

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jia Michelle Cobb

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

United States District Judge for the District of Columbia

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

Relman Colfax PLLC
1225 19th Street, Northwest
Suite 600
Washington, District of Columbia 20036

Arlington, Virginia

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

1980; Springfield, Ohio

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2002 – 2005, Harvard Law School; J.D. (*cum laude*), 2005
1998 – 2002, Northwestern University; B.A. (*magna cum laude*), 2002

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2012 – present, 2004
Relman Colfax PLLC (formerly Relman, Dane & Colfax PLLC and Relman and Associates PLLC)

1225 19th Street, Northwest
Suite 600
Washington, District of Columbia 20036
Partner (2019 – present)
Counsel (2015 – 2019)
Associate (2012 – 2015)
Summer Associate (Summer 2004)

2006 – 2012, 2004
Public Defender Service for the District of Columbia
633 Indiana Avenue, Northwest
Washington, District of Columbia 20004
Supervisor, Juvenile Section, Trial Division (2010 – 2012)
Staff Attorney, Trial Division (2006 – 2012)
Law Clerk, Special Litigation Division (Summer 2004)

2005 – 2006
United States Court of Appeals for the Seventh Circuit
Everett McKinley Dirksen United States Courthouse
219 South Dearborn Street
Chicago, Illinois 60604
Law Clerk to the Honorable Diane P. Wood

January 2004
Harvard Civil Rights Project
13 Appian Way
Cambridge, Massachusetts 02138
Intern (uncompensated)

2002, 2003
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas
New York, New York
Summer Associate (Summer 2003)
Sponsors for Educational Opportunity (SEO) Intern (Summer 2002)

Teaching Affiliations

September 2010, September 2011, and January 2011
Harvard Law School
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138
Trial Advocacy Workshop Guest Instructor (uncompensated)

Fall 2011 Semester
American University, Washington College of Law
4300 Nebraska Avenue, Northwest
Washington, District of Columbia 20016
Adjunct Professor, Trial Advocacy

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I was not required to register for the selective service.

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

American Academy of Achievement Delegate (2009)

Heyman Fellowship (2006)

J.D. from Harvard Law School conferred *cum laude* (2005)

Harvard Law Review (Volumes 117 and 118, 2003 – 2005; Coordinating Editor, 2004 – 2005)

John E. Thayer Scholarship, Harvard Law School (2004)

Delta Sigma Theta Sorority, Inc., National Collegiate Member of the Year (2002)

B.A. from Northwestern University conferred *magna cum laude* (2002)

William M. McGovern Memorial Award, Northwestern University (2002)

Phi Beta Kappa (2002)

Lincoln Laureate Prize (2001)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

District of Columbia Bar Criminal Law and Individual Rights Section, Elected Steering Committee Member (2016 – 2019)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Michigan, 2006
District of Columbia, 2007

There have been no lapses in membership. I am a voluntary inactive member of the State Bar of Michigan because I do not practice in Michigan state courts.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Supreme Court, 2015
United States Court of Appeals for the Fourth Circuit, 2015
United States Court of Appeals for the Seventh Circuit, 2006
United States District Court for the District of Colorado, 2015
United States District Court for the District of Columbia, 2012
United States District Court for the Eastern District of Michigan, 2015
United States District Court for the Western District of Michigan, 2014

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

All Our Kids, Inc. (2017 – 2019)
Volunteer

Forensic Practice Group, Public Defender Service (2010 – 2012)
Member; Committee Member for Annual Forensic Science Conference

Delta Sigma Theta Sorority, Inc. (2002 – present)
Member (currently inactive)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization

that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Delta Sigma Theta Sorority, Inc., is a national service organization that admits only women. I have taken no action to change that policy. To the best of my knowledge, none of the other organizations or groups currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

In 2008, I wrote an article for Johns Hopkins University Center for Talented Youth's Imagine Magazine, which is published for middle school and high school students. The article was about my decision to be a public defender and day-to-day work. I am unable to locate a copy of the article.

With Lauren Sudeall and Amanda Teo, *Diversity on the Law Review*, The Harvard Law Record (2005). Copy supplied.

Supreme Court Term 2003 – Leading Cases, *General Dynamics Land Systems, Inc., v. Cline*, 118 HARV. L. REV 436 (2004). Copy supplied.

Recent Case, *Session v. Perry*, 117 HARV. L. REV. 2433 (2004). Copy supplied.

In 2004 or 2005, I wrote a profile on African-American law school deans for a magazine published by, to the best of my recollection, the National Black Law Students Association. I am unable to locate a copy of the article.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The following list reflects my best effort to identify responsive material. To compile this list, I searched my personal files and Internet sources. It is possible that there are trainings or other speaking events that I am unable to recall.

January 22, 2021: Panelist, "Litigating Race Discrimination in Employment in the BLM Era," Metropolitan Washington Employment Lawyers Association (MWELA) Brown Bag Webinar, Washington, District of Columbia. I was one of two featured participants for a discussion with MWELA members about current considerations for litigating race discrimination and sexual harassment cases. I have no notes, transcript, or recording. The address for MWELA is 2800 Eisenhower Avenue, Suite 210, Alexandria, Virginia 22314.

December 1, 2020: Guest Instructor, "Training on Opening Statements," Public Defender Service for the District of Columbia New Attorney Training, Washington, District of Columbia. I participated in a training for new attorneys and provided feedback and practice tips for delivering opening statements. I have no notes, transcript, or recording. The address for the Public Defender Service for the District of Columbia is 633 Indiana Avenue, Northwest, Washington, District of Columbia 20004.

December 6, 2019: Keynote Speaker, "Fair Housing and Families," Fair Housing Center of Southwest Michigan's Annual Luncheon, Benton Harbor, Michigan. The event was co-sponsored by the Southwestern Michigan Association of Realtors. PowerPoint supplied.

April 26, 2017: Presenter, "Familial Status Discrimination and Occupancy Standards," Fair Housing Center of Southwest Michigan's Annual Conference, Kalamazoo, Michigan. PowerPoint supplied.

April 21 – 22, 2017: Instructor, “Trial Bootcamp,” Metropolitan Washington Employment Lawyers Association (MWELA), Washington, District of Columbia. I was a guest instructor for MWELA members participating in a mock trial and provided skills training and feedback on trial advocacy techniques. I have no notes, transcript, or recording. The address for MWELA is 2800 Eisenhower Avenue, Suite 210, Alexandria, Virginia 22314.

March 10, 2015: Instructor, “Group Sessions: Opening Statements,” Public Defender Service for the District of Columbia Criminal Defense Trial Practice Institute (TPI), Washington, District of Columbia. TPI is a program for law students to help them develop effective trial advocacy skills and explore public defense work through a training program taught by practicing trial attorneys. I participated in a session on opening statements, and provided feedback and practice tips for delivering opening statements to the student participants. I have no notes, transcript, or recording. The address for the Public Defender Service for the District of Columbia is 633 Indiana Avenue, Northwest, Washington, District of Columbia 20004.

February 20, 2015: Panelist, “Dynamic Trial Techniques,” Annual Conference for the Metropolitan Washington Employment Lawyers Association, Washington, District of Columbia. Draft outline of presentation supplied.

August 8, 2014: Presenter, “Discussion of Trial Strategy,” Litigation Under the Fair Housing Act CLE, Tennessee Fair Housing Council, Knoxville, Tennessee. I participated as a presenter at a two-day CLE about litigating fair housing cases that included a mock trial. After the mock trial, I participated in a debriefing discussion about the mock trial with CLE participants. I have no notes, transcript, or recording. The address for the Tennessee Fair Housing Council is 107 Music City Circle, Nashville, Tennessee 37214.

August 7, 2014: Presenter, “Establishing Standing and Agency,” “Selecting the Forum, Theories of Proof,” and “Attorney’s Fees,” Litigation Under the Fair Housing Act CLE, Tennessee Fair Housing Council, Knoxville, Tennessee. PowerPoints and notes supplied.

June 2011: Panelist, “Cross Examining Law Enforcement Officials,” Public Defender Service Summer Series, Washington, District of Columbia. I participated in a training for D.C. Superior Court Criminal Justice Act panel attorneys on techniques for cross-examining law enforcement officials at trial. I have no notes, transcript, or recording. The address for the Public Defender Service for the District of Columbia is 633 Indiana Avenue, Northwest, Washington, District of Columbia 20004.

November 2010: Panelist, “Cross Examination of Expert Witnesses,” Deborah T. Creek Criminal Practice Institute, Washington, District of Columbia. I participated in a training for D.C. Superior Court Criminal Justice Act panel

attorneys on techniques for cross examining expert witnesses at trial. I have no notes, transcript, or recording. The address for the Public Defender Service for the District of Columbia is 633 Indiana Avenue, Northwest, Washington, District of Columbia 20004.

March 2008: Panelist, "Trying Cases in Family Court," D.C. Superior Court, Washington, District of Columbia. I participated in a training for attorneys practicing in the Family Court of the D.C. Superior Court about techniques for trying cases. I have no notes, transcript, or recording. I cannot recall who sponsored the panel. The address for the D.C. Superior Court is 500 Indiana Avenue, Northwest, Washington, District of Columbia 20004.

March 5 – 7, 2004, Co-Chair, "Aggressive Advocacy, Our Role in the Courtroom, the Corporation, and the Halls of Congress Fifty Years After *Brown v. Board of Education*," Harvard Law School Black Law Students Association (BLSA) Annual Spring Conference, Cambridge, Massachusetts. In 2004, I organized BLSA's annual Spring Conference. I did not speak on any panel, but it is possible that I gave welcome remarks or made an introduction of a conference participant. I have no notes, transcript, or recording, but press coverage is supplied. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

June 26, 2002: Graduation Speaker, Northwestern University Commencement, Evanston, Illinois. I introduced the graduation speaker, Kofi Annan. To the best of my recollection, I read introductory remarks prepared by the University. I have no notes, transcript, or recording, but press coverage is supplied. The address for Northwestern University is 633 Clark Street, Evanston, Illinois 60208.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have occasionally made statements to the press about my cases. The following list reflects my best effort to identify responsive material. To compile this list, I searched my personal files and Internet sources. It is possible that there are other instances in which I have made a statement to a reporter about a litigation matter, but cannot recall.

Peggy O'Hare, *Lawsuit targets apartments for restrictive policies against children*, San Antonio Express News, May 23, 2018. Copy supplied.

Tracy Jan, *Privately run prisoner transport company kept detainee shackled for 18 days in human waste, lawsuit alleges*, Wash. Post, Apr. 24, 2018. Copy supplied.

Andrew Giambrone, *Lawsuit: Man Suffered Diabetic Emergency After Being Jailed in D.C. Over Speeding Tickets*, Wash. City Paper Blog, Apr. 20, 2016. Copy supplied.

Wailin Wong, *Dyson Praises King's 'Radical Legacy,' Despite Flaws*, The Daily Northwestern, Jan. 10, 2001. Copy supplied.

Rebecca Orbach, *Northwestern U. holds school's first conference on diversity*, The Daily Northwestern, Nov. 8, 1999. Copy supplied.

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

I have not held any judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?
 - i. Of these cases, approximately what percent were:

jury trials:	0%
bench trials:	0%
 - ii. Of these cases, approximately what percent were:

civil proceedings:	0%
criminal proceedings:	0%
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your

decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held any judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never held public office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

In 1998, I volunteered for Representative Jan Schakowsky's congressional campaign. I provided occasional assistance distributing literature and canvassing over the course of several weeks before and on the day of the election.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From September 2005 to September 2006, I served as a law clerk to the Honorable Diane P. Wood, United States Court of Appeals for the Seventh Circuit.

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

I have never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2006 – 2012, 2004

Public Defender Service for the District of Columbia

633 Indiana Avenue, Northwest

Washington, District of Columbia 20004

Supervisor, Juvenile Section, Trial Division (2010 – 2012)

Staff Attorney, Trial Division (2006 – 2012)

Law Clerk, Special Litigation Division (Summer 2004)

2012 – present, 2004

Relman Colfax PLLC (formerly Relman, Dane & Colfax PLLC and

Relman and Associates PLLC)

1225 19th Street, Northwest

Suite 600

Washington, District of Columbia 20036
Partner (2019 – present)
Counsel (2015 – 2019)
Associate (2012 – 2015)
Summer Associate (Summer 2004)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

Following my clerkship in 2006, I joined the Public Defender Service for the District of Columbia as a staff attorney in the Trial Division. I spent about six years representing indigent defendants charged with criminal offenses in D.C. Superior Court at all stages of litigation. At PDS, I was counsel in more than 200 cases. I started my practice representing children in juvenile delinquency matters in Family Court and progressed to representing adult defendants charged with general, and then more serious, felonies. By the end of my time at the Public Defender Service, I was in the Felony 1 Practice Group, which is the highest level of practice at the Public Defender Service and handles homicides and other violent crimes. I was also part of the Agency's Forensic Practice Group, which provided support to lawyers on forensic science and other expert witness issues. In 2010, I was selected to be a supervisor for juvenile section attorneys. In that capacity, I supervised incoming attorneys practicing in Family Court, including by reviewing their work product and attending their trials.

In 2012, I joined Relman, Dane & Colfax PLLC (now Relman Colfax PLLC) as an associate. I became Counsel in 2015 and Partner in 2019. Relman Colfax is a national, plaintiff-side civil rights firm based in Washington, DC. At Relman, my practice has almost exclusively involved representing plaintiffs in civil rights cases in federal courts across the country, including in the areas of fair housing, disability discrimination, employment discrimination, and cases at the intersection of civil rights and criminal justice. I also file civil rights complaints for clients with federal administrative agencies—for example, the U.S. Department of Housing and Urban Development and the Equal Employment Opportunity Commission—although I do so much less frequently than I handle matters

in federal court.

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

From 2006 to 2012, as a staff attorney at the Public Defender Service for the District of Columbia, 100% of my practice involved representing indigent defendants in criminal cases.

Since 2012, my practice has focused on general civil rights litigation. Most of my docket has been fair housing and police-misconduct/criminal-justice related matters, but I litigate all types of discrimination and civil rights cases. I represent both individuals and non-profit organizations who have organizational standing to enforce civil rights statutes.

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

More than 95 percent of my practice has been devoted to litigation. There have been some rare instances in which I have done investigatory or advisory work for clients outside of litigation.

From 2006 to 2012, as a staff attorney at the Public Defender Service for the District of Columbia, I appeared in court on a weekly, if not almost daily, basis.

Since 2012, as a civil rights litigator, I regularly appear in court, although not as frequently as I did as a public defender. I estimate that I have appeared in court between five to ten times per year as a civil rights litigator.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 55%
- 2. state courts of record: 45%
- 3. other courts: 0%
- 4. administrative agencies: 5%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 60%
- 2. criminal proceedings: 40%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried approximately 35 cases to verdict over the course of my career,

approximately 15 of which have been jury trials. Some of the trials that I conducted were in juvenile court and I do not have access to those records, so I am providing my best estimate. In approximately 80 percent of the cases that I have tried, I was either lead counsel, sole counsel, or had a co-counsel, but trial responsibilities (for example, summations, the examinations of key witnesses, and trial strategy decisions) were equally divided. In approximately 20 percent of these trials, I was a junior, associate counsel.

- i. What percentage of these trials were:
 1. jury: 45%
 2. non-jury: 55%
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the United States Supreme Court.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *The Ability Center of Greater Toledo, et al., v. Moline Builders, Inc., et al.*, 478 F. Supp. 3d. 606 (N.D. Ohio 2020) (Judge James G. Carr, presiding).

Since 2018 I have represented two non-profit organizations and an individual plaintiff in a Fair Housing Act design and construction case. The case, filed against builders, developers, designers, and engineers, alleges that a large, multi-family housing community is inaccessible to persons with disabilities. During the litigation, I was lead counsel managing fact and expert discovery and dispositive motions practice. Plaintiffs' expert identified more than one hundred violations at the property, including inaccessible front entrances to individual dwelling units. In May 2020, plaintiffs moved for partial summary judgment, seeking an order that the inaccessible front entrances violated the Fair Housing Act. Defendants

also moved for partial summary judgement, alleging that the Act does not require the front entrances to individual residential units to be accessible because defendants provided an alternate accessible entrance through the garage. The court agreed with plaintiffs and granted judgment in plaintiffs' favor, finding that the Fair Housing Act requires the front entrances of free-standing units to be accessible as public use areas. The Sixth Circuit had previously left this question open, and I am not aware of any other reported decisions on this issue. In May 2021, the parties settled the matter through a consent decree, over which the court will retain jurisdiction for a period of four years. In addition to the monetary terms of settlement, the consent decree requires defendants to remediate many of the housing community's inaccessible features to make them usable to persons with disabilities.

Co-counsel:

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(419) 885-5733

Christina Rodriguez
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Toledo, OH 43604
(419) 243-6163

George A. Thomas
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(419) 243-6163

Opposing counsel:

James Imbrigiotta
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2. *Kovari v. Brevard Extraditions, LLC, et al.*, 461 F. Supp. 3d 353 (W.D. Va. 2020) (Judge Michael F. Urbanski, presiding).

From 2018 to 2020, I was lead counsel representing a plaintiff in a 42 U.S.C. § 1983 case against private prison transportation companies. The corporate defendants contract with government entities to provide private extradition services. The plaintiff alleged that the defendants violated the Fourteenth Amendment by subjecting him to grossly inhumane conditions of confinement during his transport from Virginia to Texas, including by transporting him in a crowded van with no air conditioning or seatbelts, providing inadequate food and water, and refusing to regularly stop for restroom breaks. Defendants transported plaintiff over the course of 17 days, with 120 hours spent driving in the van and as many as 14 hours at a time on the road without stops. Plaintiff also alleged that defendants repeatedly ignored his requests for medical attention and access to prescription medication. After his transport, plaintiff had to be hospitalized. As lead counsel, I was responsible for coordinating all aspects of the litigation, including drafting the complaint, managing written discovery and case

investigation, deposing and supervising the depositions of witnesses, and briefing dispositive motions. During the litigation, the Court denied defendants' motion to dismiss, agreeing with plaintiff that defendants were state actors; denied a partial motion for summary judgment that defendants filed concerning the applicable statute of limitations for plaintiff's state law claims; and, after denying defendants' motion for summary judgment, allowed plaintiff's constitutional claims to proceed to trial. I believe that the court's decision denying defendants' motion for summary judgment on plaintiff's constitutional claims is the first reported decision allowing a conditions of confinement claim against a private prison transportation company—which has been the subject of much litigation—to proceed on a *Monell* theory of liability based on defendants' corporate policies, practices, and customs. The case subsequently settled.

Co-counsel:

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Orly May (formerly of Relman Colfax PLLC)
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Opposing counsel:

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Salem, VA 24153

(540) 387-2320

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3. *CNY Fair Housing, Inc., et al. v. Waterbury, et al.*, Case No. 5:17-cv-868
(N.D.N.Y) (Judge Mae D'Agostino, presiding).

Since 2017 I have been lead counsel representing nine plaintiffs—a non-profit fair housing organization and eight women—in a case alleging gender discrimination (quid pro quo sexual harassment) under the Fair Housing Act. The case alleges that defendants, a landlord and related corporate entities, demanded sexual favors from women tenants in exchange for lower rents and other benefits of tenancy. Plaintiffs' investigation uncovered that the landlord had been subjecting women to harassment for decades, and that his behavior impacted approximately 50 properties that defendants own. The U.S. Department of Justice learned about defendants' alleged unlawful conduct from our complaint, filed a related case, and joined our enforcement efforts. As lead counsel, I was responsible for managing and supervising the litigation, which included drafting the complaint, handling all aspects of written discovery and depositions, coordinating case investigation with the Department of Justice, and conducting settlement negotiations. In 2019, after discovery, the parties settled the matter through a stipulated consent decree, over which the court will retain jurisdiction until 2024, a period of five years. The consent decree required the defendants to pay \$400,000 and provided for significant injunctive relief, including a requirement prohibiting the landlord from having any contact with tenants and applicants and mandating that defendants retain an independent agent (approved by the organizational plaintiff) to manage their properties.

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4. *Hicks v. Ferreyra, et al.*, 396 F. Supp. 3d 594 (D. Md. 2019) (Judge Paul W. Grimm, presiding); interlocutory appeal decision reported at 965 F.3d 302 (4th Cir. 2020) (Judges Diana G. Motz, Barbara M. Keenan, Pamela A. Harris, presiding).

Since 2016 I have been lead counsel representing the plaintiff, a twenty-year veteran of the United States Secret Service, in a *Bivens* action. Plaintiff alleges that defendants, United States Park Police Officers, unlawfully stopped and detained him while he was on duty, despite having verified his identity and credentials, in violation of his Fourth Amendment rights. As lead counsel, I have been responsible for coordinating all aspects of the litigation, which included drafting the complaint, managing written discovery, deposing witnesses, and conducting and supervising dispositive motions briefing. The court denied defendants' motion to dismiss and, after discovery, denied defendants' qualified immunity defense at summary judgment. The defendants filed an interlocutory appeal, for which I was also lead counsel representing plaintiff. In their appeal, defendants challenged the court's qualified immunity ruling and claimed that the district court also erred by not considering sua sponte whether plaintiff's claims raised a new *Bivens* context. In a published opinion, issued without oral argument, the Fourth Circuit held, for the first time in the Circuit, that well-established forfeiture rules apply in the *Bivens* context, and thus a defendant waives arguments about the availability of a *Bivens* remedy if the argument is not raised before the trial court. It dismissed the remainder of defendants' appeal. The trial is scheduled to begin on July 6, 2021.

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5. *Drayton, et al. v. McIntosh County, et al.*, 2016 WL 3443919 (S.D. Ga.)
(Judge Lisa Godbey Wood; the case is currently before Judge R. Stan Baker, presiding).

Since 2015 I have represented 54 plaintiffs, who are largely property owners or residents of a predominately African-American, Gullah-Geechee community on Sapelo Island in McIntosh County, Georgia. The community is accessible solely by boat or air, and the State of Georgia provides public ferry transportation between the Island and mainland Georgia. Plaintiffs alleged that defendants McIntosh County, the State of Georgia, and other related State government officials and entities discriminated against them on the basis of race in the provision of municipal services, in violation of the Fourteenth Amendment's Equal Protection Clause and Title VI. Plaintiffs also alleged that the State of Georgia violated the Americans with Disabilities Act because the public ferry, docks, and boarding facilities are not accessible to persons with disabilities. I am one of two partners on the case responsible for managing the day-to-day litigation and discovery, and was primarily responsible for litigating plaintiffs' ADA claims and related expert discovery. Discovery in the case involved approximately 100 depositions, ten expert witnesses, and multiple rounds of dispositive motions briefing. In October 2020, plaintiffs resolved their claims against the State defendants through a settlement agreement that requires the State defendants to make substantial remediations to the ferry and boarding facilities to make them accessible to persons with disabilities, including a complete demolition of the existing dock facilities to be rebuilt in accordance with applicable accessibility standards. The monetary value of the agreed-upon improvements is estimated to be several millions of dollars, and the State Defendants also paid plaintiffs \$750,000. In March 2021, the Court denied in part and granted in part McIntosh County's motion for summary judgment, holding that many plaintiffs' claims alleging that the County discriminated in the provision of fire, emergency medical, waste disposal, and road maintenance services can proceed to trial.

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6. *Hardin v. Dadlani, et al.*, 221 F. Supp. 3d 87 (D.D.C. 2016) (Judge Reggie B. Walton, presiding).

From 2012 to 2017, I represented a plaintiff in a race discrimination in employment case alleging violations of 42 U.S.C. § 1981 and the D.C. Human Rights Act. The plaintiff, who is African American, had been hired by a manager to work at an upscale sports bar, but was fired immediately after meeting the defendant, who owned the establishment. In discovery, plaintiff amassed substantial evidence of the defendant's discrimination against African-American applicants and customers, and his professed desire for the bar to be a "white" establishment, including declarations from the defendant's former business partners and employees. I was one of two attorneys responsible for litigating the case, which included conducting written discovery, deposing witnesses, obtaining witness declarations, briefing summary judgment, and briefing and arguing motions in limine and pretrial matters, among other responsibilities. In January 2016, I tried the case before a jury as co-counsel. At trial, I examined approximately half of the witnesses (on both direct and cross examination) and delivered the closing and rebuttal arguments. At the conclusion of the seven-day trial, the jury rendered its verdict in favor of the plaintiff on all claims and awarded her \$687,000 in damages (\$175,000 in compensatory damages, and \$512,000 in punitive damages after a bifurcated punitive damages phase of trial). After post-trial briefing, the court issued a published opinion upholding the jury's verdict and award of damages, finding that the plaintiff had presented substantial evidence of defendant's "blatant and pervasive discrimination" at trial.

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7. *Morgan v. Richmond Sch. of Tech.*, Case No. 312-cv-373 (E.D. Va.) (Judge John A. Gibney, presiding).

From 2012 to 2013, I was a member of the litigation team representing plaintiffs in a class action lawsuit against a for-profit vocational college alleging violations of the Equal Credit Opportunity Act, Title VI, and state law. In the lawsuit, seven named class representatives alleged that the for-profit college used deceptive practices to encourage students to take out large federal loans for an education that it knew to be inadequate, and committed fraudulent acts to secure federal funds, such as cutting and pasting student signatures on financial aid forms and altering records. As co-counsel in the case, I assisted in briefing dispositive motions, obtained declarations supporting Plaintiffs' claims in investigation, and conducted class certification discovery (both written discovery and depositions). After the completion of class certification discovery, the parties reached a settlement agreement. In July 2013, the court granted final approval to a \$5 million class action settlement. The terms of settlement also required the school to maintain and disclose information about its students' success and assessments of the school by certain educational organizations, as well as to follow a refund policy adopted by an accrediting organization, among other terms.

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8. *United States v. Guevara*, 2010 CF3 10626 (D.C. Super. Ct.) (Judge Craig Iscoe, presiding).

From 2010 to 2011, I represented the defendant, who was charged, with a co-defendant, in an eight-count indictment with conspiracy, assault with intent to kill while armed, aggravated assault, and other serious offenses related to a stabbing. I was lead counsel for the defendant. In October 2010, I tried the case before a jury.

At trial, I cross-examined the complaining witness on significant discrepancies in his testimony concerning my client's alleged involvement in the stabbing, conducted other witness examinations, and delivered the closing argument. After an eight-day trial, the jury acquitted the defendant of the lead charges of the indictment, finding the defendant guilty of only one lesser count of making threats.

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9. *United States v. Reid*, 2010 CF3 23810 (D.C. Super. Ct.) (Judge Ann O'Regan Keary, presiding).

From 2010 to 2011, I represented the defendant, who was charged, with co-defendants, in a multi-count indictment with burglary, theft, car theft, and other offenses. I was sole counsel for the defendant and handled every aspect of the case. After a pre-trial motions hearing, the court granted defendant's motions to suppress tangible evidence, statements, and identification testimony after finding that the police obtained the alleged evidence in violation of the Fourth Amendment. In May 2011, I tried the case before a jury over the course of approximately six days. The court granted defendant's motion for judgment of acquittal on a charge of theft before jury deliberations. The jury deadlocked on the remaining charges against my client, and the court declared a mistrial. The defendant subsequently pled to a subset of charges in the original indictment, with the government agreeing to dismiss the remaining charges against him. The court later granted defendant's motion to reduce his sentence.

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10. *United States v. Price*, 2008 CF1 18280, (D.C. Super. Ct.) (Judge Frederick Weisburg, presiding).

From 2009 to 2012, I was co-counsel representing the defendant in a double homicide case. As co-counsel, I was largely responsible for pretrial motions practice. The defendant had been held without bond pending trial. Shortly before a scheduled trial date, the government disclosed information, which had been in its possession for years, that pointed to third-party perpetrators. We engaged in extensive litigation concerning our position that the government violated *Brady v. Maryland*, 373 U.S. 83 (1963), by failing to timely disclose the exculpatory information, including by filing pretrial motions to dismiss the indictment or, in the alternative, to modify the defendant's bond condition pending trial and to compel *Brady* and *Giglio* material. The court ultimately granted our request to release the defendant pending trial given that the government's belated disclosure of exculpatory evidence required the trial to be continued for additional investigation. After the defendant's release, we continued preparing for trial, conducting our investigation to gather additional evidence supporting our belief that other individuals committed the crime, and filing pretrial motions, including motions for dismissal of the indictment. Before trial, the government dismissed all claims against the defendant.

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List

any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Over the years, I have represented fair housing organizations and individuals in administrative complaints filed with the United States Department of Housing and Urban Development challenging occupancy policies that complainants allege are unnecessarily restrictive and serve to preclude families with children from renting housing in violation of the Fair Housing Act. These matters have settled through conciliation agreements requiring respondents to modify their occupancy policies, including by adopting occupancy policies that are no more restrictive than local occupancy codes. A representative example of the federal administrative matters that I have handled include: *Connecticut Fair Housing Center, et al. v. TGM Associates, L.P. et al.*, FHEO Case Numbers 05-14-1529; 05-14-1528-8; 01-14-0565-8 (August 20, 2015) (\$195,000 HUD settlement in case involving restrictive occupancy policies); *Fair Housing Center of West Michigan, et al. v. AMP Residential, et al.*, HUD Conciliation Agreement, FHEO Case Number 05-16-4894-8, January 5, 2017) (more than \$200,000 settlement award to fair housing organizations for resolution of an administrative complaint of familial status discrimination).

I have not performed any lobbying activities, and I am not and have never been a registered lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

In the Fall 2011 semester, I taught a trial advocacy seminar for American University, Washington College of Law. I cannot locate a syllabus for the seminar, but recall that each class focused on a different aspect of trial—for example, developing trial theories, delivering opening statements, handling direct and cross examinations, preparing closing arguments, etc. One class would involve me and my co-instructor presenting on the topic, and in the next session the students would do a mock exercise and receive feedback. The seminar ended with a mock trial.

In Fall 2010, Fall 2011, and Winter 2011, I was guest, visiting faculty for Harvard Law School's Trial Advocacy Workshop, a three-week trial advocacy course. For one of these weeks, I acted as a student advisor providing feedback and instruction to students on trial advocacy topics, and assisting them in their preparations for a mock trial. Course overview for Fall 2010 supplied. I have not been able to locate any materials for Fall 2011 or Winter 2011, but they would have been substantially similar in content to the materials supplied for Fall 2010.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all

anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

Upon leaving my firm, I would be entitled to receive any contributions that I have made to the Firm's Capital Fund and a pro rata share of any distributable net profits for the year. The timing of these payments would be based on firm policy and relevant ethical rules. I have also contributed to my Firm's 401(k) plan, which is administered by the American Bar Association.

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

If confirmed, I do not have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My sister is an attorney in the Special Litigation Division of the Public Defender Service for the District of Columbia. Although she rarely appears before the United States District Court for the District of Columbia, I would recuse myself from any matter in which she was involved in any capacity.

If confirmed, I would also recuse myself from any matter handled by or involving Relman Colfax PLLC for a reasonable period of time. I would continue to recuse

myself from such matters until there were no longer any potential conflicts of interest or the appearance of any conflicts of interest.

Finally, in cases involving former clients that could present potential conflicts of interest, I would promptly inform the parties and ascertain their positions. I would consult and follow 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, as well as any other applicable statutes, rules, or canons.

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

If I encounter a matter that presents a potential conflict of interest, or creates the appearance of a potential conflict of interest, I would promptly inform the parties and ascertain their positions. I would consult and follow 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, as well as any other applicable statutes, rules, or canons.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have devoted my entire legal career to serving the disadvantaged. As a public defender, 100 percent of my practice involved representing indigent criminal defendants. In my current practice, I litigate civil rights cases, largely on behalf of plaintiffs who do not have the resources to retain an attorney, including individuals who are incarcerated, on public assistance, or who otherwise have limited financial means.

26. **Selection Process:**

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

On February 15, 2021, I submitted a Judicial Candidate Questionnaire to Representative Eleanor Holmes Norton's District of Columbia Federal Law Enforcement Nominating Commission. I met with the Commission on March 4, 2021, and Representative Norton on March 12, 2021. Representative Norton recommended my nomination to the White House. I met with officials from the

White House Counsel's Office on March 17, 2021. Since March 20, 2021, I have been in contact with officials from the Department of Justice Office of Legal Policy. On June 15, 2021, my nomination was submitted to the Senate.

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

No.