**UNITED STATES SENATE**
**COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

   Susan Laura Carney

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

   United States Circuit Judge for the Second Circuit

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.

   Office: Office of the Vice President and General Counsel
   Yale University
   2 Whitney Avenue, 6th Floor
   New Haven, Connecticut 06510

   Residence: Hamden, Connecticut

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

   1951; Waltham, Massachusetts

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.

   1975 to 1977, Harvard Law School; J.D. (*magna cum laude*), 1977
   1974 to 1975, University of Chicago Law School (no degree)
   1969 to 1973, Harvard University; A.B. (*cum laude*), 1973

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.

1998 to present
Yale University
2 Whitney Avenue
New Haven, Connecticut 06510
Deputy General Counsel (2001 – present)
Acting General Counsel (July 2008 – December 2008)
Associate General Counsel (1998 – 2001)

1996 to 1998
The Peace Corps
1111 20th Street, NW
Washington, D.C. 20526
Associate General Counsel

1994 to 1996
Bredhoff & Kaiser P.L.L.C.
805 15th Street, NW
Washington, D.C. 20005
Of Counsel

1988 to 1994
Self-employed (contract legal employment and volunteer service)
4516 47th Street, NW
Washington, D.C. 20016

1986 to 1988
Tuttle & Taylor (since dissolved)
355 South Grand Avenue
Los Angeles, California 90071
Partner (Washington, D.C., Office)

1979 to 1986
Rogovin, Huge & Lenzner (formerly Rogovin, Stern & Huge) (since dissolved)
1730 Rhode Island Avenue, NW
Washington, D.C. 20036
Partner (1984 – 1986)
Associate (1979 – 1984)

1979
Ropes & Gray
One International Place
Boston, Massachusetts 02110
Associate

1977 to 1978
United States Court of Appeals for the First Circuit
John Joseph Moakley United States Courthouse
One Courthouse Way, Suite 2500 (current address)
Boston, Massachusetts 02210
Law Clerk to the Honorable Levin H. Campbell

Summer 1976
Steptoe & Johnson
1330 Connecticut Avenue, NW
Washington, D.C. 20036
Summer Associate

1975 to 1976
Harvard Law School
1525 Massachusetts Avenue
Cambridge, Massachusetts 02138
Research Assistant to Visiting Professor Robert Pitofsky

Summer 1975
Transportation Systems Center
U.S. Department of Transportation
Kendall Square
55 Broadway
Cambridge, Massachusetts 02142
Research Assistant

Summer 1974
U.S. Department of Transportation
International Programs Division
1200 New Jersey Avenue, SW
Washington, D.C. 20590
Summer Intern

September 1973 to June 1974
Phillips Academy
180 Main Street
Andover, Massachusetts 01810
Teaching Fellow

Summer 1973
Student's Valet Service, Inc. (since dissolved, to the best of my knowledge)
Harvard Square
Cambridge, Massachusetts 02138
Customer Service Representative

Other Affiliations (uncompensated)

2007 to present
National Association of College and University Attorneys
One Dupont Circle, Suite 620
Washington, D.C. 20036
Director

2005 to 2008
Fine By Me (no longer an independent entity)
242 Fifth Avenue, #3L
Brooklyn, New York 11215
Director & Secretary

1998 to 2002
Women Organizing Women Political Action Committee (also known as "WOWCT")
8 Research Parkway
Wallingford, Connecticut 06492
Secretary (2000 – 2002)
Director (1998 – 2002)

1999 to 2001
New Haven Youth Soccer
P.O. Box 9298
New Haven, Connecticut 06533
Director & Secretary

1981 to 1992 (approximate)
Lady Lawyers Limited (since dissolved)
1730 Rhode Island Avenue, NW
Washington, D.C. 20036
Secretary

1985 to 1988
Harvard Law School Association of Washington, D.C.
125 Mt. Auburn Street
Cambridge, Massachusetts 02138
President (1987 – 1988)
Vice President (1986 – 1987)
Secretary (1985 – 1986)
Council Member (1989 – 1993)

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 U.S. Military. I have not registered for 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.

Certificate of Appreciation from the Yale Corporation and Officers for outstanding service as Acting General Counsel (December 2008)
Peace Corps Inspector General's Award for "exemplary efforts in promoting the economy, efficiency, and effectiveness of the Peace Corps" (July 1998)
Peace Corps certificate of appreciation for "exemplary service and many contributions" to the Peace Corps (July 1998)
Best Bar Report, Bar Association of the District of Columbia, for Report on Court Funding (I was the Reporter and researched and wrote the report, with input from some committee members) (1993)
Department Award for Superior Performance, U.S. Department of Transportation (1974)
James B. Conant Essay Award, Harvard-Radcliffe Colleges (1970)

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.

American Bar Association
Bar Association of the District of Columbia
Connecticut Bar Association
Massachusetts Bar Association
Women's Bar Association of the District of Columbia

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.

    Connecticut, 1999
    District of Columbia, 1980
    Massachusetts, 1977

    There has been no lapse in membership. I became an inactive member of the Massachusetts bar for approximately three years in the early 1980s, but remained a member and am currently an active member.

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

Supreme Court of the United States, 1982
United States Court of Appeals for the First Circuit, 1978
United States Court of Appeals for the Ninth Circuit, 1982
United States Court of Appeals for the Eleventh Circuit, 1994
United States Court of Appeals for the District of Columbia Circuit, 1980
United States District Court for the District of Columbia, 1980
District of Columbia Court of Appeals, 1980

In 2004, I did not renew my membership in the bar of the United States Court of Appeals for the Eleventh Circuit because I did not anticipate future appearances before the court. In 2009, I changed my membership in the bar of the United States District Court for the District of Columbia to inactive status because I did not anticipate future appearances before the court. There has been no other lapse 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.

New Haven Reads
- Tutor (2009 – present)

Silliman College, Yale University
- Fellow (2000 – present)

National Association of College and University Attorneys (1999 – present)
- Annual Conference Program Committee (2001 – 2005 & 2008 – 2010)
- Board of Directors (2007 – 2010)
  - Committee on Board Operations (2009 – 2010)
  - Finance and Audit Committee (2005 – 2008)
- Task Force on Annual Conference Programming (2000 – 2001)

Audubon Society of Massachusetts (intermittent over years, current member)
New Haven Bird Club (approximately 2006 to present)
Ridge Top Pool and Tennis Club, family membership in North Haven, Connecticut (1998 through approximately 2004)
WOWPAC (Women Organizing Women Political Action Committee)
- Board of Directors (1998 – 2002)
- Secretary (2000 – 2002)

New Haven Youth Soccer
- Board of Directors & Secretary (1999 – 2001)

Historical Society of the District of Columbia Court of Appeals
- Interviewer (approximately 1995 – 1998)

Harvard Club of Washington, D.C. (approximately 1986 – 1998)
  Schools and Scholarships Committee (approximately 1986 – 1998)
    Area Co-Chair (1995 – 1998)
    D.C. Co-Chair (1992 – 1995)
Harvard Law School Association of Washington, D.C.
    President (1987 – 1988)
    Vice President (1986 – 1987)
    Secretary (1985 – 1986)
    Council Member (1989 – 1993)
Lady Lawyers Limited, Secretary (approximately 1981-1992) (non-profit incorporated by some of my male and female law firm colleagues and by me; used purely as a fraternal organization)
Palisades Pool, Montgomery County, Maryland (mid- to late- 1990s)
Merrimack Pool, Bethesda, Maryland (public) (late 1980s, early 1990s)
Ron Freeman Chorale, Arlington, Virginia (early 1980s)
The Wilderness Society (approximately 1983 – 1984)

I have made financial contributions to a number of charitable organizations over the years, including various health research, cultural, environmental, disaster relief, neighborhood civic, and other types of organizations. I have not included in the list above any organizations to which I only have given funds and where I have not participated in programmatic activities, although the organizations' development protocols may call me a "member." Although there may be others I have not found in my records, these organizations include: Greater Boston Youth Symphony; Smith College Museum of Art; Metropolitan Museum of Art; Bruce Museum; Artspace; Himalayan Institute; Metropolitan Opera; Peabody Essex Museum; Smithsonian Institution; Eli Whitney Museum; St. Columba's Nursery School; Georgetown Day School; Foote School; Hopkins School; Hamden High School; Harvard College; Harvard Law School; Oxfam America; Amnesty International; American Cancer Society; American Heart Association; Women's Health Research at Yale; Planned Parenthood; WLIU; WMNR; WPKN; Connecticut Food Bank; Community Soup Kitchen; New Haven Legal Assistance; Radcliffe Institute for Advanced Study; NARAL; Children and Adults with Attention-Deficit/Hyperactivity Disorder; American University Park Citizens Association; Whitneyville Citizens Association; American Automobile Association; National Organization of Women; Make a Wish Foundation of Eastern Virginia; Branford Hospice; Friends of Outer Island; Sudan Aid Fund; New York Firefighters; Red Cross; Edgerton Park Conservancy; So Others Might Eat; United Way; Save the Children; Alliance for Justice; Farmworker Justice; Hamden Hall School; ACES; Mothers Against Drunk Driving; Neighborhood Music School; Creative Arts Workshop; Salvation Army; My Sister's Place; University of Chicago Law School; Hospice of Northern Virginia; Harvard-Radcliffe Collegium Musicum Foundation; Boston Children's Hospital; Parents' Foundation for Transitional Living; Friends of the Falls Library; WAMU; WETA; CARE; National Women's Law Center; All Our Kin.

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.

   I have not to my knowledge held membership in any organization that invidiously discriminates or formerly discriminated on the basis of race, sex, or religion, or national origin.

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.

   This list represents the published material I have identified through searches of my files and Internet databases. I have tried my best to list all of them here, although there may be some that I have not been able to identify or locate.

   "Research Misconduct: Dealing with Allegations of Academic Fraud and Other Transgressions," NACUA Annual Conference, Chicago, June 2006 and Society of University Lawyers, Melbourne, Australia October 2006. Copy supplied.

   "University-Industry Collaborations: Two Perspectives (the University View)," American Health Lawyers Association Life Sciences Institute, Baltimore, May 2006. Copy supplied.

   "Intellectual Property in Action," (co-author) NACUA Annual Conference, Vancouver, June 2004. Copy supplied.

   "Faculty Startups: The Tangled Web," NACUA Annual Conference, June 2001 (reprinted in NACUA compendium). Copy supplied.

   "The Research Institution: A Primer," NACUA Annual Conference, San Diego, June 2000 (reprinted in NACUA compendium). Copy supplied.

   Yale Institutional Publications

   New England Association of Schools and Colleges, Yale Institutional Self- study Report (editor and co-author), Standard 11 (2009). Copy supplied.

Working Globally: Legal Considerations (editor and co-author), Yale (2007). Copy supplied.

Guide to Business Agreements and Contracts (editor and co-author), Yale (2004). Copy supplied.

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.

This list represents the reports, memoranda and policy statements I have identified through searches of my files and Internet databases. I have tried my best to list all such documents to which I contributed, although there may be some that I have not been able to identify or locate.

"A Call for Adequate Funding for the District of Columbia Courts," Report of the D.C. Bar's Task Force on Court Funding (January 28, 1993). I served as Reporter of the Task Force, which called for preservation of sufficient funding to operate the District of Columbia Courts. The report was named Best Bar Report of the year. Copy supplied.

Report of the Special Committee on Gender to the D.C. Circuit Task Force on Gender, Race, and Ethnic Bias and its Special Committee on Gender (contributor, 1992-1993) (Professor Vicki Jackson, Professor Susan Deller Ross, and Susan M. Liss, Esq., Co-chairs). Reprinted at 84 Geo. L.J. 1657 (1996). In support of this effort, I researched and prepared a chronology of significant events in women's practice of law in the District of Columbia, among other tasks. Copy supplied.

Historical Society of the District of Columbia Circuit, Interviews with Helen Patton Wright, widow of the Hon. J. Skelly Wright. At the request of the D.C. Circuit Historical Society and as part of its Oral History Project, I conducted four interviews of Mrs. Wright in 1995 and 1996, covering her life and in particular her life as the wife, then widow, of Judge J. Skelly Wright, U.S. District Judge in Louisiana and then U.S. Circuit Judge for the D.C. Circuit. These were transcribed, reviewed by me, and published by the Society in 1999. Copy supplied.

Three Mile Island, A Report to the Commission and to the Public, by Mitchell Rogovin and George T. Frampton (1980). (I provided editorial assistance and worked with one of the substantive subgroups contributing to the report.) Copy supplied.

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.

Letter to Judge James P. Jones, U.S. District Judge for the Western District of Virginia re: United States v. Purdue Frederick Co., No. 1:07-cr-29 (July 3, 2007). Copy supplied.

I do not recall any other testimony, official statements, or other communications that I provided or that others presented on my behalf.

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.

This list represents the presentations I have identified through searches of my files and Internet databases and discussions with others to help refresh my memory. I have tried my best to list all of them here, although there may be some that I have not been able to identify or locate.

In November 2009, I gave brief remarks to incoming Board members of the National Association of College and University Attorneys, reflecting on my experience as a Board member of the organization. I have no notes, transcript, or recording.

"Research Misconduct – An International Challenge," Society of University Lawyers, Melbourne, Australia, October 2006. PowerPoint deck supplied.

"Thoughts on Research Misconduct," National Association of College and University Attorneys (NACUA) Annual Conference, Chicago, June 2006. Audio recording supplied on CD.

"Industry-University Research Alliances: Two Perspectives (the University View)" (co-presenter), American Health Lawyers Association Life Sciences Institute, Baltimore, May 2006. PowerPoint deck with notes supplied.

"Complexities of Legal Agreements between Cancer Centers and Industry" (co-presenter), Association of American Cancer Institutions, Washington D.C., October 2005. PowerPoint deck with notes supplied.

"IP Clauses in Action" (co-presenter), NACUA Annual Conference, Vancouver, June 16, 2004. Audio recording supplied on CD.

"Intellectual Property at the Research University Two Decades After the Bayh-Dole Act," First Circuit Judicial Conference, Boston, September 2003. Notes supplied.

"Human Subjects Research: the Basics" (moderator), NACUA Annual Conference, Boston, June 2002. Audio recording supplied on CD.

"Now what do we do? Advanced Topics in Human Subjects Research," NACUA Annual Conference, Boston, June 2002. I have no notes, transcript, or recording.

"Is the Grass Greener Over There?" (moderator), NACUA Annual Conference, Boston, June 2002. Audio recording supplied on CD.

"Faculty Entrepreneurs and Startup Companies" NACUA Annual Conference, San Diego, June 2001. Notes supplied.

"The Research Institution: A Primer," NACUA Annual Conference, Washington, D.C., June 2000. Notes supplied.

I have also introduced speakers or sessions informally in a variety of settings. These include, for NACUA: "Difficult Conversations" presentation by Debbie Goldstein, Triad Consulting, two sessions (Toronto, 2009); and "Handling the Tough Research Misconduct Case, from Allegation to Adjudication" (Vancouver, 2004). Similarly, in 1987-88, as President of the Harvard Law School Association of Washington, D.C., I organized programs and introduced speakers at regular luncheons. Records available to me today show that those sessions included the following: Steven Brill, "The Transformation of American Lawyering" (Mar. 24, 1988); Donald Flexner, Arthur Rothkopf, and James Jones, "Expanding the Bounds of the Law Firm [with Non-law Affiliates]: Conflicts of Interest or a New Frontier?" (Dec. 9, 1987); L. William Seidman, Chairman FDIC, "Deregulation of Financial Institutions," (Nov. 4, 1987); Sen. William Proxmire, (Oct. 19, 1987); Fred Wertheimer and Asst. Attorney General John Bolton, "The Independent Counsel Statute: A Necessity or a Mistake?" (Aug. 5, 1987). I have no notes, transcripts, or recordings from my introductions of these speakers.

In addition, as part of my duties at Yale, I have conducted informational sessions on legal issues for Yale employees. These have included, for example, training sessions on the range of federal legislation and regulations that apply to university operations. Similarly, while Associate General Counsel of the Peace Corps (1996 – 1998), I conducted internal trainings of Peace Corps staff on various legal issues.

Sometime during 1967-68, my high school exchange year in France, I spoke to a formal gathering in my host community in the Town of Rombas, France. I also gave several local presentations to clubs and associations in my home town on my return to Massachusetts. I do not recall the exact dates or venues. I have no transcripts or recordings of these programs and have not located any notes.

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 searched my files and Internet databases to refresh my memory in an effort to produce as complete a list of interviews as I could, but it is still possible there are some I was not able to locate.

Athena Y. Jiang, "Ginsburg Speaks on Women in Law," HARVARD CRIMSON Sept. 21, 2008. Clip supplied.

Ross Goldberg, "Univ. Denies Company's Patent Claim," YALE DAILY NEWS, Dec. 7, 2005. Clip supplied.

Ross Goldberg, "Patent Holder Seeks Royalties from University," YALE DAILY NEWS, Nov. 18, 2005. Clip supplied.

Jared Savas, "Doctors Sue Yale over Free Expression," YALE DAILY NEWS, Sept. 21, 2005. Clip supplied.

TV news interview re Tylenol scare (as a consumer in Rodman's Drug Store, Washington, DC), 1982. I do not recall the exact date or the interviewer and I have no video or transcript.

"Two Weston Students Selected to Spend Senior Year Abroad," THE TOWN CRIER (Weston, MA), Mar. 13, 1969. Clip supplied.

"Exchange Students Give Impressions of Visits," THE NEWS-TRIBUNE (Waltham, MA) 1968. Clip supplied.

"Une charmante ambassadrice américaine: Miss Suzanne CARNEY" Aug./Sept. 1967 (I have been unable to identify the publication name). Clip supplied.

Fred Brady, "Pageantry Widens 9-Year-Old Eyes," BOSTON HERALD, approximately Jan. 20, 1961. Clip supplied.

13. **<u>Judicial Office</u>**: 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 judicial office.

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

   i. Of these, approximately what percent were:

      jury trials? ___%; bench trials ___%

      civil proceedings? ___%; criminal proceedings? ___%

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 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 (3) 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 served as a judge.

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 not held public office, nor have I been a candidate for public elective or appointed 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.

I have not held office in or rendered service to any political party. In 2004, I canvassed in Pennsylvania for Senator John Kerry's presidential campaign and on Election Day I worked at local election headquarters in Allentown to assist in resolving voter registration and ballot disputes.

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;

   I clerked for Judge Levin H. Campbell, on the United States Court of Appeals for the First Circuit, from August 1977 to August 1978.

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

   I practiced part-time from my home at 4516 47th St., NW, Washington, D.C., from approximately 1988 through 1993. During that time, I did work for the Bar Association of the District of Columbia, Georgetown University, and the law firm Swidler & Berlin, among others.

   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.

   1979
   Ropes & Gray
   One International Place
   Boston, Massachusetts 02110
   Associate

   1979 to 1986
   Rogovin, Huge & Lenzner (since dissolved)
   1730 Rhode Island Avenue, NW
   Washington, D.C. 20036
   Associate (1979 – 1984)
   Partner (1984 – 1986)

   1986 to 1988
   Tuttle & Taylor (since dissolved)
   355 South Grand Avenue
   Los Angeles, California 90071
   Partner (Washington, D.C., Office)

   1994 to 1996
   Bredhoff & Kaiser P.L.L.C.
   805 15th Street, NW
   Washington, D.C. 20005
   Of Counsel

1996 to 1998
The Peace Corps
1111 20$^{th}$ Street, NW
Washington, D.C. 20526
Associate General Counsel

1998 to present
Yale University
2 Whitney Avenue
New Haven, Connecticut 06510
Associate General Counsel (1998 – 2001)
Acting General Counsel (July 2008 – December 2008)
Deputy General Counsel (2001 – present)

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

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

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, I worked as an associate and then a partner in private law practice. Initially, I focused on litigation in federal and state courts. While affiliated with Rogovin, Huge & Lenzner (1979 – 1986), I gradually took on transactional work as well. At Tuttle & Taylor (1986 – 1988), I continued to do transactional work, focusing with my partners on serving as lead counsel to a turnaround management firm for a large set of bankrupt limited partnerships related to the savings and loan association collapses of those years.

I stepped back from full-time law practice in the law firm context for several years for family reasons. During this period, I worked on a large copyright case in federal district court and a variety of other legal projects. Thereafter, my practice turned back to appellate brief-writing, primarily, as Of Counsel at the Washington, D.C. firm Bredhoff & Kaiser.

From 1996 to 1998, as an associate general counsel of the Peace Corps, I undertook a broad range of legal support for the organization, including counseling with regard to internal adjudicatory mechanisms, working with U.S. Attorney's Offices to defend the agency in litigation, developing tools for effective preventive lawyering, and counseling on other matters.

Since 1998, I have practiced law as in-house counsel at Yale University, one of the major research universities in the country and world. Since 2001, as Deputy General Counsel, I have been the second principal legal officer of the University, and in 2008, I served on an acting basis as the University's chief legal officer for six months. Yale is a large and complex entity—in addition to the well-known academic and research operations, it runs four internationally known museums; it operates power plants; it runs a health plan, offers outpatient clinical services, and its faculty helps staff a hospital; and it provides Internet and computer services to most members of its community of some 22,000 individuals. Its operating budget is more than $2 billion annually. Thus, my work in the counsel's office has demanded versatility and breadth, in addition to the ability to give timely and accurate advice.

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

My typical clients, both in the law firm context and in-house, have been governmental (Peace Corps) or large non-profit organizations, such as universities, labor unions, environmental organizations, and professional trade associations (such as the American Psychiatric Association).

When I came to Yale in 1998, my portfolio focused on research, intellectual property, technology transfer, and information technology. In 2001, when I became Deputy General Counsel, I began to advise on conflicts of interest in research, international affiliations, federal law regarding international transactions, relationships with major research sponsors, restrictions on research related to bond issuance, large commercial matters, and more. At the request of the Vice President and General Counsel, I also focused on developing instructional tools about legal issues for the Yale community.

As Acting General Counsel from July through December 2008, I worked on the full range of legal issues that confront the University, including real estate matters concerning state regulation of geothermal wells; on the terms of large gifts and various investment-related matters; on the operation of a facility that houses a summer music festival; and on sensitive employment and student matters.

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.

Over my career, I estimate that approximately 40 percent of my practice has been in litigation and 60 percent in counseling or transactional work. I have appeared in court occasionally.

i. Indicate the percentage of your practice in:
    1. federal courts: 80%
    2. state courts of record: 15%
    3. other courts:
    4. administrative agencies: 5%

ii. Indicate the percentage of your practice in:
    1. civil proceedings: 98%
    2. criminal proceedings: 2%

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.

Having spent my law career as an appellate lawyer and in-house counsel, I have not tried cases to verdict, judgment, or final decision.

i. What percentage of these trials were:
    1. jury:
    2. non-jury:

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.

As an associate at Rogovin, Stern & Huge in 1979 and 1980, I assisted lead counsel Joel I. Klein in drafting the petition for certiorari and merits briefs in one case before the Supreme Court, *Pennhurst State School and Hospital v. Halderman*, 451 U.S. 1 (1981). We represented Pennhurst Parents-Staff Association, one of several petitioners in cases heard together under the *Halderman* umbrella.

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. In re Estate of Ellen B. Stoeckel, No. 08-000207 (Northwest Corner Probate Court, Litchfield County, Connecticut) Charles R. Vail, Probate Judge.

This Probate Court matter, active from 2008 through 2009, concerned trust interpretation and administration. Under the terms of the trust at issue, Yale conducts a summer music festival and arts program on the former estate of the settlor. The terms required that a "duly organized trust company" serve as trustee. When the long-time corporate fiduciary tendered its resignation in 2008, Yale sought to reform the trust to provide a new management structure in light of changed circumstances since the trust's establishment in the 1930s.

I worked for approximately 18 months with Yale's outside counsel, Keith Bradoc Gallant, negotiating with counsel for the other trustees and with the Connecticut Assistant Attorney General charged with this matter. I was closely involved in drafting the brief in support of Yale's application and also participated with other counsel at the Probate Court hearings. The Probate Court granted the application and issued a lengthy memorandum of decision.

Yale Outside Counsel: Keith Bradoc ("Brad") Gallant (Day Pitney LLP, One Audubon Street, New Haven, CT 06511 (203) 752-5025). For the individual trustees and Bank of America: Robert H. Smith (Robinson & Cole LLP, 280 Trumbull Street, Hartford, CT 06103 (860) 275-8266). For the State of Connecticut: Karen Gano, Assistant Attorney General (55 Elm Street, Hartford, CT 06141 (860) 808-5108)

2. Johnson v. Schmitz, 119 F. Supp. 2d 90 (D. Conn. 2000) (Arterton, J.) (decision on motion to dismiss); 237 F. Supp. 2d 183 (D. Conn. 2002) (Arterton, J.) (decision on motion to enforce settlement agreement)

As Deputy General Counsel at Yale, around 2000-2002, I worked with Yale's trial counsel, Patrick Noonan, preparing the defense of the University and two Yale faculty members who were sued by a doctoral student. The student claimed that faculty members had misappropriated his ideas and that the University failed to protect him from or properly investigate the alleged misconduct. Yale moved to dismiss. The court granted in part and denied in part the motion, permitting plaintiff's claims for breach of contract, breach of fiduciary duty, and negligence to go forward. *Johnson v. Schmitz*, 119 F. Supp. 2d 90, 105 (D. Conn. 2000). After trial, the jury returned a verdict for the University and the faculty members.

My participation in this matter focused on analyzing intellectual property issues and managing the student's earlier administrative appeal, to the National Science Foundation, of the University's adjudication of the student's allegations. During the administrative appeal (in which Yale prevailed), I was also responsible for engaging an expert witness who subsequently testified on Yale's behalf at trial.

Yale Outside Counsel: Patrick Noonan (Donahue Durham & Noonan, PC, Concept Park, 741 Boston Post Road, Guilford, CT 06437, (203) 458-9168). For Mr. Johnson: Daniel S. Blinn (Consumer Law Group, LLC, 35 Cold Spring Road, Suite 512, Rocky Hill, CT 06067, (860) 571-7457).

3. Fenn v. Yale Univ., 283 F. Supp. 2d 615 (D. Conn. 2003) (Droney, J.) (findings of fact and conclusions of law after bench trial); 393 F. Supp. 2d 133 (D. Conn. 2004) (Droney, J.) (denying motion to dismiss counterclaims); 2005 U.S. Dist. LEXIS 1827 (D. Conn. Feb. 8, 2005) (Droney, J.) (supplemental findings of fact and conclusions of law) (Droney, J.); *aff'd by* 184 Fed. Appx. 21 (2d Cir. 2006) (Straub, Meskill, Katzmann, JJ.).

From approximately 2002 through 2006, I worked with Vice President and General Counsel Dorothy K. Robinson and outside counsel at Wiggin & Dana to defend Yale's intellectual property rights against claims by a former faculty member, Dr. Fenn, who had developed an invention in the field of chemical mass spectrometry. Under the University and Small Business Patent Procedures Act, 35 U.S.C. §§ 202 et seq. (commonly known as the "Bayh-Dole Act"), universities that receive federal research funds may retain title to and license inventions developed with that funding, sharing royalties with the inventor pursuant to University policy. Dr. Fenn, however, patented the invention in his own name without disclosing its significance to Yale, and then licensed the invention to a local company in which he had an ownership interest. When Yale learned about the patent, it asked Dr. Fenn to assign the patent to it in accordance with the University's patent policy. Dr. Fenn refused. The company to which Dr. Fenn licensed the invention then asked Yale to enter into a licensing agreement that would cover the invention. Yale did so. *See* 283 F. Supp. 2d 615 (D. Conn. 2003). Dr. Fenn sued Yale, alleging torts including conversion and tortious interference. Yale counterclaimed, seeking an accounting and assignment to Yale of the patent in question. After a bench trial, the district court held that the patent was rightly Yale's. The court directed that the patent be assigned to Yale and awarded Yale royalties earned on the patent and attorneys' fees. *See* 2005 U.S. Dist. LEXIS 1827, at *23.

Dr. Fenn appealed to the United States Court of Appeals for the Second Circuit, arguing that a patent license form signed by an administrator at the National Institutes of Health established that NIH had determined the patent was owned by Dr. Fenn, not Yale. The Court of Appeals rejected that contention and affirmed the district court's judgment in favor of Yale. *Fenn v. Yale Univ.*, 184 Fed. Appx. 21 (2d Cir. 2006).

Yale Outside Counsel: William Doyle (now retired) and Jonathan Freiman (Wiggin & Dana, 265 Church Street, One Century Tower, New Haven, CT 06508, (203) 498-4584). For Dr. Fenn: Hubert Santos (Santos & Seeley, P.C., 51 Russ Street, Hartford, CT 06106, (860) 249-6548); Brenda Sharton (Goodwin Procter LLP, Exchange Place, 53 State Street, Boston MA 02109 (617) 570-1000)

4. Mendez v. Gearan, 947 F. Supp. 1364 (N.D. Cal. 1996) (Henderson, CJ.) (denying motion to dismiss); 956 F. Supp. 1521 (N.D. Cal. 1997) (Henderson, CJ.) (granting in part and denying in part cross-motions for summary judgment)

The case involved a Rehabilitation Act challenge to Peace Corps' medical screening protocols and their application to Plaintiff Mendez. (All of the events at issue pre-dated my tenure at Peace Corps.) After contingent acceptance for service as a volunteer overseas (the contingency called for her to satisfy a medical examination), Plaintiff Mendez reported to Peace Corps that she was being medicated for a depressive mood disorder. Pursuant to then-existing Peace Corps guidelines, the Medical Service required her to defer the start of her service for one year, and then to submit a re-evaluation of her condition. (This protocol had developed in light of difficulties in medically supporting volunteers being medicated for psychiatric conditions while overseas, concerns about the deterioration of such conditions during service abroad, Peace Corps' limited medical staff, and other limitations in medical support available for foreign volunteer placements.) The agency's decision was not individually-tailored in the first instance but was subject to administrative appeal. Ms. Mendez chose not to appeal the ruling internally at Peace Corps and instead filed suit.

The district court determined that Ms. Mendez was not required to exhaust her administrative remedies before filing suit because her cause of action arose under the Rehabilitation Act (which has no exhaustion requirement) rather than the Administrative Procedure Act (which requires plaintiffs to pursue administrative remedies first). 947 F. Supp. at 1370-1371. As Associate General Counsel of Peace Corps arriving at the agency shortly before the 1996 decision was handed down, I worked with Assistant U.S. Attorney Hemann on Peace Corps' subsequent motion for summary judgment and defense against Plaintiff Mendez's cross-motion. The district court granted in part and denied in part each motion, ordering the agency to evaluate Ms. Mendez's condition and ability to serve on an individualized basis. 956 F. Supp. at 1529-30.

For Peace Corps: John Hemann, Assistant U.S. Attorney, San Francisco (Mr. Hemann is now at Morgan Lewis, One Market, Spear Street Tower, San Francisco, CA (415) 442-1355). For L. Mendez: Kent Jonas, Graham & James (Mr. Jonas is now at Thelan LLP, 101 Second Street, Suite 1800, San Francisco, CA 94105, (415) 371-1200; kjonas@thelan.com).

5. Thornquest v. King, 82 F.3d 1001 (11th Cir. 1996) (Black, Barkett, and Roney, JJ).

Plaintiff faculty members of Brevard Community College ("BCC") alleged that they had been discharged, transferred, or denied benefits in retaliation for their union activity and vocal criticism of the BCC administration, in violation of their federal and state constitutional rights to free expression and substantive due process. They also challenged as unconstitutional BCC's "dissent" policy, which restricted "dissent" on campus to a small "designated demonstration area" away from the campus' main performance arts center and gave BCC's President the authority "to delineate types of acceptable and unacceptable dissent." 82 F.3d at 1004.

My involvement with the case was on the appeal, after the district court granted summary judgment to all defendants on all claims. As Of Counsel at Bredhoff & Kaiser from 1994 to mid-1996, I participated in briefing plaintiff faculty members' appeal from summary judgment on their Section 1983 claims for unconstitutional retaliation against administrators and trustees of BCC. We won a partial reversal and a remand. I did not participate in the litigation on remand.

For Thornquest, et al.: Robert A. Chanin, Jeremiah A. Collins, Susan L. Carney, Page Kennedy, and Andrew Roth (Bredhoff & Kaiser, 805 Fifteenth Street NW, Washington, D.C. 20005, (202) 842-2600); John J. Chamblee (Law Offices of John J. Chamblee, Jr., 202 W. Cardy Street, Tampa, FL 33606, (813) 251-4542), Thomas A. Brooks (Tallahassee, FL). For Brevard Community College: Jesse S. Hogg (Miami, FL); Joe D. Matheny (Titusville, FL).

6. Silverman v. Major League Baseball Player Relations Comm., 880 F. Supp. 246 (S.D.N.Y. 1995) (Sotomayor, J.), *aff'd by* 67 F.3d 1054 (2d Cir. 1995) (Newman, Winter, Mahoney, JJ).

As Of Counsel at Bredhoff & Kaiser in 1994-1995, I worked with colleagues representing the Major League Baseball Players' Association (MLBPA) in an unfair labor practices action against the Major League Baseball Player Relations Committee and its member clubs ("Owners"). During difficult negotiations for a new collective bargaining agreement and with the players on strike, the Owners unilaterally imposed a salary cap, and made other changes in the terms and conditions of the players' employment. We sought an injunction restoring the status quo under Section 10(j) of the National Labor Relations Act. The Regional Director of the National Labor Relations Board (Mr. Silverman) adopted MLBPA's position that a violation of the Act had occurred and injunctive relief was appropriate. He then successfully sought the injunction in the district court. *Silverman v. Major League Baseball Player Relations Committee, Inc.*, 880 F. Supp. 246 (S.D.N.Y. 1995) (Sotomayor, J.). The issuance of the injunction was upheld on appeal to the Second Circuit. 67 F.3d 1054 (2d Cir. 1995). The district court's injunction restored the terms and conditions of employment under the expired contract and required the Owners to return to the bargaining table. The ruling caused an end to the protracted players' strike.

For MLBPA: George Cohen, Virginia Seitz, and Susan L. Carney, Bredhoff & Kaiser, 805 Fifteenth Street, NW, Washington, D.C. 20500 (Mr. Cohen is now Director, Federal Mediation and Conciliation Service, 2100 K Street NW, Washington, D.C. 20427, (202) 606-8101, and Ms. Seitz is now a partner at Sidley Austin LLP, 1501 K Street NW, Washington DC 2005, (202) 736-8015.) For the PRC: Douglas L. Leslie (Mr. Leslie is a Professor of Law at Virginia Law School, (434) 924-3853). For the National Labor Relations Board: Ellen A. Farrell, Assistant General Counsel.

7. Oil, Chem. & Atomic Workers Int'l Union v. National Labor Relations Bd., 46 F.3d 82 (D.C. Cir. 1995) (Edwards, Ginsburg, and Tatel, JJ.), *cert. denied*, 516 U.S. 821 (1995), *on remand*, 329 NLRB 602 (1999), *vacated by* 296 F.3d 384 (6th Cir. 2002), *cert. denied*, 537 U.S. 1106 (2003).

As Of Counsel at Bredhoff & Kaiser, I participated in briefing this case on behalf of plaintiff union at the Court of Appeals for the D.C. Circuit and then on remand before the National Labor Relations Board.

The case involved the interpretation of Section 502 of the Labor Management Relations Act, 29 U.S.C. § 143. Section 502 provides that employers may not treat good faith "quitting of work" in response to "abnormally dangerous conditions" as a "strike." In this case, employees working at a Tennessee arms production plant engaged in a work stoppage over health concerns arising from exposure to depleted uranium. (Depleted uranium dust particles had been associated with cancer and posed a threat of toxicity to the kidneys.) Under established principles of labor law, workers who strike in response to unfair labor practices are protected from replacement during the period of the strike. In this case, the employer treated employees as "economic strikers" and hired replacement workers. The employee union members challenged the employer's actions, asserting that a work stoppage under Section 502 should be deemed the equivalent of an unfair labor practices strike, such that the employer could not replace the workers. A divided National Labor Relations Board dismissed the employees' complaint.

We filed an appeal from the Board's dismissal with the D.C. Circuit. The Court of Appeals rejected the concurrence's "sole cause" theory as "patently meritless," 46 F.3d at 88. That left the Board's order supported by the opinion of just two members. Accordingly, the Court of Appeals concluded that "the Board as a whole has failed to articulate an appropriate legal standard for the resolution of this case," and remanded for reconsideration. *Id.* at 92.

I also participated in the briefing before the Board, on remand. In those proceedings, the Board rejected as unduly burdensome the earlier plurality's test for establishing good faith belief of abnormally dangerous conditions. It held that the employees would be entitled to Section 502 protection if they identified "ascertainable, objective evidence" supporting their belief of abnormal danger. 329 NLRB at 603. Applying that test, the Board determined that the employees' actions were protected under Section 502. (The Sixth Circuit subsequently vacated the Board's opinion in light of the 17 years that had elapsed since the time of the initial offense, in 1981. *See* 296 F.3d 384 (6th Cir. 2002), *cert. denied*, 537 U.S. 1106 (2003). I did not participate in the Sixth Circuit appeal.)

For OCAW: George Cohen, Jeremiah Collins, Susan L. Carney, Bredhoff & Kaiser, 805 15th Street NW, Washington, DC 20005, (202) 842-2600. (Mr. Cohen is now Director, Federal Mediation and Conciliation Service; 2100 K Street NW, Washington, D.C. 20427, (202) 606-8101; Mr. Collins is a partner at Bredhoff & Kaiser.) For the NLRB: John Fawley, Attorney, NLRB, Linda R. Sher, Acting Associate Gen. Counsel, and Aileen A. Armstrong, Deputy Associate General Counsel (Both Ms. Sher and Ms. Armstrong still practice at the National Labor Relations Board, 1099 14th Street NW, Washington, D.C. 20570.) For TNS, Inc.: William M. Earnest (Mr. Earnest is currently practicing at 800 International Tower, 229 Peachtree Street NE, Atlanta, GA).

8. Pennhurst State Sch. and Hosp. v. Halderman, 451 U.S. 1 (1981) (opinion by Rehnquist J, for Burger, Stewart, Powell, Stevens, JJ.) (Blackmun, J., concurred in part and concurred in the judgment; White, Marshall and Brennan, JJ., dissented).

As an associate at Rogovin, Stern & Huge in 1979 and 1980, I assisted lead counsel Joel I. Klein in drafting the petition for certiorari and merits briefs for Pennhurst Parents-Staff Association (PPSA)—the petitioner in one of four related appeals heard together with the *Halderman* suit.

Pennhurst State School & Hospital was a residential facility for developmentally-disabled individuals run by the State of Pennsylvania. A group of residents and their representatives filed suit in the Eastern District of Pennsylvania alleging that conditions at the facility violated their rights under the Constitution, the Rehabilitation Act, a state statute, and the Developmentally Disabled Assistance and Bill of Rights Act, 42 U.S.C. § 6010 et seq. Among other forms of relief, the plaintiffs sought an injunction requiring the State to close the facility and create community living arrangements.

Parents of other individuals living at Pennhurst opposed the movement to close it. These parents wanted to see Pennhurst improved rather than closed, and were concerned that community living arrangements would not provide suitable care for all developmentally-disabled individuals. These parents and certain staff at the facility formed PPSA, which became an intervenor in the action.

Before I became involved in the case, the district court had issued an injunction ordering the State to close Pennhurst, and to create and fund community living arrangements and employment opportunities for the residents. 446 F. Supp 1295, 1326-29 (E.D. Pa. 1977). That order had been affirmed in major part by the Third Circuit. The Court of Appeals declined to order the State to close the facility or find alternative employment for its residents, but did order the State to undertake individual evaluations of each Pennhurst resident and to develop a plan favoring community placements. 612 F.2d 84, 116 (3d Cir. 1979). The Third Circuit based its ruling on the Developmentally Disabled Assistance and Bill of Rights Act, 42 U.S.C. § 6010 et seq., which it held created a substantive right to "appropriate treatment, services and habilitation" in "the setting that is least restrictive of . . . personal liberty." In the alternative, the Court of Appeals held that Pennsylvania's Mental Health and Mental Retardation Act created a state statutory right to habilitation.

My involvement in the case began after the Third Circuit's ruling. The PPSA, the State, and the City of Philadelphia appealed to the Supreme Court, which granted certiorari and reversed. The Supreme Court held that the Developmentally Disabled Assistance and Bill of Rights Act did not create a substantive right against the states to habilitation in the least restrictive setting. The Court found that the Act had been passed pursuant to the spending power of Congress rather than its power to implement the guarantees of the Fourteenth Amendment. It therefore assessed whether Congress intended to impose affirmative obligations on states receiving funding under the Act to overhaul their systems of caring for the developmentally disabled so that they satisfied the "least restrictive setting" standard. 451 U.S. 1, 16-23. Finding no such expressions of intent, the Court concluded that the Third Circuit had "failed to recognize the well-settled distinction between congressional 'encouragement' of state programs and the imposition of binding obligations on the States." It therefore remanded for further proceedings, including reconsideration of the state statutory and federal constitutional questions. *Id.* at 31-32.

(On remand, the Third Circuit affirmed its prior holding that Pennsylvania statutory law required the State to place Pennhurst residents in the least restrictive setting. The Supreme Court reversed again, this time on Eleventh Amendment grounds. 465 U.S. 89 (1984). I did not participate in the later litigation, which was handled on behalf of PPSA by Mr. Klein and Mr. Farr, who were no longer at the Rogovin firm, and their new colleagues.)

For the Commonwealth of Pennsylvania, et al.: Allen C. Warshaw, Deputy Attorney General, Commonwealth of Pennsylvania (Mr. Warshaw is now the Chief Counsel, Department of Welfare, State of Pennsylvania, 333 Market Street, 17th Floor, Harrisburg, PA 17101 (717) 783-6563.) For the Mayor of Philadelphia: Alan J. Davis, City Solicitor (Mr. Davis is now Counsel of the Disciplinary Board of the Supreme Court of Pennsylvania, 820 Adams Avenue, Suite 170, Trooper, PA 19403, (610) 650-8210.) For the Suburban Counties: Thomas Kittredge (Mr. Kittredge is currently practicing with Morgan Lewis & Bockius, 1701 Market Street, Philadelphia, PA 19103, (215) 963-5636). For PPSA: Joel I. Klein, H. Bartow Farr, III, Susan L. Carney, Rogovin, Stern & Huge, Washington DC. (Mr. Klein is now the Chancellor, New York City Department of Education, 52 Chambers Street, New York, NY 10007, (212) 374-0200, and Mr. Farr is now with Farr & Taranto, 1150 18th Street NW, Washington, D.C. 20036, (202) 775-0184). For Halderman, Pennsylvania Association for Retarded Citizens, et al.: David Ferleger, Esq. (Mr. Ferleger is now practicing at 413 Johnson Street, Jenkintown, PA 19046, (215) 887-0123.) For the United States: Solicitor General Drew Days. (General Days is now Professor at Yale Law School, Wall Street, New Haven, Connecticut, (203) 432-4948.)

9. White v. Johns-Manville Corp., 662 F.2d 234 (4th Cir. 1981) (Hall and Phillips, JJ.) (Widener, J., concurring), *overruled by Oman v. Johns-Manville Corp.*, 764 F.2d 224 (4th Cir. 1985) (en banc).

As an associate at Rogovin, Stern & Huge in 1980-1981, I worked with lead counsel Joel I. Klein and H. Bartow Farr on the brief for plaintiffs-appellants.

Mr. White and his co-plaintiffs were shipyard workers who developed asbestosis and other asbestos-related diseases after installing insulation made of asbestos on ships. They brought a products liability suit seeking recovery from the manufacturers of the asbestos insulation. They brought the suit in federal court on the basis of federal jurisdiction over admiralty cases. The district court ruled that plaintiffs' injuries did not bear a sufficient relationship to traditional maritime activity to support the exercise of admiralty jurisdiction. Exercising its diversity jurisdiction instead, it applied the Virginia statute of limitations to bar one plaintiff's claim, and to limit (and ultimately overturn) jury awards of $435,000 to each of the remaining four plaintiffs.

We appealed on behalf of the workers, arguing both that the district court should have exercised admiralty jurisdiction, and that even if diversity jurisdiction applied instead, the Virginia statute of limitations should not bar or limit plaintiffs' claims. I worked primarily on the admiralty law argument.

The Court of Appeals reversed, holding that the district court should have exercised its admiralty jurisdiction because the plaintiffs' injuries occurred in a maritime locality and the installation of asbestos products into ships has a direct effect on marine commerce. 662 F.2d 234, 239 (4th Cir. 1981). It remanded with directions to apply the equitable doctrine of laches to the limitations period, giving due consideration to the "insidious nature of the disease." *Id.* at 240.

(Several years later, the issue of admiralty jurisdiction over this kind of case came before the Fourth Circuit again, and the court overruled its earlier decision, adopting a new four-part test under which federal courts may not exercise admiralty jurisdiction over damage claims by land-based ship repair or construction workers for employment-related, asbestos induced disease. *Oman v. Johns-Manville Corp.*, 764 F.2d 224 (4th Cir. 1985). I had no involvement with the later case.)

For John White et al.: Joel I. Klein, H. Bartow Farr, III, Susan L. Carney, Rogovin, Stern & Huge, Washington, DC. (Mr. Klein is now Chancellor, New York City Department of Education, 52 Chambers Street, New York, NY 10007, (212) 374-0200, and Mr. Farr is now practicing at Farr & Taranto, 1150 18th Street NW, Washington, D.C. 20036, (202) 775-0184.) Robert R. Hatten (Mr. Hatten is now with Patten, Wornom, Hatten, & Diamonstein, L.C., 12350 Jefferson Avenue, Suite 300, Newport News, VA 23602, (757) 223-4546), Richard S. Glasser (Mr. Glasser is currently with Glasser & Glasser P.L.C., 580 East Main Street, Suite 600, Norfolk, VA 23510, (757) 625-6787).

For H.K. Porter Co. and Southern Textile Corp.: Archibald Wallace III (Mr. Wallace is currently at WallacePledger, 7100 Forest Avenue, Suite 302, Richmond, VA 23226, (804) 282-8300) For Pittsburgh Corning Corp.: Allan S. Reynolds (Mr. Reynolds is currently at Crenshaw, Ware & Martin, 200 Bank of America Center, One Commercial Place, Norfolk, VA 23510, (757) 623-3000.)

10. Rennie v. Klein, 653 F.2d 836 (3d Cir. 1981) (en banc), *cert. granted and judgment vacated*, 458 U.S. 1119 (1982), *on remand*, 720 F.2d 266 (3d Cir. 1983) (en banc).

In about 1980-1981, as an associate at Rogovin, Stern & Huge, I helped prepare an amicus brief on behalf of the American Psychiatric Association (APA) in the first stage of this appeal. The issue presented to the Third Circuit was whether an individual who has been civilly committed in accordance with applicable New Jersey law retained a liberty interest in refusing medication and, if so, what process is due before a patient can be involuntarily treated.

The APA took the position that the procedures followed to obtain an involuntary civil commitment sufficiently protected patients' liberty interests and that requiring an adversarial hearing at each phase of a treatment program would disrupt treatment and impose financial costs on the state and therapeutic costs on the individual and the treating psychiatrist.

The Third Circuit ruled en banc that committed patients retained the right to decline antipsychotic drugs as a part of the right to be "free from . . . unjustified intrusions on personal security" under the due process clause of the Fourteenth Amendment. 653 F.2d 836, 844 (3d Cir. 1981) (en banc). It further held that courts should police the boundary between justified and unjustified intrusions by applying a "least intrusive means" test to evaluate the proposed treatment. *Id.* at 847. Applying this test, the Court of Appeals then upheld as constitutional administrative procedures that New Jersey had already promulgated for making and reviewing a decision to administer drugs against a patient's will. *Id.* at 848-852.

For the State of New Jersey: John J. Degan, Attorney General of New Jersey, Assistant Attorney General Stephen Skillman (Mr. Skillman is now a Judge with the Appellate Court of New Jersey, R. J. Hughes Justice Complex, 25 Market Street, Trenton, NJ 08625, (609) 984-2446.) For Rennie, et al.: Sheldon Gelman, Asst. Deputy Public Advocate (Mr. Gelman is now a Professor of Law at Cleveland-Marshall College of Law, 2121 Euclid Avenue, Cleveland, OH 44115, (216) 687-2000.) For amicus curiae American Psychiatric Association: Joel I. Klein, Ellen Semonoff, Susan L. Carney, Rogovin, Stern & Huge, Washington, D.C. (Mr. Klein is currently the Chancellor, New York City Department of Education, 52 Chambers Street, New York, NY 10007, (212) 374-0200, and Ms. Semonoff is currently Assistant City Manager, Department of Human Service Programs, 51 Inman Street, Cambridge, MA 02139, (617) 349-6200.)

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.)

The most significant legal activities I have pursued have been as Deputy General Counsel and, from July through December 2008, Acting General Counsel, at Yale University. Yale's actions are often important in the immediate community, nationally, and even internationally. In addition to resolving disputes, providing transactional assistance, and counseling Yale on understanding and determining how best to meet its legal obligations (private and public) in various areas of responsibility, I have contributed to Yale's efforts to create a culture in which its members understand their duty to know applicable law, and engage with efforts to apply the law to their situations and conform their behaviors to the law. Education about legal obligations, through teaching and creating suitable vehicles for communicating about the law, has been among my most significant contributions. In close collaboration with the Vice President and General Counsel and with other colleagues, I have played a leading role developing the tools for education.

I coordinated the development of a 60-page "Guide to Reviewing Business Agreements and Contracts at Yale" and of a 50-page booklet called "Working Globally: Legal Considerations," which lays out and explains an array of United States and foreign legal requirements applicable to international operations; the drafting of the University's Standards of Business Conduct; the legal review and completion of its Information Technology Appropriate Use Policy; the creation of a two-hour course for Yale business managers designed to acquaint them with the basics of contracts and about the applications of the federal, state, and local laws and regulations at the University; the development, in collaboration with other colleagues and the Vice President and General Counsel, of the Office's website, which includes a series of essays by members of the Office on substantive obligations of interest to the Yale community; and development, under the leadership of former Provost and Professor Emeritus of Economics William Brainard, of the report providing the basis for a new, robust, and detailed conflict of interest policy for faculty with interests in startup companies.

As examples of the breadth of matters that I have handled at Yale, I chaired the committee charged with reporting on integrity as part of the University's reaccreditation self-study; I have provided counsel on several museum-related issues involving past gifts, the terms of trusts, and the complex interaction of laws governing paleontological digs in North Dakota; and I have worked with scholars to facilitate their research by helping them to understand and apply the law and to negotiate solutions to their legal issues, where possible.

I have not performed lobbying activities for any client.

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

I have not taught formal courses.

20. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

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

    I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court. If confirmed, I hope to continue my volunteer tutoring of elementary school students during court service.

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.

       If confirmed, I anticipate recusing myself from any case in which Yale University is a party for a period of years after beginning service as a judge.

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

       If confirmed, I would carefully study and apply the recusal statutes, Canon 3 of the Code of Conduct for United States Judges, and any other relevant rules and practices. In addition, I would seek and utilize the advice of colleagues to ensure that I avoid any conflict or appearance of conflict, as required by the rules and applicable 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.

In addition to my work for nonprofit organizations and bar organizations, I undertook an extended pro bono representation in 1985 when I was assigned by Judge A. Franklin Burgess of the Superior Court of the District of Columbia to serve as *guardian ad litem* of K.G., a young mentally disabled woman living in the community who had been raped and become pregnant. The court requested advice about what would be in K.G.'s best interests. I do not recall how much time I devoted to this matter, but I believe that the overall representation went on for several weeks and that I continued to visit with K.G. until after the birth of the child. (Childbirth went smoothly and the baby was given up for adoption.) I was commended by the Court for my service on this matter.

More broadly, I have taken seriously my obligations to contribute to the community. For example, I participate in a tutoring program, New Haven Reads, in which I work with a 10-year-old girl on her reading an hour each week. I have also used my legal skills and training to serve various community organizations through board membership in those organizations.

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.

There is no selection commission in Connecticut to recommend individuals for appointment to the United States Court of Appeals for the Second Circuit.

I initially was contacted by the White House Counsel's Office in or about March 2009, and asked whether I would be interested in being considered as a candidate for a seat on the Court of Appeals. I was also asked to suggest other possible candidates. In April, I submitted materials regarding my experience to the White House Counsel's Office. In the fall, I was advised that the White House and United States Senator Christopher Dodd had agreed that I would meet with him, and on October 16, I met with Senator Dodd at his offices in Hartford, Connecticut. On October 22, I met with United States Senator Joseph Lieberman's Chief of Staff in Washington, D.C. I also met with attorneys in the White House Counsel's Office on October 22. On November 12, I was advised by the White House Counsel's Office that my name was being forwarded to the Department of Justice for review.

Since November 16, 2009, I have been in contact with pre-nomination officials at the Department of Justice. I interviewed with attorneys from the White House

Counsel's Office and the Department of Justice on January 22, 2010, in Washington, D.C. The President submitted my nomination to the Senate on May 20, 2010.

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.

| AO 10 Rev. 1/2008 |
|---|

# FINANCIAL DISCLOSURE REPORT
## NOMINATION FILING

*Report Required by the Ethics in Government Act of 1978 (5 U.S.C. app. §§ 101-111)*

| | | |
|---|---|---|
| **1. Person Reporting** (last name, first, middle initial)<br>Carney, Susan L. | **2. Court or Organization**<br>Second Circuit | **3. Date of Report**<br>05/19/2010 |
| **4. Title** (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)<br>Circuit Judge--nominee | **5a. Report Type** (check appropriate type)<br>☑ Nomination, Date 5/20/2010<br>☐ Initial ☐ Annual ☐ Final<br>**5b.** ☐ Amended Report | **6. Reporting Period**<br>1/1/2009<br>to<br>4/30/2010 |
| **7. Chambers or Office Address**<br>Yale University, Office of General Counsel<br>Two Whitney Avenue, 6th Floor<br>New Haven, CT 06510 | **8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.**<br>**Reviewing Officer**______________________ **Date**__________ | |

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

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

☐ NONE *(No reportable positions.)*

| | POSITION | NAME OF ORGANIZATION/ENTITY |
|---|---|---|
| 1. | Deputy General Counsel | Yale University |
| 2. | Director | National Association of College and University Attorneys |
| 3. | | |
| 4. | | |
| 5. | | |

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

☑ NONE *(No reportable agreements.)*

| | DATE | PARTIES AND TERMS |
|---|---|---|
| 1. | | |
| 2. | | |
| 3. | | |

| Name of Person Reporting | Date of Report |
|---|---|
| Carney, Susan L. | 05/19/2010 |

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

### A. Filer's Non-Investment Income

☐ NONE *(No reportable non-investment income.)*

| DATE | SOURCE AND TYPE | INCOME (yours, not spouse's) |
|---|---|---|
| 1. 2009 | Yale University, Compensation (W-2, Box 1) | $191,490.46 |
| 2. 2010 | Yale University, Compensation (federal/state taxable pay) | $63,338.76 |
| 3. | | |
| 4. | | |

### B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.*

*(Dollar amount not required except for honoraria.)*

☐ NONE *(No reportable non-investment income.)*

| DATE | SOURCE AND TYPE |
|---|---|
| 1. 2009 | SeaChange Capital Partners, compensation |
| 2. 2009 | Sagalyn Literary Agency, royalties |
| 3. 2010 | SeaChange Capital Partners, compensation |
| 4. | |

## IV. REIMBURSEMENTS – *transportation, lodging, food, entertainment.*

*(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*

☐ NONE *(No reportable reimbursements.)*

| SOURCE | DATES | LOCATION | PURPOSE | ITEMS PAID OR PROVIDED |
|---|---|---|---|---|
| 1. Exempt | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |

| Name of Person Reporting | Date of Report |
|---|---|
| Carney, Susan L. | 05/19/2010 |

## V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

☐ NONE *(No reportable gifts.)*

| | SOURCE | DESCRIPTION | VALUE |
|---|---|---|---|
| 1. | Exempt | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |

## VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*

☑ NONE *(No reportable liabilities.)*

| | CREDITOR | DESCRIPTION | VALUE CODE |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |

# FINANCIAL DISCLOSURE REPORT


| Name of Person Reporting | Date of Report |
|---|---|
| Carney, Susan L. | 05/19/2010 |

## VII. INVESTMENTS and TRUSTS – *income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)*

☐ NONE *(No reportable income, assets, or transactions.)*

| | A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure | B. Income during reporting period | | C. Gross value at end of reporting period | | D. Transactions during reporting period | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | (1) Amount Code 1 (A-H) | (2) Type (e.g., div., rent, or int.) | (1) Value Code 2 (J-P) | (2) Value Method Code 3 (Q-W) | (1) Type (e.g., buy, sell, redemption) | (2) Date Month - Day | (3) Value Code 2 (J-P) | (4) Gain Code 1 (A-H) | (5) Identity of buyer/seller (if private transaction) |
| 1. | Wachovia/Wells Fargo accounts | A | Interest | K | T | Exempt | | | | |
| 2. | JPMorganChase accounts | A | Interest | K | T | | | | | |
| 3. | Fidelity Cash Reserves | A | Dividend | K | T | | | | | |
| 4. | U.S. Savings Bonds | A | Interest | K | T | | | | | |
| 5. | Fidelity Cash Reserves (SEP-IRA) | A | Dividend | J | T | | | | | |
| 6. | Fidelity Cash Reserves (Rollover IRA) | A | Dividend | M | T | | | | | |
| 7. | Fidelity Cash Reserves (Traditional IRA) | B | Dividend | M | T | | | | | |
| 8. | Vanguard Prime Money Market Fund (403b) | B | Dividend | N | T | | | | | |
| 9. | Vanguard Prime Money Market Fund (403b) | B | Dividend | N | T | | | | | |
| 10. | Vanguard Prime Money Market Fund (403b) | A | Dividend | M | T | | | | | |
| 11. | Vanguard Prime Money Market Fund (457b) | A | Dividend | K | T | | | | | |
| 12. | Principal Money Market R3 Fund (457b) | A | Dividend | K | T | | | | | |
| 13. | | | | | | | | | | |
| 14. | | | | | | | | | | |
| 15. | | | | | | | | | | |
| 16. | | | | | | | | | | |
| 17. | | | | | | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| 1. Income Gain Codes: (See Columns B1 and D4) | A =$1,000 or less<br>F =$50,001 - $100,000 | B =$1,001 - $2,500<br>G =$100,001 - $1,000,000 | C =$2,501 - $5,000<br>H1 =$1,000,001 - $5,000,000 | D =$5,001 - $15,000<br>H2 =More than $5,000,000 | E =$15,001 - $50,000 |
| 2. Value Codes (See Columns C1 and D3) | J =$15,000 or less<br>N =$250,001 - $500,000<br>P3 =$25,000,001 - $50,000,000 | K =$15,001 - $50,000<br>O =$500,001 - $1,000,000 | L =$50,001 - $100,000<br>P1 =$1,000,001 - $5,000,000<br>P4 =More than $50,000,000 | M =$100,001 - $250,000<br>P2 =$5,000,001 - $25,000,000 | |
| 3. Value Method Codes (See Column C2) | Q =Appraisal<br>U =Book Value | R =Cost (Real Estate Only)<br>V =Other | S =Assessment<br>W =Estimated | T =Cash Market | |

| Name of Person Reporting | Date of Report |
|---|---|
| Carney, Susan L. | 05/19/2010 |

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

My husband and I have one JPMorganChase Plus Savings Account whose value code is K and value method is T, which is a fund held for a relative. It was formerly invested in JP Morgan Liquid Assets Money Market, with dividends in the reporting period of type A.

| Name of Person Reporting | Date of Report |
|---|---|
| Carney, Susan L. | 05/19/2010 |

## IX. CERTIFICATION.

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

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

**Signature** Susan L Carney

**NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)**

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

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

## FINANCIAL STATEMENT

NET WORTH

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

| ASSETS | | | | LIABILITIES | | | |
|---|---|---|---|---|---|---|---|
| Cash on hand and in banks | | 78 | 486 | Notes payable to banks-secured | | | |
| U.S. Government securities—Series EE bonds | | 27 | 981 | Notes payable to banks-unsecured | | | |
| Listed securities-add schedule | | | | Notes payable to relatives | | | |
| Unlisted securities--add schedule | | | | Notes payable to others | | | |
| Accounts and notes receivable: | | | | Accounts and bills due | | | |
| Due from relatives and friends | | | | Unpaid income tax | | | |
| Due from others | | | | Other unpaid income and interest | | | |
| Doubtful | | | | Real estate mortgages payable—personal residence | | 307 | 686 |
| Real estate owned—see schedule | | 960 | 000 | Chattel mortgages and other liens payable | | | |
| Real estate mortgages receivable | | | | Other debts-itemize: | | | |
| Autos and other personal property | | 30 | 240 | Constructive trust for relative | | 34 | 879 |
| Cash value-life insurance | | | | | | | |
| Other assets itemize: | | | | | | | |
| Money Market Funds | | 20 | 731 | | | | |
| Retirement Accounts—see schedule | 1 | 080 | 482 | | | | |
| Deferred Compensation—see schedule | | 74 | 895 | Total liabilities | | 342 | 565 |
| | | | | Net Worth | 1 | 930 | 250 |
| Total Assets | 2 | 272 | 815 | Total liabilities and net worth | 2 | 272 | 815 |
| CONTINGENT LIABILITIES | | | | GENERAL INFORMATION | | | |
| As endorser, comaker or guarantor | | 4 | 040 | Are any assets pledged? (Add schedule) | NO | | |
| On leases or contracts | | | | Are you a defendant in any suits or legal actions? | NO | | |
| Legal Claims | | | | Have you ever taken bankruptcy? | NO | | |
| Provision for Federal Income Tax | | | | | | | |
| Other special debt | | | | | | | |

# FINANCIAL STATEMENT

NET WORTH SCHEDULES

| | |
|---|---|
| **Real Estate Owned** | |
| Personal residence | $ 640,000 |
| Condominium | 320,000 |
| Total Real Estate Owned | 960,000 |
| | |
| **Retirement Accounts** | |
| Fidelity Cash Reserves | $ 116,124 |
| Vanguard Prime Money Market Fund | 397,731 |
| Fidelity Cash Reserves | 972 |
| Fidelity Cash Reserves | 184,056 |
| Vanguard Prime Money Market Fund | 275,893 |
| Vanguard Prime Money Market | 105,706 |
| Total Retirement Accounts | $ 1,080,482 |
| | |
| **Deferred Compensation** | |
| Vanguard Prime Money Market Fund | $ 36,238 |
| Principal Money Market R3 Fund | 38,657 |
| Total Deferred Compensation | $ 74,895 |

# AFFIDAVIT

I, **SUSAN LAURA CARNEY**, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

May 18, 2010
(DATE)

Susan L Carney
(NAME)

[signature]
(NOTARY)
Carmen Moreno

My Commission Expires May 31, 2012

Susan L. Carney
Two Whitney Avenue, Sixth Floor
New Haven, Connecticut 06510

August 2, 2010

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Please find enclosed a copy of a letter dated July 8, 2010 to the Committee on Financial Disclosure of the Judicial Conference of the United States amending my Nomination Financial Disclosure Report.

I submitted a copy of my original report (dated May 19, 2010) to the Committee on the Judiciary in response to Question 22 of the Committee Questionnaire. Therefore, I ask that you accept this letter as an amendment to my prior submission.

Thank you for your consideration.

Sincerely,

Susan L Carney

Susan L. Carney

cc:
The Honorable Jeff Sessions
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Susan L. Carney
Two Whitney Avenue, Sixth Floor
New Haven, Connecticut 06510

July 8, 2010

VIA FEDERAL EXPRESS

The Honorable Bobby R. Baldock
Chair
Committee on Financial Disclosure
Judicial Conference of the United States
One Columbus Circle, N.E.
Washington, D.C. 20544

Re: Nomination Financial Disclosure Filing

Dear Judge Baldock:

Thank you for your letter of June 8, 2010, regarding the Nomination Financial Disclosure Filing I made on May 19, 2010, in connection with my nomination to be a United States Circuit Judge for the Second Circuit. Please accept this letter as a supplement to my report, providing the information you requested.

In Part III.A: I had reportable compensation during 2008. The source was Yale University and the type was "Compensation (W-2, Box 1)." The income amount was $240,740.23.

In Part VIII: The note provided in Part VIII was excess information because the asset is already included in the entry on line 2 of Part VII. Please delete the note.

Thank you for your attention to this supplement. Please let me know if there are any additional questions or concerns.

Sincerely,

Susan L Carney

Susan L. Carney

Susan L. Carney
Two Whitney Avenue, Sixth Floor
New Haven, Connecticut 06510

September 10, 2010

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I write to provide the Committee with an update to the questionnaire I submitted in connection with my nomination on May 20, 2010, to be United States Circuit Judge for the Second Circuit.

As of September 1, 2010, my husband became a member of the editorial board of the New York Times. Accordingly, I wish to update my answer to Question 24(a) to add that, if confirmed and appointed, I anticipate a conflict at the time I begin service as a judge in any case in which the New York Times Company is a party. I would address this conflict by recusing myself from any such case.

I appreciate the Committee's consideration of my nomination.

Sincerely,

Susan L Carney

Susan L. Carney

cc:
The Honorable Jeff Sessions
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510