Goldstone is currently the co-chair of the Justice Department's Electronic Commerce Working Group. He has been active in developing Department policy in many areas of electronic commerce, particularly related to legal and litigation issues associated with the use of electronic transactions. Mr. Goldstone has also worked actively on policy matters such as cryptography and personal privacy. Mr. Goldstone lectures regularly on topics related to computers and the law. He also regularly teaches cyberspace law as an adjunct professor at Washington, D.C., law schools. He has taught classes on the "Law of Cyberspace" at the Georgetown University Law Center and at George Washington University's National Law Center. He has written a number of published articles on criminal law, constitutional law, and commercial law issues implicated by technological developments. Mr. Goldstone received a J.D. *cum laude* from Harvard Law School and subsequently clerked for Justice Herbert P. Wilkins of the Massachusetts Supreme Judicial Court.

CATHARINE GOODWIN, ESQ.

Administrative Office of the U.S. Courts

Catharine (Cathy) Goodwin has been an assistant general counsel for the Administrative Office of the U.S. Courts since September of 1993. She advises and trains federal probation and pretrial officers on criminal, liability, and sentencing matters as well as confidentiality of court documents. Ms. Goodwin also assists in staffing the Judicial Conference Committee on Criminal Law, particularly on sentencing issues. Prior to joining the courts, she was an assistant United States attorney for ten years. Ms. Goodwin worked in the Criminal Division of the District of Colorado for six years, and in the Organized Crime Drug Enforcement Taskforce in the Northern District of California for four years. While an AUSA, she spent seven months as special counsel with the Sentencing Commission. Ms. Goodwin received her law degree from the University of Florida Law School in June of 1980 with honors and then clerked for then-Chief Judge Ben Krentzman in Tampa, Florida, for two years. She was a state prosecutor in Florida for one year prior to joining the Department of Justice.

DAVID GREEN, ESQ.

Principal Deputy Chief of the Computer Crime and Intellectual Property Section (CCIPS)

David E. Green is the principal deputy chief of the Computer Crime and Intellectual Property Section (CCIPS), part of the Justice Department's Criminal Division. CCIPS attorneys litigate cases, provide counsel to other prosecutors, train law enforcement personnel, propose and comment upon legislation, coordinate national and international efforts to combat computer crime, and develop and implement policies that balance the needs of public safety and privacy in cyberspace. The Section also has responsibility for enforcing the federal criminal laws protecting intellectual property: copyrights, trademarks, and trade secrets. For more information about CCIPS, see: www.cybercrime.gov. Before joining CCIPS, Mr. Green served with the Criminal Division's Public Integrity Section. He is a graduate of the University of Pennsylvania Law School. Before joining the Justice Department in 1987, Mr. Green clerked for the Honorable Louis H. Pollak, United States district judge for the Eastern District of Pennsylvania, and was an associate with the Washington, D.C., firm of Arnold & Porter.

STEPHEN GURWITZ

Federal Trade Commission

Stephen Gurwitz is an assistant director of the Division of Marketing Practices, Bureau of Consumer Protection at the Federal Trade Commission in Washington, DC, where he is responsible for supervising and conducting civil enforcement actions in federal district courts. Since 1982, Mr. Gurwitz has prosecuted dozens of companies and individuals involved in fraudulent investment, pyramid, and business opportunity schemes sold via telemarketing and the Internet. He recently served as a special assistant United States attorney in the Southern District of Florida investigating the sale of foreign currency investments and serves as the FTC's representative to the Securities and Commodities Fraud Working Group.

JOSHUA HOCHBERG, ESQ.

Chief, Fraud Section, Department of Justice

Joshua Hochberg has been the chief of the Fraud Section of the Department of Justice in the Criminal Division since 1998. He was the deputy chief for litigation in the Public Integrity Section from 1995 to 1998 and a trial attorney and senior litigation counsel of the Fraud Section from 1986 to 1995. Mr. Hochberg was also assistant attorney general to the New York State Medicaid Fraud Control Unit from 1975 to 1986.

HONORABLE ERIC H. HOLDER, JR.

Deputy Attorney General of the United States

On April 14, 1997, President Clinton nominated Mr. Eric Holder to be the deputy attorney general. He was confirmed by a Senate vote of 100 to 0 and was sworn in as deputy attorney general of the United States on July 18, 1997, in a private ceremony. He is the first African-American to serve as deputy attorney general. A public ceremony attended by Attorney General Janet Reno and other dignitaries was held on September 5, 1997. As deputy attorney general, Mr. Holder is responsible for the supervision of the day-to-day operation of the Department of Justice. He began the Department's Children Exposed to Violence Initiative and has emphasized enforcement efforts in health care fraud and computer crimes. Mr. Holder has also been an advocate for the concept of community prosecution, which seeks to connect more directly prosecutors with the citizens they serve. He is now the highest ranking African-American in law enforcement in the history of the United States. While attending Columbia Law School, Mr. Holder clerked at the N.A.A.C.P. Legal Defense Fund and the Department of Justice's Criminal Division. Upon graduation from Columbia, he moved to Washington and joined the Department of Justice as part of the Attorney General's Honors Program. He was assigned to the newly formed Public Integrity Section in 1976 and was tasked to investigate and prosecute official corruption on the local, state, and federal levels.

THOMAS L. HUTCHISON, ESQ.

Attorney with the Federal Defender Training Group

Tom Hutchison is an attorney with the Federal Defender Training Group, a part of the Administrative Office of the U.S. Courts. He was formerly a trial attorney with the U.S. Department of Justice and chief counsel to the Subcommittee on Criminal Justice of the House Committee on the Judiciary. Mr. Hutchison is a member of the Sentencing Commission's Practitioners' Advisory Group and co-author of *Federal Sentencing Law and Practice* (West Pub. Co. 2000).

HONORABLE STERLING JOHNSON, JR.

U.S. District Judge for the Eastern District of New York

Commissioner, United States Sentencing Commission

Judge Sterling Johnson, Jr. of Queens, New York, has served as a U.S. district judge for the Eastern District of New York since 1991. Judge Johnson had been the special narcotics prosecutor for New York City from 1975-1991. From 1974-1975, Judge Johnson served as the executive liaison officer for the Drug Enforcement Administration. Prior to that, Judge Johnson spent four years as the executive director of the New York City Civilian Complaint Board. From 1967-70, he served as an assistant United States attorney in the Southern District of New York. Judge Johnson received a B.A. from Brooklyn College and a J.D. from Brooklyn Law School. Judge Johnson currently serves as a commissioner on the United States Sentencing Commission.

HONORABLE JOE KENDALL

U.S. District Judge for the Northern District of Texas

Commissioner, United States Sentencing Commission

Judge Joe Kendall of Dallas, Texas, has served as a U.S. district judge for the Northern District of Texas since 1992. From 1987-1992, he served as a state criminal district judge for the 195th Judicial District Court in Dallas. Previously, Judge Kendall was a private practice trial lawyer, an assistant district attorney in Dallas County, and a police officer for the Dallas Police Department. Judge Kendall has been a board-certified criminal law specialist in Texas since 1985. He received a bachelor's degree from Southern Methodist University and a J.D. from the Baylor

University School of Law. Judge Kendall also serves as a commissioner on the United States Sentencing Commission.

ROBERT KHUZAMI, ESQ.

United States Attorney's Office for the Southern District of New York

Robert Khuzami serves as chief of the Securities and Commodities Fraud Task Force in the United States Attorney's Office for the Southern District of New York. In that position, Mr. Khuzami supervises the prosecution of a broad array of crimes impacting the securities markets, including insider trading, accounting and financial statement fraud, broker bribery and microcap stock fraud, market manipulation, fraud in initial public offerings and private placements, organized crime infiltration of securities brokers, soft dollar abuses, Internet-related securities fraud, "Ponzi" schemes, and other crimes. Mr. Khuzami served as lead prosecutor in *United States v. Donald Ferrarini, et al.*, S1 97 Cr. 950 (DLC), in which four defendants (including the CEO and executive vice-president) associated with Underwriters Financial Group, an AMEX-listed insurance brokerage firm, were found guilty of 67 of 69 fraud-related counts including embezzling customer premiums, obtaining working capital loans through false loan applications, and committing securities fraud by falsifying income and concealing liabilities in financial statements contained in Forms 10-K and 10-Q. Mr. Khuzami was also one of three attorneys who prosecuted the case of *United States v. Omar Ahmed Ali Abdel Rahman, et al.*, S5 93 Cr. 181 (MBM), in which Omar Ahmed Ali Abdel Rahman (the "Blind Sheik"), El-Sayyid Nosair, and nine co-defendants were convicted, after a 10-month trial, of conspiracy to wage war against the United States, including the bombing of the World Trade Center; conspiracy to bomb New York City landmarks, including the Lincoln and Holland Tunnels and the FBI Headquarters, conspiracy to murder President Mubarak of Egypt, and murder in aid of racketeering for the murder of Rabbi Meir Kahane. For his efforts, Mr. Khuzami was awarded with the Attorney General's Award for Exceptional Service, the highest award granted by the Attorney General each year, for "extraordinary courage and voluntary risk of life in performing an act resulting in direct benefits to the Department of Justice or the Nation." Mr. Khuzami is a 1983 graduate of the Boston University School of Law and served as a law clerk to the Honorable John R. Gibson of the United States Court of Appeals for the Eighth Circuit in Kansas City, Missouri.

MIRIAM KRINSKY, ESQ.

Chief of Criminal Appeals in the Central District of California United States Attorney's Office

A federal prosecutor for over 13 years, Miriam Krinsky currently serves as chief of Criminal Appeals in the Central District of California United States Attorney's Office. In that capacity, Ms. Krinsky oversees the criminal appellate practice of an office that has litigated some of the most significant cases in the country and that accounts for nearly one-third of the criminal appellate docket in the largest circuit in the country. For the past nine years, Ms. Krinsky has also served on the Attorney General's Advisory Committee on Sentencing Guideline issues and has lectured throughout the country at various judicial, bar, and Department of Justice programs on sentencing and criminal law issues. Ms. Krinsky has served as an adjunct law professor at USC and Loyola Schools of Law. She currently chairs the Ninth Circuit Advisory Committee on Rules and Procedures and was asked by the Chief Judge in 1999 to serve as the practitioner representative on the circuit's Evaluation Committee. Prior to joining DOJ, Ms. Krinsky practiced as a civil litigator at the Los Angeles law firm of Hufstедler, Miller, Carlson and Beadsley.

CARLA S. MULHERN

Analysis Group/Economics

Ms. Mulhern is an economic consultant and vice president of Analysis Group/Economics in the firm's Washington, D.C., office. Ms. Mulhern specializes in intellectual property damages estimation. Her particular expertise is in the health care field. She has undertaken numerous assignments involving the pharmaceutical, biotechnology and medical device industries, as well as other industries, including computer software, electronics, and consumer products. Ms. Mulhern is a frequent author and speaker on intellectual property issues. She received a B.S. in mathematics from Bucknell University and an M.Sc. in economics from the London School of Economics and Political Science.

HONORABLE DIANA E. MURPHY

*Judge, U.S. Court of Appeals for the Eighth Circuit
Chair, United States Sentencing Commission*

Judge Diana E. Murphy is the chair of the United States Sentencing Commission and a judge on the United States Court of Appeals for the Eighth Circuit. Judge Murphy has been on the federal bench since February 1980 when she was appointed to the United States District Court for the District of Minnesota. In October 1994, while she was serving as chief judge of that court, she was elevated to the Court of Appeals. She was appointed to her position to head the United States Sentencing Commission on November 15, 1999, and has worked with the federal sentencing guidelines since their introduction in 1987, first as a sentencing judge in trial court and then as an appellate judge reviewing sentences imposed by other judges. Before her appointment to the federal bench, she was a state district court judge from 1976-1980 and, earlier, a trial lawyer with the firm of Lindquist & Vennum. Judge Murphy has served as national president of the Federal Judges Association, chair of the board of the American Judicature Society, and as a member of the board of the Federal Judicial Center. She has chaired the Judges Advisory Committee to the American Bar Association Standing Committee on Ethics and Professional Responsibility and served on the United States Judicial Conference Committee on Court Administration and Case Management. She is a member of the American Law Institute and of the Eighth Circuit Judicial Council. Judge Murphy received most of her higher education at the University of Minnesota, graduating with a B.A. *magna cum laude* in 1954 and a J.D. *magna cum laude* in 1974. She did graduate work in history, 1954-1958, at the Johannes Gutenberg University in Mainz, Germany, with a Fulbright scholarship and at the University of Minnesota where she also taught history. Her academic honors include Phi Beta Kappa, Order of the Coif, and editor of the *Minnesota Law Review*.

DANIEL S. NAGIN

H. John Heinz III School of Public Policy and Management, Carnegie Mellon University

Daniel S. Nagin is the Teresa and H. John Heinz III Professor of Public Policy at the H. John Heinz III School of Public Policy and Management, Carnegie Mellon University. He is also a research program area director for the National Consortium on Violence Research and member of the MacArthur Network on Social Interactions and Economic Inequality. Professor Nagin has written widely on deterrence, developmental trajectories and criminal careers, tax compliance, and statistical methodology. His work has appeared in such diverse outlets as the *American Sociological Review*, *Journal of the American Statistical Association*, *American Journal of Sociology*, *Criminology*, *Child Development*, *Psychological Methodology*, *Journal of Law and Economics*, *Law & Society Review*, *Crime and Justice*, *Operations Research*, and *Stanford Law Review*. He was also a co-author of the widely cited National Academy of Sciences report "Deterrence and Incapacitation: Estimating the Effect of Criminal Sanctions on Crime Rate." Professor Nagin is on the editorial boards of five academic journals, a member of the National Research Council's Committee on Law and Justice, and a Fellow of the American Society of Criminology.

PETER F. NOLAN, ESQ.

The Walt Disney Co.

Peter F. Nolan is the Senior Vice President and Assistant General Counsel of The Walt Disney Co. He graduated from Georgetown University College of Arts and Sciences where he received his B.A. in 1965. Mr. Nolan continued at Georgetown University Law Center and received his J.D. in 1968. He has been both a member of the Bar in California and the District of Columbia. Mr. Nolan was an associate attorney for Pattishall, McAuliffe, Newbury, Hilliard & Geraldson in Washington, D.C. until 1969. He then was attorney examiner for the U.S. Copyright Office. Mr. Nolan is a member of the ABA, the United States Trademark Association (where he served on the Board of Directors until 1982), U.S. Trademark Law Review Commission, Copyright Society of the U.S.A. (where he served as an officer and on the Board of Trustees), and the Los Angeles Copyright Society (serving as president in 1983-1984 as well as on the Board of Trustees). He also served as the vice president for the Coalition for U.S. Adherence to Berne Convention 1986-1989. Mr. Nolan is also an active member of the International Copyright Panel of the Advisory Committee on Intellectual Property, U.S. Department of State.

HONORABLE MICHAEL E. O'NEILL

*George Mason University School of Law
Commissioner, United States Sentencing Commission*

Professor Michael E. O'Neill of Chevy Chase, Maryland, has served as an assistant professor of law at George Mason University School of Law since 1998 and a commissioner on the U.S. Sentencing Commission since 1999. Previously, he served as general counsel for the Senate Committee on the Judiciary, as a special assistant U.S. attorney in the Office of the U.S. Attorney for the District of Columbia, and as an appellate litigator in the Justice Department's Criminal Division, Appellate Section. He clerked for U.S. Supreme Court Justice Clarence Thomas and for the Honorable David B. Sentelle, U.S. Court of Appeals for the District of Columbia Circuit. Professor O'Neill received a B.A. *summa cum laude* from Brigham Young University and a J.D. from Yale Law School.

JEFFREY S. PARKER, ESQ.

George Mason University School of Law

Jeffrey Parker is currently a professor of law and the coordinator for the Litigation Law Track at George Mason University School of Law in Arlington, Virginia. Professor Parker has been at the law school since 1990 and has taught Civil Procedure, Criminal Law, Evidence, Litigation Theory, Proof, Trial Practice, and Trial Evidence. Professor Parker served at the U.S. Sentencing Commission for two years as the deputy chief counsel, then as consulting counsel. Previously, he was an attorney at Sullivan & Cromwell, then at Sacks Montgomery, P.C., both in New York City. Professor Parker received his B.I.E. from the Georgia Institute of Technology in 1975 and his J.D. from the University of Virginia Law School in 1978. Professor Parker's current projects include: an empirical study of federal civil procedure reform; experimental research on adversarial versus inquisitorial procedure; historical public-choice analysis of the Federal Rules of Civil Procedure; theoretical studies of evidentiary privileges and external effects of litigation; teaching materials on litigation theory and federal sentencing law; monographs on corporate crime and introduction to law and economics. His recent publications include *An Experimental Comparison of Adversarial versus Inquisitorial Procedural Regimes*, 2 Am. Law & Econ. Rev.170 (2000) (with Michael K. Block); *Did the Corporate Criminal Guidelines Matter? Some Preliminary Empirical Observations*, 42 J. Law & Econ. 423 (1999) (with Raymond A. Atkins).

VICKI PORTNEY, ESQ.

Criminal Division, Department of Justice

Vicki Portney is an attorney in the Criminal Division, Department of Justice, where she has been employed since 1982. Her responsibilities include drafting legislative proposals, analyzing bills considered by Congress, and participating in the development of the federal sentencing guidelines. Ms. Portney has done substantial work in the areas of controlled substances, firearms, money laundering, fraud, child pornography, cellular telephone cloning, identity theft, encryption, and the use of DNA evidence. Among her accomplishments was the drafting of the Administration's three-strikes mandatory minimum sentencing proposal enacted by Congress. Ms. Portney has been centrally involved in the efforts of the Department of Justice regarding the federal sentencing guidelines since their inception. She develops guideline proposals for the Department, reviews amendments circulated by the United States Sentencing Commission, and advises the Commission's *ex-officio* member. Ms. Portney coordinates the Criminal Division's efforts with regard to the sentencing guidelines and sentencing policy in general with other affected litigating divisions of the Department and with the United States Attorneys. She also has prepared policy directives for prosecutors on important litigating positions and has provided training on numerous occasions to prosecutors on the implementation of the sentencing guidelines. Prior to employment with the Department of Justice, Ms. Portney was an attorney with the Treasury Department, Bureau of Alcohol, Tobacco and Firearms. Ms. Portney received her B.A. and J.D. from the University of Pennsylvania.

RICHARD POWER

Computer Security Institute

Richard Power is the author of the recently released book, *Tangled Web: Tales of Digital Crime from the Shadows of Cyberspace* (ISBN: 0-7897-2443-X). Mr. Power is an internationally recognized authority on computer crime,

information security, industrial espionage, and related subjects. He is the editorial director of the Computer Security Institute (CSI), the premiere international association of information security practitioners. Mr. Power is a trusted advisor to executive management and information security practitioners to Fortune 1000 corporations and governmental agencies. As an international speaker on computer crime and information warfare, he provides expert testimony to the United States Senate Permanent Subcommittee Hearings on Security in Cyberspace. He is the author of the annual study *CSI/FBI Computer Crime and Security Survey*, which is conducted in conjunction with the FBI Computer Crime Squad and is the most widely quoted source of computer crime data and analysis. News media around the world turn to Mr. Power for his expert opinion and knowledge; he has been quoted in hundreds of newspaper and magazine articles, on television, the radio, and on the Internet. He has been a resource to and has been quoted in the *Wall Street Journal*, *USA Today*, *The New York Times*, *The Washington Post*, *Los Angeles Times*, *Associated Press*, *Reuters*, *ComputerWorld*, *Business Week*, *Information Week* and *Fortune*; and he has been interviewed on CNN, National Public Radio, ZDTV, and the BBC.

MONTY L. PRICE

Customs CyberSmuggling Center

In addition to his experience as a local, state, and federal law enforcement officer, Special Agent Monty Price has worked for U.S. Customs for the past 14 years. Mr. Price has served as a criminal investigator, vessel commander, computer investigative specialist, and as a group supervisor before arriving at the Cybersmuggling Center two months ago as the assistant director of the Cybercrimes Unit. Mr. Price is a graduate of the Texas A&M University, Corpus Christi, TX, and holds a degree in Criminal Justice. His specialty is in the area of narcotics investigations and computer/Internet related crimes. Special Agent Price now heads the U.S. Customs unit responsible for the investigation of cybercrimes involving the Internet that are in violation of U.S. laws enforced by the U.S. Customs Service.

DONALD A. (ANDY) PURDY, JR., ESQ.

Acting General Counsel to the United States Sentencing Commission

Mr. Purdy is the acting general counsel to the U.S. Sentencing Commission, where he has worked since 1987. He is a graduate of the College of William and Mary and the University of Virginia Law School. Mr. Purdy served as an assistant U.S. attorney in Philadelphia, special counsel to the House Ethics Committee, counsel to the Senate Impeachment Trial Committee, and assistant attorney general in Missouri. He has also worked as senior staff counsel to the House Select Committee on Assassinations' investigation of the assassination of President Kennedy, concentrating on the medical evidence as to the number and direction of the shots and whether Jack Ruby was involved in a conspiracy. Immediately prior to joining the Sentencing Commission, Mr. Purdy served as an associate producer for the NBC News magazines *FIRST CAMERA* and *MONITOR*, and as the producer for *News and Politics* for the CBS News broadcast *NIGHTWATCH*.

MARK RASCH, ESQ.

Cyberlaw at Global Integrity, a subsidiary of Science Applications International Corporation

Mark D. Rasch, Esq. is the vice president for Cyberlaw at Global Integrity, a subsidiary of Science Applications International Corporation in McLean, Virginia. Global Integrity provides computer security consulting and implementation services to the United States government, intelligence and law enforcement agencies, and commercial enterprises. Mr. Rasch advises banks, insurance companies, entertainment companies, and other Fortune 100 companies on legal and policy issues relating to doing business in Cyberspace. He has written and lectured extensively on computer crime, privacy, trademark and trade secret issues on the Internet, and has been featured in *USA Today*, *The New York Times*, *NBC Nightly News*, *ABC's Nightline*, *PBS' Technopolitics*, *CNBC*, and *NPR* as an expert on computer law and policy. He has a Juris Doctor from the State University of New York at Buffalo. Mr. Rasch teaches courses in white-collar crime including computer crime at the Washington College of Law at the American University, where he is an adjunct faculty member. Prior to joining SAIC, Mr. Rasch was an attorney in private practice with the Washington, D.C., law firm of Arent Fox Kintner Plotkin & Kahn. For almost 10 years, he was a trial attorney with the U.S. Department of Justice, where he headed the Department's efforts to investigate and prosecute computer and high-technology crime. During his tenure with the Department of Justice, he

was responsible for the prosecution of Robert Morris, the Cornell University graduate student responsible for the so-called "Internet Worm," computer criminal Kevin Mitnick, and the investigations of the Hannover hackers featured in Clifford Stoll's book *The Cuckoo's Egg*.

DONALD REBOVICH

The National White-Collar Crime Center

Dr. Donald Rebovich, currently serving as research director for The National White-Collar Crime Center, has had an extensive and varied background in criminal justice research. After receiving his Ph.D. in criminal justice from Rutgers University, Dr. Rebovich served with the New Jersey State Attorney General's Office and the New Jersey Governor's Office as a criminal justice research specialist and strategic planner. In 1990, he was appointed director of research for The American Prosecutors Research Institute of the National District Attorneys Association where he established a national agenda for the study of the role of the prosecutor in emerging crime areas. In Washington, D.C., he has served as a senior associate for private research firms such as Caliber Associates and CSR Incorporated. Dr. Rebovich has been responsible for directing national surveys on the control of organized and white-collar crime, as well as surveys on the control of domestic violence and hate crime. He is the author of *Dangerous Ground: The World of Hazardous Waste Crime*, a study of the commission and control of crimes against the environment.

HONORABLE JAMES K. ROBINSON

Assistant Attorney General of the Criminal Division of the U.S. Department of Justice.

Mr. Robinson is the assistant attorney general of the Criminal Division of the U.S. Department of Justice. The work of the Criminal Division includes the investigation and prosecution of cases concerning public corruption, organized crime, labor racketeering, narcotics trafficking, fraud, money laundering, computer crime, espionage, child exploitation, terrorism and violent crimes. Mr. Robinson oversees a staff of approximately 900 and manages an annual budget that exceeds 100 million dollars. In 1993, Mr. Robinson was appointed dean and professor of law at Wayne State University Law School, a post he held until his appointment as assistant attorney general in 1998. While dean, Mr. Robinson taught Evidence and Introduction to Lawyering. He co-authored a treatise and a courtroom handbook on the Michigan Rules of Evidence, both published by West Publishing Company. Mr. Robinson was a partner with the Detroit law firm of Honigman Miller Schwartz and Cohn where he chaired the firm's litigation department. He concentrated his practice on complex civil litigation and white-collar criminal defense. From 1990-1991, Mr. Robinson served as president of the State Bar of Michigan. He is member-at-large of the council of the Criminal Justice Section of the American Bar Association for 2000-2001. He is a fellow of the American College of Trial Lawyers, the International Society of Barristers, the American Academy of Appellate Lawyers, the American Law Institute, and the American Bar Association. From 1993-1998 Mr. Robinson served as a member of the Committee on the Rules of Evidence of the United States Judicial Conference by appointment of the Chief Justice William Rehnquist. Mr. Robinson received his Juris Doctor *magna cum laude* from Wayne State University Law School in 1968 and served as the editor-in-chief of the Wayne Law Review.

JONATHAN J. RUSCH, ESQ.

U.S. Department of Justice

Jonathan J. Rusch is special counsel for Fraud Prevention in the Fraud Section of the Criminal Division at the U.S. Department of Justice in Washington, D.C. His areas of responsibility include serving as the Department's coordinator of the Internet Fraud Initiative, a nationwide initiative that Attorney General Reno established to increase Internet fraud prosecutions and improve public education and prevention on Internet fraud. He also serves as chair of the national-level Telemarketing and Internet Fraud Working Group. Mr. Rusch received an A.B. with honors from Princeton University in 1974, an M.A. in Government from the University of Virginia in 1978, and a J.D. from the University of Virginia School of Law in 1980, where he was a member of the Editorial Board of the Virginia Law Review. Mr. Rusch was an associate with a Washington, D.C., law firm, counsel to the President's Commission on Organized Crime, and director of the Office of Financial Enforcement at the U.S. Department of the Treasury before coming to the Justice Department. Since then, he has been the lead prosecutor in a number of major fraud and public corruption prosecutions, including successful prosecutions of former Treasurer of the United States Catalina Villalpando, former House Sergeant at Arms Jack Russ, and former Members of Congress Mary Rose

Oakar and Chris Perkins. In 1995, he received the Attorney General's Distinguished Service Award for his work in investigating the House Bank scandal, which included the latter three prosecutions. Since 1996, Mr. Rusch has served as an adjunct professor of Law at Georgetown University Law Center, where he teaches courses on "International and Comparative Law of Cyberspace" and "Trial Practice." He has written law review articles and lectured at bar programs, the FBI Academy, and other law enforcement agencies on cyberspace law and white-collar crime.

JOHN RYAN, ESQ.

Associate General Counsel, Compliance and Investigations, America Online, Inc.

John Ryan joined America Online, Inc. in January 1996, and presently serves as associate general counsel. He heads the Compliance and Investigations Department where he is responsible for the development and implementation of Policies and Processes to combat illicit activities on AOL Services. Mr. Ryan also serves as the liaison with Law Enforcement to coordinate investigations and prosecutions of criminal activities including offenses against minors. He leads the industry in training of law enforcement on sources and methods for solving Internet crimes. Mr. Ryan has worked diligently with AOL Technologies in the development of tools to detect and prevent transmission of illicit content on the service. He serves as the industry advisor for Interpol and law enforcement liaison for the international community. Prior to joining AOL, Mr. Ryan was the director of Investigative Affairs at AT&T Wireless in New York. There he was responsible for developing strategy for prevention and enforcement efforts against wireless fraud. Mr. Ryan also worked, for fourteen years, at the Office of the District Attorney in Bronx County, New York, where he served as the assistant district attorney and chief of major offenses. He received his B.A. from Fordham University and his J.D. from St. John's University School of Law. His professional achievements include assisting in the development of international protocols to combat Internet Crimes against minors. Mr. Ryan serves as advisor to the G8 Countries Working Committee on Computer Crime. He serves as a member of the Faculty at the National Center for Missing and Exploited Children. Mr. Ryan assists in training initiatives for federal, state, and local law enforcement agencies in their enforcement of crimes against minors. In 1998, he co-produced a "Cyber Crime Fighting" training video for law enforcement on investigating Internet Crimes. In addition, Mr. Ryan currently serves as chairman of the Law Enforcement and Security Council for the Internet Alliance.

JOSEPH SAVAGE, JR., ESQ.

Testa, Hurwitz & Thibault, LLP

Joseph P. Savage, Jr. is a partner in the Boston law firm of Testa, Hurwitz & Thibault, LLP where he heads the firm's White-Collar Criminal Defense Group as well as representing clients in complex civil litigation. He was an assistant United States attorney in Boston, New York, West Virginia and Missouri and concluded his government career as chief of the Public Corruption and Special Prosecutions Unit in Boston. He was also senior trial counsel in the Office of Independent Counsel. Mr. Savage was formerly a law clerk for the Honorable A. David Mazzone, U.S. district judge, District of Massachusetts. Mr. Savage graduated *magna cum laude* from Harvard College and received his J.D. from the University of Virginia School of Law where he was Order of the Coif and a member of the Editorial Board of the *Virginia Law Review*. Mr. Savage has lectured extensively, particularly on issues relating to the high-tech economy, and is the author of more than 30 articles on white-collar crime issues.

HOWARD SCHMIDT, ESQ.

Microsoft Corporation

Howard Schmidt currently is the corporate security officer for Microsoft Corporation, Redmond, Washington. In that capacity, he directs the activity of those responsible for security of Microsoft information, facilities and personnel worldwide. Mr. Schmidt was in public service for over 30 years with the Department of Defense, Department of Justice and local law enforcement. In his last government assignment, he was a supervisory special agent, director of the Air Force Office of Special Investigations, Computer Forensic Lab and Computer Crime and Information Warfare (HQ AFOSI/CCI). Under his direction he established the first dedicated computer forensic lab in the government. The AFOSI specialized in conducting investigations of intrusions in government/military systems by unauthorized persons in counter intelligence and criminal investigations. Before AFOSI, Mr. Schmidt

was with the FBI at the National Drug Intelligence Center where he headed the Computer Exploitation Team as a Computer Forensic Specialist. Mr. Schmidt spent approximately 11 years as a police investigator with Chandler police department in Arizona, serving on special assignment units such as SWAT and Detectives, and he created and managed the Special Enforcement Team. He also serves as a credentialed special agent, U.S. Army Reserves, Criminal Investigation Division. Mr. Schmidt holds a bachelor's degree in Business Administration, and a Master of Arts in Organizational Management. He also has a Technician Class ham radio license, and a single engine land pilots license. He has testified as an expert witness in various federal and military courts in the areas of computer crime, computer forensics, and Internet crime. Mr. Schmidt currently is the international president of the Information Systems Security Association. He is a former executive board member of the International Organization of Computer Evidence, and served as the co-chairman of the Federal Computer Investigators Committee. He is a member of the American Academy of Forensic Scientists. He is an advisory board member for the Technical Research Institute of the National White-Collar Crime Center. Mr. Schmidt is a distinguished special lecturer at the University of New Haven, Connecticut, where he teaches a graduate certificate course in Forensic Computing. Mr. Schmidt was appointed as a member of the National Security Telecommunications Advisory Council, Industry Executive Subcommittee. He also serves as a member of the augmented advisory council to the President's Committee of Advisors on Science and Technology.

COURTNEY SEMISCH

Office of Policy Analysis at the United States Sentencing Commission

Dr. Courtney Semisch is a senior research associate in the Office of Policy Analysis at the U.S. Sentencing Commission. She previously held a position as research assistant at the Pennsylvania Commission on Sentencing. Dr. Semisch is a graduate of Pennsylvania State University, where she earned a Ph.D. in Criminology which she completed in May 2000. She earned a Bachelor of Arts from the University of Richmond in 1991 and a Master of Science from Virginia Commonwealth University in 1993. Dr. Semisch's recent policy work at the Commission has focused on the economic crimes package, the No Electronic Theft Act, cellular telephone fraud, and identity theft. Her research interests include computer crime, sentencing trends over time, and sentencing of female offenders.

HONORABLE WILLIAM K. SESSIONS, III

U.S. District Judge for the District of Vermont

Commissioner, United States Sentencing Commission

Judge William K. Sessions of Cornwall, Vermont, has served as a U.S. district judge for the District of Vermont since 1995. From 1978-1995, he was a partner with the Middlebury firm of Sessions, Keiner, Dumont & Barnes. He previously served in the Office of the Public Defender for Addison County. Judge Sessions has served as a professor at the Vermont Law School. He currently serves on the Board of Trustees of the Vermont Law School. Judge Sessions received a B.A. from Middlebury College and a J.D. from the George Washington School of Law.

JUDY GOLDSTEIN SMITH, ESQ.

Senior Litigation Counsel in the United States Attorneys Office of the Eastern District of Pennsylvania

Judy Smith is a graduate of the University of Wisconsin, where she received a B.A. in Economics, and Northwestern University School of Law, where she received her J.D. in 1975. She is currently a senior litigation counsel in the United States Attorney's Office of the Eastern District of Pennsylvania in Philadelphia, where she has worked since 1980. Prior to assuming her current position, she served as chief of the fraud and narcotics sections. In addition to investigating and prosecuting cases, Ms. Smith has been responsible for numerous training programs for attorneys and members of law enforcement. She has taught classes on bank fraud, health care fraud, narcotics, and numerous other practice areas for the Department of Justice and other federal agencies. She has been an adjunct professor at Villanova University School of Law for the past 10 years.

MARTHA STANSELL-GAMM, ESQ.

Chief of the Justice Department's Computer Crime and Intellectual Property Section

Marty Stansell-Gamm, chief of the Justice Department's Computer Crime and Intellectual Property Section, joined the original Computer Crime Unit in November 1991. She is a Phi Beta Kappa graduate of DePauw University and holds a J.D. from Georgetown University and an LL.M. in international law from Harvard Law School. From 1980-91, Ms. Stansell-Gamm was a judge advocate with the United States Air Force, where she served as both prosecutor and defense counsel in Europe. In addition, she taught criminal law and trial advocacy at the AF Judge Advocate General School, and practiced international law in Hawaii with Pacific Air Forces and the joint command, US Pacific Command. She has taught trial advocacy for the National Institute for Trial Advocacy and the Harvard Trial Advocacy Workshop. The work of the Computer Crime and Intellectual Property Section includes investigations and prosecutions, law enforcement training, legislation, international work, and advising the federal sector on a broad range of information-technology issues. Among her many duties, Ms. Stansell-Gamm has served as working-group chair and editor for the Justice Department's *Federal Guidelines for Searching and Seizing Computers* (1994) and has represented the United States at the Council of Europe on technology crime issues since 1992. There is no federal prosecutor who has worked on more hacker cases. For example, she coordinated the investigation which led to the arrest of fugitive computer criminal Kevin Mitnick in 1995; she worked with the District of Massachusetts in the 1996 Argentine hacker case; she coordinated DOJ support of the large DOD cases known as "Solar Sunrise" (1997) and "Moonlight Maze" (1998-9); and she directed DOJ support of investigations into the Distributed-Denial-of-Service attacks (2000) and the I-Love-You virus (2000). She lectures frequently to government and private groups on computer crime issues.

JOHN REED STARK, ESQ.

U.S. Securities and Exchange Commission

John Reed Stark serves as Chief of the Office of Internet Enforcement in the Division of Enforcement of the U.S. Securities and Exchange Commission. Mr. Stark's responsibilities include the direction, coordination and implementation of the Enforcement Division's Internet Program. Mr. Stark is also an adjunct professor of law at the Georgetown University Law Center where he teaches a course on securities law and the Internet, and has published several articles on SEC/Internet issues. He received his original appointment to direct the Internet Program in late 1995, and is the first person to hold the position. In July of 1998, Mr. Stark was promoted to the new position of Chief of the Office of Internet Enforcement. He began with the Enforcement staff in September 1991 with a brief interruption to serve on a detail as a special assistant United States attorney for the United States Attorney's Office for the District of Columbia. As an SAUSA, Mr. Stark prosecuted street crimes mostly pertaining to guns, drugs and domestic violence. Prior to joining the SEC, Mr. Stark worked as an associate for the law firm of Arent Fox Kintner Plotkin & Kahn. He received his law degree from Duke University School of Law in 1989 and his undergraduate degree in Political Science from Union College in 1986.

HONORABLE JOHN R. STEER

Vice Chair, United States Sentencing Commission

John R. Steer of Fairfax Station, Virginia, served since 1987 as the general counsel of the United States Sentencing Commission, where he was responsible for advising the Commission on the statutory mandates and the application and amendment of the federal sentencing guidelines. From 1986-1987, he served as deputy general counsel to the Commission. Previously, Mr Steer had a long career with the United States Senate, including service as legislative director for U.S. Senator Strom Thurmond and counsel for the Senate Judiciary Committee from 1979-1985 and as administrative assistant to Senator Thurmond from 1985-1986. He received a B.S. and a M.S. from Clemson University and a J.D. from the University of South Carolina School of Law.

JASON THOMAS

The National White-Collar Crime Center

Jason Thomas is currently employed by the National White-Collar Crime Center as the manager for one of the Center's new initiatives: the Internet Fraud Complaint Center. This system, developed in conjunction with the Federal Bureau of Investigation will be an innovative law enforcement tool, utilizing technology to create a

nationwide clearinghouse to process fraud related complaints, support meaningful enforcement efforts, assist in the prosecution of violators, and produce effective prevention programs to reduce victimization. Mr. Thomas is located in Morgantown, West Virginia. He started at the Center as an enforcement analyst. He provided analytical support to federal, state, and local law enforcement. This involved conducting financial transaction analyses through the examination of public records, previously gathered intelligence, and personal and corporate financial records. Prior to coming to the Center, Mr. Thomas worked as a senior programmer/analyst with the Virginia Department of Criminal Justice Services and with the Virginia Department of Child Support Enforcement as a support enforcement specialist. During his tenure at DCJS, he designed and maintained complex database systems that were used to keep track of criminal histories. As a support enforcement specialist, Mr. Thomas was responsible for the procurement of funds from absent parents for the financial support of their children. Mr. Thomas regularly speaks on topics such as electronic sources of information, the Internet, and the impact of computer literate criminals. He holds a B.A. in psychology from George Mason University and is completing a M.S. in Criminal Justice from Virginia Commonwealth University.

JUSTIN THORNTON, ESQ.

Law Offices of Justin Thornton in Washington, D.C.

Justin Thornton of the Law Offices of Justin Thornton in Washington, D.C., is a white-collar criminal defense attorney with extensive experience in all phases of federal criminal litigation. As a Department of Justice trial attorney for ten years, Mr. Thornton successfully prosecuted in federal courts throughout the United States more than 75 complex criminal fraud cases. He is a recipient of the Justice Department Tax Division's Outstanding Attorney Award and the IRS Assistant Commissioner's Award for his successful prosecution of tax crimes. Engaged in the private practice of law since 1987, Justin Thornton now represents individuals and businesses under investigation or prosecution for white-collar criminal offenses, including tax fraud and related matters. Mr. Thornton co-chairs the Tax Enforcement Subcommittee of the American Bar Association's White-Collar Crime Committee and also serves as a member of the Practitioners' Advisory Group of the United States Sentencing Commission. He is a graduate of the University of North Carolina at Chapel Hill (B.A. 1971) and the University of South Carolina School of Law (J.D. 1977).

JOHN TRITAK, ESQ.

Critical Infrastructure Assurance Office

John Tritak is the director at the Critical Infrastructure Assurance Office in Washington, D.C. As director, Mr. Tritak is responsible for supporting the national coordinator for Security, Infrastructure Protection, and Counter-Terrorism in the development of an integrated National Infrastructure Assurance Plan to address threats to the Nation's critical infrastructures, including communications and electronic systems, transportation, energy, banking and finance, health and medical services, water supply, and key government services. As director, he will also coordinate a national education and awareness program, as well as legislative and public affairs initiatives. Before joining the CIAO, Mr. Tritak was an attorney with the law firm of Verner, Lipfert, Bernhard, McPherson and Hand, Chartered in Washington, D.C. As a member of the firm's federal practice group, Mr. Tritak provided advice and counsel on wide range of legal, legislative, and policy matters, including critical infrastructure protection, to domestic and international clients in the defense, telecommunications, and transportation industries. Mr. Tritak served as deputy director for Defense Relations and Security Assistance in the State Department's Bureau of Politico-Military Affairs, where he was responsible for coordinating U.S. efforts in security assistance and defense trade in Europe, Africa, and the Middle East. As deputy director of the Bureau's Office of Policy Analysis, he advised on matters relating to post-war Persian Gulf security. Mr. Tritak also served as a State Department adviser to the U.S. delegation negotiating the Strategic Arms Reduction Treaty in Geneva, Switzerland, and was a deputy political adviser to U.S. Central Command in Riyadh, Saudi Arabia, during Operation Desert Shield. He served as a consultant on national security and military matters at Pacific Sierra Research. Mr. Tritak received a B.S. in political science from the State University of New York at Brockport, an M.A. in War Studies from the University of London, Kings College, and earned his J.D. from the Georgetown University Law Center.

MICHAEL VATIS, ESQ.

Director of the National Infrastructure Protection Center

Michael Vatis is a *magna cum laude* graduate of Princeton University and Harvard Law School. Prior to becoming director of the National Infrastructure Protection Center in February 1998, Mr. Vatis served as associate deputy attorney general and deputy director of the Executive Office for National Security in the Department of Justice. In this capacity, he advised the Attorney General and the Deputy Attorney General on national security matters and coordinated the Department of Justice's national security activities. Mr. Vatis has also served as a special counsel in the Department of Defense and as a law clerk to the late Justice Thurgood Marshall of the U.S. Supreme Court and then-Judge (now Justice) Ruth Bader Ginsburg of the U.S. Court of Appeals for the D.C. Circuit. Mr. Vatis has also worked as a lawyer in private practice in Washington D.C.

GREGORY J. WALLANCE, ESQ.

Kidder, Peabody & Co., Incorporated

Gregory Wallance was assistant United States attorney for the Eastern District of New York from 1979 to 1985. He has a wide breadth of experience in white-collar criminal defense and civil and commercial litigation. As an AUSA, he was a member of the ABSCAM prosecution team and lead trial prosecutor in *United States v. The Southland Corporation*, one of the most important corporate prosecutions of the 1980's. While remaining a partner at Kaye, Scholer, Fierman & Handler, LLP, Mr. Wallance also serves as chief litigation counsel at Kidder, Peabody & Company, Inc., where he supervises a substantial docket of securities cases. As a Kaye, Scholer partner, Mr. Wallance litigates cases throughout the country and in most substantive areas of the law. He has tried 10 jury trials. He is the author of more than 60 legal and non-legal articles published in, among others, *The New York Times*, *The Wall Street Journal*, *Newsweek*, *Newsday*, *The Village Voice*, *ABA Journal*, *The National Law Journal*, *The New York Law Journal*, *Litigation* and *The Legal Times*. He is the author of the book *Papa's Game* (Rawson Wade 1981), which received a non-fiction nomination for the Edgar Allan Poe Award, and a producer of the HBO film *Sakharov*. In 1998, he was co-host of the BBC's *The Law Show*. He appears frequently as a legal commentator on CNN, Fox News, Court TV, and MSNBC, and has appeared on NBC's *The Today Show*. He is listed in *Who's Who In America*.

JONATHAN J. WROBLEWSKI, ESQ.

United States Department of Justice

Jonathan Wroblewski is the acting director of policy and legislation for the U.S. Department of Justice in Washington, D.C. Previously, he worked at the U.S. Sentencing Commission, serving first as a deputy general counsel and then as the director of legal affairs. Mr. Wroblewski teaches at the George Mason University School of Law as an adjunct professor. For six years, he worked at the Civil Rights Division, Criminal Section at the Department of Justice and, prior to that, was an assistant public defender in Alameda County, California. Mr. Wroblewski was a member of the New York Futures Exchange from 1980-1985. He received his J.D. from Stanford Law School and a B.A. in Economics *magna cum laude* from Duke University. Other academic honors he has received include Phi Beta Kappa and the R. Hunter Summer Trial Advocacy Award.

THOMAS E. ZENO, ESQ.

Executive Assistant United States Attorney for Operations in the District of Columbia

Thomas E. Zeno is the executive assistant United States attorney for operations in the District of Columbia. Since 1987 he has helped implement the sentencing guidelines in the Department of Justice in various ways: serving on the Sentencing Guidelines Working Group; advising the Sentencing Guidelines Subcommittee of the Attorney General's Advisory Group; and lecturing for the Attorney General's Advocacy Institute. He has served as a member of his office's Departure Committee, which decides whether to file motions for substantial assistance departures and frequently lectures on guidelines issues in the office. In 1988, 1990 and 1993, he received Department of Justice awards for his work in implementing the guidelines. During his eighteen years with the United States Attorney's Office, Mr. Zeno has served in various trial assignments as well as in supervisory capacities. From 1989 to 1998, he was a member of the Economic Crime Section. Since April 1998, he has served as the executive assistant United States attorney for operations. From 1990 to 1998, he was an adjunct professor of Georgetown University Law

Center teaching prosecution skills. Mr. Zeno graduated *cum laude* from Georgetown University Law Center in 1979.

MARC J. ZWILLINGER, ESQ.

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Marc J. Zwillinger is a partner in the Washington office of Kirkland & Ellis, the leader of the Cyberlaw and Information Security practice group, and a member of the Firm's Technology Committee. Prior to joining Kirkland & Ellis, he worked in the Computer Crime and Intellectual Property Section of the Criminal Division of the Department of Justice. At the Department of Justice, he coordinated the investigations of several high-profile computer crime cases including the 1997 penetration of U.S. military computer systems by an Israeli hacker ("Solar Sunrise"), the Denial-of-Service Attacks that hit e-commerce sites in February 2000, and the Love Bug virus. He also investigated and prosecuted cases involving violations of the Economic Espionage Act of 1996 (the "EEA") and was responsible for coordinating the Department of Justice's approval for charges filed nationwide under the EEA. He personally represented the government in *United States v. P.Y. Yang, et al.*, the first EEA case successfully tried in the United States. He has also trained hundreds of federal prosecutors and agents at the FBI Academy and at the Department of Justice's National Advocacy Center. In private practice, he now provides advice and counsel on protecting the confidentiality, availability and integrity of proprietary information, and conducts internal investigations and litigation for companies that have suffered a breach of computer security or loss of trade secret technology. He also helps companies help assess and limit their risk resulting from e-commerce related activities. He has lectured to a wide variety of audiences on topics related to computer crime and economic espionage and serves as an adjunct professor of Cyberlaw at the Columbus School of Law at the Catholic University of America. He was recently named co-chair of the Computer and High-Tech Crime Subcommittee of the White-Collar Crime Committee of the American Bar Association. He received a J.D. *magna cum laude* from Harvard Law School in 1994 and then clerked for Judge Mark L. Wolf of the United States District Court, District of Massachusetts. Prior to practicing law, Mr. Zwillinger received a bachelor's degree in Political Science from Tufts University in 1991.