



Cheryl Ann Krause
Nominee to the United States Court of Appeals for the Third Circuit

On February 6, 2014, President Obama nominated Cheryl Ann Krause to the United States Court of Appeals for the Third Circuit. When confirmed, she will serve in the seat vacated by Judge Dolores Sloviter, who took senior status on June 21, 2013. Krause is currently a partner at the Philadelphia office of Dechert LLP, and a lecturer in law at the University of Pennsylvania Law School. Upon her nomination, President Obama observed that Krause “has displayed exceptional dedication to the legal profession through her work and . . . [s]he will be a diligent, judicious and esteemed addition to the Third Circuit bench.”¹

Biography

Krause was born in St. Louis, Missouri in 1968 and grew up outside Philadelphia.² She received her B.A. *summa cum laude* from the University of Pennsylvania in 1989, and her J.D. with highest honors from Stanford Law School in 1993. During law school, Krause was a Senior Features Editor of the Stanford Law and Policy Review, and she won Best Oral Advocacy and Best Brief in moot court competition.

After law school, Krause clerked for Judge Alex Kozinski on the Ninth Circuit Court of Appeals, and then for Justice Anthony M. Kennedy on the U.S. Supreme Court. From 1995 to 1996, Krause worked as a lecturer and visiting scholar at Stanford Law School, as well as a law clerk at Heller Ehrman White & McAuliffe LLP in San Francisco. In 1996, Krause moved to New York City, where she worked for a year as an associate at Davis Polk & Wardwell LLP. She then joined the U.S. Attorney’s Office in the Southern District of New York, where she prosecuted federal criminal cases from 1997 to 2002. Krause returned to Philadelphia in 2003, and joined Hanglely Aronchick Segal & Pudlin as a partner. In 2006, she became a partner at Dechert LLP, where she specializes in white-collar criminal defense and government investigations.

Legal Experience and Expertise

As both a prosecutor and in private practice, Krause has substantial experience litigating complex financial fraud cases. In *United States v. Caruso*,³ Krause prosecuted two defendants who used a phony telemarketing operation to defraud primarily elderly investors out of more

¹ White House Press Release, *President Announces Intent to Nominate Cheryl Ann Krause to Serve on the United States Court of Appeals* (Feb. 5, 2014), available at <http://www.whitehouse.gov/the-press-office/2014/02/05/president-obama-announces-intent-nominate-cheryl-ann-krause-serve-united>.

² Senate Judiciary Committee Questionnaire, available at <http://www.judiciary.senate.gov/nominations/113thCongressJudicialNominations/upload/Krause-Senate-Questionnaire-Final.pdf>.

³ 98-CR-506 (SDNY 1998); see also *United States v. Caruso*, 1999 U.S. Dist. LEXIS 19678 (S.D.N.Y. Dec. 22, 1999) (collateral *habeas* proceedings).

\$500,000. After a 10 day trial, both defendants were convicted and each was sentenced to three years imprisonment. Likewise, in *United States v. Urena, et al.*,⁴ Krause led the prosecution and investigation of a \$65 million food stamp fraud conspiracy. The investigation spanned two years and resulted in more than 60 pleas and convictions, including of several bank officers. It also led to a second wave of prosecutions for an international narcotics money laundering conspiracy, which Krause also handled. After Krause joined Dechert LLP, she represented Michael Kopper, the chief advisor to Enron CFO Andy Fastow, in his sentencing proceeding. Kopper was the first Enron defendant to cooperate with the government in the massive accounting fraud investigation, and his cooperation led to the prosecution of more than 20 defendants, the extradition of three British bankers, and the recovery of over \$100 million. Krause briefed and argued the sentencing, and helped Kopper receive a substantially reduced prison sentence.

Krause has also dedicated a large portion of her practice to *pro bono* civil litigation and representing indigent criminal defendants. Since 2007, Krause has worked to protect the fairness of elections as *pro bono* outside counsel for the Philadelphia Board of Ethics, a position she has used to enforce and defend the City's ethics rules and campaign finance laws. In 2011, Krause founded the Philadelphia Project, a partnership between Dechert LLP and the Public Interest Law Center of Philadelphia to provide legal services to families of children with disabilities. Through this partnership, Krause brought a class action suit in the Eastern District of Pennsylvania on behalf of 1,600 students with autism, and alleged that the School District of Philadelphia violated the Individuals with Disabilities Education Act when it transferred these students from school to school without adequate notice to parents.⁵ In February 2013, after more than two years of litigation, the district court certified the class and granted the plaintiffs' motion for summary judgment. Finally, from 2005 through 2008, Krause regularly represented indigent criminal defendants as a member of the Criminal Justice Act panel of the U.S. District Court for the Eastern District of Pennsylvania.

Krause also developed a robust appellate practice. As an associate at Davis Polk, for example, she argued a *pro bono* criminal case before the Eighth Circuit Court of Appeals. More recently, she briefed and argued numerous questions of first impression in a Third Circuit appeal of a \$50 million judgment.⁶ In 2011, Krause founded an appellate advocacy externship at the University of Pennsylvania Law School. The program pairs law students with Dechert attorneys, and provides representation to indigent criminal defendants for their appeals.

Professional and Community Activities

In addition to her extensive *pro bono* work, Krause has contributed to both the legal profession and the Philadelphia community through teaching and service to various public interest organizations. Since 2003, Krause has regularly taught courses at the University of Pennsylvania Law School, including a seminar on appellate advocacy and judicial philosophy. She is also on the board of the Committee of Seventy, a non-partisan civic organization focused on fair elections and government integrity, and serves on the Advisory Board of the Autism Speaks Legal Resource Center.

⁴ 98-CR-1248 (S.D.N.Y. 1998); see also *United States v. Ramirez, et al.*, 98-CR-1205 (S.D.N.Y. 1998).

⁵ *P.V., et al. v. Sch. Dist. of Phila. et al.*, 2:11-CV-04027 (E.D. Pa. 2011); see also *P.V. v. Sch. Dist. of Phila.*, 289 F.R.D. 227 (E.D. Pa. 2013) (certifying the class under Fed. R. Civ. P. 23).

⁶ *SEC v. Teo*, 2014 U.S. App. LEXIS 2462 (3d Cir. Feb. 10, 2014).