

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Joseph Anthony Greenaway, Jr.

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

United States Circuit Judge for the Third 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: United States Post Office and Federal Courthouse, Room 411  
Two Federal Square  
50 Walnut Street  
Newark, New Jersey 07101

Residence: [REDACTED]

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

1957; London, England

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

1978-81, Harvard Law School; J.D. received 1981

1980-81, Columbia Law School; cross matriculation with Harvard Law School

1974-78, Columbia University; B.A. received 1978

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.

1996 – present  
United States District Court, District of New Jersey  
United States Post Office and Federal Courthouse  
Room 411  
Two Federal Square  
Newark, New Jersey 07101  
United States District Judge

2007-present  
Columbia College, Columbia University  
2960 Broadway  
New York, New York 10027-6902  
Adjunct Professor

2006-present  
Cardozo School Of Law  
55 5<sup>th</sup> Avenue  
New York, New York 10003  
Adjunct Professor

2002-2006  
Rutgers School of Law – Newark  
123 Washington Street  
Newark, New Jersey 07102  
Adjunct Professor

1990-1996  
Johnson & Johnson  
1 Johnson & Johnson Plaza  
New Brunswick, New Jersey 08933  
Attorney-Legal Department

1985-1990  
United States Attorney's Office  
970 Broad Street  
Newark, New Jersey 07102  
Assistant United States Attorney  
Chief -- Narcotics Division (January 1989 to January 1990)  
Criminal Division (April 1985 to January 1989)

1981-1982; 1983-1985  
Kramer, Levin, Nessen, Kamin & Frankel  
1177 Avenue of the Americas  
New York, New York 10036  
Litigation Associate

1982-1983  
Honorable Vincent L. Broderick  
United States District Judge, Southern District of New York  
500 Pearl Street  
New York, New York 10007  
Law Clerk

Summer 1980  
Paul, Weiss, Rifkind, Wharton & Garrison  
1285 Avenue of the Americas  
New York, New York 10019  
Summer Associate

Summer 1979  
Heller, Ehrman, White & Mcauliffe  
333 Bush Street  
San Francisco, California 94104  
Summer Associate

September 1979-May 1980  
Professor David Rosenberg  
Harvard Law School  
1563 Massachusetts Ave.  
Cambridge, Massachusetts 02138  
Teaching Assistant

Summer 1978  
Northwestern Mutual Life Insurance  
875 Third Avenue  
New York, New York 10022  
College Agent

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 did not serve in the U.S. Military. I did not register for selective service because there was no registration requirement in effect for men my age.

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.

Earl Warren Legal Scholar, 1979-1981  
Thurgood Marshall College Fund Award of Excellence, 2007  
Garden State Bar Association, Roger M. Yancey Award, 2007  
Columbia College John Jay Award, 2003  
Garden State Bar Association, Distinguished Jurist Award, 1999  
Columbia University Medal of Excellence, 1997  
New Jersey Corporate Counsel Association, Distinguished Service Award, 1996  
Black Alumni Council, Columbia College, Heritage Award, 1996

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 (1985-present)  
American Bar Association, Federal Practice Task Force, 2004-present  
American Bar Association, Litigation Magazine, Associate Editor, 1997-present  
American Bar Association, Task Force on the Independence of the Judiciary, 1997-1999  
Garden State Bar Association (1996-present)  
National Bar Association (past member)  
American Corporate Counsel Association (past member)

10. **Bar and Court Admission:**

1. 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.

New York 1983 to present  
Pursuant to Part 118.1(g) of the Rules of the Chief Administrator of the State of New York, Office of Court Administration, based on my position as a United States District Judge, I am retired from the practice of law.

2. 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 2007  
New York Court of Appeals 1983  
Southern District of New York 1983  
Eastern District of New York 1983

There have been no lapses in membership in any of these admissions.

District of New Jersey, by designation while an Assistant U.S. Attorney April 1985 to January 1990

11. **Memberships:**

1. 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.

Columbia College Board of Visitors, member, 2007-present  
Columbia College Black Alumni Council, Chair, 1997-2006  
Columbia College Alumni Association, Secretary, 1993-1995  
Columbia College M. Moran Weston/Black Alumni Council Professorship in African American Studies, Founder and Contributor  
Columbia College Alumni of Color Mentoring Program, Mentor  
Columbia University Alumni of Color Outreach Program, Advisor  
Youth Baseball, Soccer, Basketball, Softball, Coach, 1996-present  
Fox Hollow Golf Club, Member, 1994-present

2. 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.

None of the organizations listed in question 11a discriminates on the basis of race, sex, 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.

*An Oath for the Profession: Are We Our Brother's Keeper?*, LITIG., Fall 2008, at 3.

*Judge Constance Baker Motley and the Struggle for Equal Justice*, LITIG., Summer 2003, at 9.

*Judicial Decision Making and the External Environment*, 51 RUTGERS L. REV. 181 (1998).

*Diversity Training – When it Works and Why*, in COUNCIL ON EDUCATION IN MANAGEMENT, PERSONNEL LAW UPDATE, October 13, 1995. (copy not available)

*Appraising and Disciplining Protected Class Employees*, in COUNCIL ON EDUCATION IN MANAGEMENT, PERSONNEL LAW UPDATE, November 1, 1993. (copy not available)

*Controlling Employee Off-Duty Conduct: Business Necessity or Violation of Privacy?*, in COUNCIL ON EDUCATION IN MANAGEMENT, PERSONNEL LAW UPDATE 1993, TEANECK, NEW JERSEY, NOVEMBER 17–18, 1992 B-1 (Borgman Associates 1992).

*Drugs and Alcohol in the Workplace*, in LORMAN BUSINESS CENTER, EMPLOYMENT & LABOR LAW IN THE NEW YORK METROPOLITAN AREA 291 (Lorman Education Services 1992).

*Sexual Harassment and the “Reasonable Woman” Today*, in COUNCIL ON EDUCATION IN MANAGEMENT, PERSONNEL LAW UPDATE 1992, MORRISTOWN, NEW JERSEY, APRIL 27–28, 1992 A-1 (Borgman Associates 1992).

*Surveillance, Monitoring, Search and . . . Risk*, in COUNCIL ON EDUCATION IN MANAGEMENT, PERSONNEL LAW UPDATE 1991, SHORT HILLS, NEW JERSEY, OCTOBER 7–8, 1991 G-1 (Borgman Associates 1991).

*Surveillance, Monitoring, Search and . . . Risk*, in COUNCIL ON EDUCATION IN MANAGEMENT, PERSONNEL LAW UPDATE 1991, CHERRY HILL, NEW JERSEY, APRIL 10–11, 1991 G-1 (Borgman Associates 1991).

- 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.

To the best of my knowledge, I have not participated in any activity that would produce a report of this type.

- 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.

I testified before the United States Senate Judiciary Committee on February 28, 1996 in connection with my nomination to be United States District Judge for the District of New Jersey.

- 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.

March 20, 1997	EOY Minority Achievers Business & Industry Awards Banquet
May 21, 1997	Columbia University, Alumni Federation Lunch, 99 <sup>th</sup> Commencement Day Luncheon: An Historical Reflection of Judicial Independence
March 3, 1998	Rutgers School of Law, Weintraub Lecture
May 19, 1998	Columbia College, Commencement, Class Day Address
October 29, 1998	Westfield YMCA First Annual Black Achievers Banquet
December 14, 1998	Arthur T. Vanderbilt Inn of Court Graduation
February 22, 1999	Columbia College, 16 <sup>th</sup> Annual Black Alumni Reception, Introduction of Eric Holder
June 23-24, 1999	ABA "National Conference for Minority Lawyers" faculty member for practical skills training seminar (New York, NY).
December 20, 1999	Mock trial for 4 <sup>th</sup> grade class
January 28, 2000	Patterson Belknap Question and Answer Session
February 18, 2000	Black History Month remarks Johnson & Johnson
April 10, 2000	John C. Lifland American Inn of Court speech on opening statements
April 27-28, 2000	National Employment Law Conference in Houston, Panel: Views from the Bench
May 16, 2000	Rutgers University School of Law Minority Student Program Banquet, Keynote Address

June 1, 2000	American Law Institute/American Bar Association program
June 27, 2000	Plainfield High School
July 10, 2000	Moderator for American Bar Association panel in New York, N.Y.
November 9, 2000	Judge for Rutgers School of Law Mock Trial competition
January 12, 2001	Pingry School Martin Luther King, Jr. Day Speech: Why Martin Luther King, Jr. deserves a Federal Holiday
February 22, 2001	Black History Month Speech at Johnson & Johnson
March 12, 2001	Fraternal Order of Police Mini-convention in Camden, N.J.: Supreme Court update
March 19, 2001	Mock trial for Tamaques School 5 <sup>th</sup> Grade Class
May 2001	American Bar Association panel on Employment Law at Annual Litigation Meeting Panel on Trying Employment Cases
May 2, 2001	Association of the Bar of the City of New York City Speech on Judicial Independence, Pamela Jones Harbour
August 15, 2001	Upward Bound Students Question and Answer Session
November 30, 2001	American Law Institute/American Bar Association Mock Trial with Jury Videotape
March 11, 2002	Fraternal Order of Police Mini-convention Camden, N.J.: Supreme Court update
March 12-13, 2002	Tamaques School: Mock Trial for 5 <sup>th</sup> Graders
March 26, 2002	Criminal Law Section, New Jersey State Bar Association, Question and Answer Session, Edna Ball Axelrod
May 22, 2002	Speech at Crossroads School for dedication of a new building
June 6, 2002	American Law Institute/American Bar Association panel discussion at Fordham University School of Law: Trying Employment Law Cases



June 27, 2002	Summer Interns at Johnson & Johnson: Question and Answer Session
July 10, 2002	Minority Student Program at Rutgers School of Law-Newark: General talk on the future of the legal profession; question and answer session
October 30, 2002	Rutgers Association of Black Law Students panel discussion entitled "Men of Color: Breaking Down Barriers in the Legal Profession"
November 6, 2002	Seton Hall Law School panel discussion entitled "Judicial Clerkships from the Perspective of the Judges Who Hire Them"
December 6, 2002	American Law Institute/American Bar Association Mock Trial Employment Law Jury Deliberation Demonstration
December 11, 2002	Johnson & Johnson Question and Answer Session
January 7, 2003	Westfield Rotary Club Guest Speaker: Life on the Bench
March 5, 2003	Acceptance Speech for John Jay Award
March 26, 2003	Orientation for new district judges, District of New Jersey: Presentation on Settlement
April 9, 2003	The Children's Institute: What Is It Like to Be a Judge?
June 13, 2003	Heller Ehrman Question and Answer Session
July 10, 2003	Remarks at Swearing in of Peter Harvey as Attorney General for the State of New Jersey
March 4, 2004	Middlesex County Bar Association Minority-Issues Symposium panel discussion entitled "Brown v. Board of Education: Fifty Years After!"
May 4, 2004	All Stars program: What the Future Holds with Hard Work
August 4, 2004	Minority Student Program Orientation at Rutgers School of Law: Question and Answer Session for incoming law students

December 8, 2004	Swearing in for newly admitted attorneys for Union County Bar Association at Union County Courthouse and Welcome to the Bar Remarks
March 7, 2005	Keys to Appellate Advocacy – Cardozo School of Law
April 7, 2005	New Jersey Federal Bench-Bar Annual Judicial Conference panel on prosecution of corporations
April 11, 2005	Computer Forensics Training Program Keynote Address: Role of the expert in courtroom proceedings and judging mock trials with defense counsel and prosecutors examining & cross examining computer forensic experts
October 27, 2005	Seton Hall School of Law Question and Answer Session
February 17, 2006	United States Attorney’s Office for the District of New Jersey Black History Month Program – Panel discussion
March 20, 2006	Donita Judge’s class at Rutgers University
March 22, 2006	Keys to Appellate Advocacy – Cardozo School of Law
May 18, 2006	Sills Cummis Diversity Breakfast: Life in the Law and Question and Answer Session
June 5, 2006	Cardozo School of Law, Commencement Address
August 7, 2006	Minority Student Program Orientation at Rutgers School of Law: Question and Answer Session for incoming law students
October 18, 2006	Appleseed Dinner: A Few Random Thoughts about the Confirmation Process
November 7, 2006	International Institute for Conflict Prevention and Resolution Dinner: The Future of ADR
January 31, 2007	Columbia College Black Alumni Council Heritage Celebration – Keynote Address
February 6, 2007	Westfield High School mock trial program
February 23, 2007	United States Attorney’s Office for the Southern District of New York Black History Month program – “Has America Lived Up to Its Promise?”

February 26, 2007	Kramer, Levin Black History Month Program
March 5, 2007	Newark Academy Panel for Black History Month
March 15, 2007	Acceptance of Thurgood Marshall College Fund Award of Excellence: Thank you
March 22, 2007	New Jersey Federal Bench-Bar Annual Judicial Conference: Panel on Civility
April 5, 2007	Donita Judge's class at Rutgers: Question and Answer Session
June 2, 2007	Acceptance of Garden State Bar Association Roger M. Yancey Award: Thank you
June 14, 2007	Johnson & Johnson, Patterson Belknap and Woodcock Washburn summer associates observing courtroom proceedings and question and answer session
July 18, 2007	Schulte Roth summer associates observing courtroom and question and answer session
August 9, 2007	Minority Student Program Orientation at Rutgers School of Law: Question and Answer Session for incoming law students
September 14, 2007	Cub Scout troop observing court and question and answer session
September 26, 2007	Welcome new law clerks
October 5, 2007	American Bar Association Antitrust Section: Trial Judge for mock trial in Philadelphia
October 15, 2007	Dean's Distinguished Scholars Dinner – Cardozo School of Law question and answer session
October 22, 2007	Westfield High School students observing court and question and answer
December 5, 2007	Columbia University panel "Negotiating Identity in the Workplace"
January 9-10, 2008	Cardozo School of Law Intensive Trial Advocacy Program

January 31, 2008	Nativity Mission School students (for Judge Barry)
February 16, 2008	American Bar Association Corporate Counsel and Minority Trial Lawyer subgroup of Litigation Section: panel "Ethical Dilemmas in Aggressive Litigation – Dealing with the Unethical Adversary and Difficult Client"
February 22, 2008	Columbia College Black Alumni Council Heritage Celebration – Announcement of Establishment of Chair in African-American Studies
February 25, 2008	University of Pennsylvania Black Law Students Association Question and Answer Session
February 28, 2008	Spoke to students performing at United States Attorney's Office for the District of New Jersey Black History Month program
February 29, 2008	Riker Danzig Black History Month program: "The Promise of America 1787-2028"
March 20, 2008	Keys to Appellate Advocacy – Cardozo School of Law
March 25, 2008	Edwards and Angell, Diversity Reception: Power of Preparation
March 28, 2008	Panel at New York Intellectual Property Lawyers Association Annual Meeting: Effect of Recent Supreme Court Decisions on Wilful Infringement
June 16, 2008	Norris McLaughlin summer associates observing courtroom proceedings and question and answer session
June 16, 2008	Keynote address for Scotch Plains-Fanwood Step Up Ceremony at Evergreen School Multipurpose Room: "Barack Obama and What is Possible Now"
June 26, 2008	Johnson & Johnson, Patterson Belknap and Woodcock Washburn summer associates observing courtroom proceedings and question and answer session
June 30, 2008	Mock Trial for Lowenstein Sandler
July 7, 2008	McCarter & English summer associates observing courtroom and question and answer session
September 9, 2008	Welcome for new law clerks

October 23, 2008	Union County Bar Association panel on evidence with Robert Kirsch
October 24, 2008	Practising Law Institute 37 <sup>th</sup> Annual Institute on Employment Law panel: Litigation Strategy: Views from the Bench
October 29, 2008	Columbia University Pre-Law Society Question and Answer Session
November 13, 2008	Remarks at FCI Fairton: Leadership
November 13, 2008	Videotaped remarks for Dean Austin Quigley's (Columbia College) farewell
November 18, 2008	IQPC Securities Litigation Conference Panel: Perspectives from the Bench
November 20, 2008	Franklin School 4 <sup>th</sup> grade class mock trial
December 4, 2008	Swearing-in of new attorneys at Seton Hall Law School
January 7-8, 2009	Cardozo School of Law Intensive Trial Advocacy Program: Cross-Examination – 5 Keys to Preparation
January 28, 2009	Moderator of Panel for Middlesex County Bar Association: 100 <sup>th</sup> Anniversary of NAACP – Contributions of the NAACP to the American Legal Landscape
February 4, 2009	Nativity Mission School students (for Judge Barry) – Life on the Bench
February 6, 2009	Welcome remarks for Pretrial Services Black History Month Program
February 13, 2009	ABA Corporate Counsel and Minority Trial Lawyer subgroup of Litigation Section, Panel: "Tips for Managing the Expedited Mega-Case"
February 20, 2009	Introduction of Corey Booker at Clerk's Office Black History Month Program
March 10, 2009	Johnson & Johnson Question and Answer Session
March 11, 2009	Keys to Appellate Advocacy – Cardozo School of Law

March 26, 2009	New Jersey Federal Bench-Bar Annual Judicial Conference Luncheon Speaker "Mentoring – What is Our Message?"
March 30, 2009	Judge at Rutgers School of Law Moot Court Competition
April 2, 2009	Barringer High School: Pre-Law Group: Question and Answer Session
April 20, 2009	Swearing in of Yvette Gibbons as President of Essex County Bar (Welcome Remarks)
April 29, 2009	Future Lawyers Club at Seton Hall Prep School: Question and Answer Session
May 15, 2009	Rutgers School of Law Pharmaceutical Industry Forum, Judges' Panel

- 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.

*The Gumption to Sit on the Bench*, Columbia College Today, Spring 1996  
*Judging Greenaway: An Interview*, Sidebar, vol. 5, issue 1, May 1, 2002

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 was appointed as a United States District Judge for the District of New Jersey on July 26, 1996 by President Clinton, following confirmation by the United States Senate.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? I have presided over approximately 65 trials (50 to verdict), and have handled between 4000 and 4500 cases through judgment or other resolution.
  - i. Of these, approximately what percent were:
    - jury trials? 92%; bench trials 8% [total 100%]
    - civil proceedings? 60%; criminal proceedings? 40% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.

See attached list.

- 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).

1. Miller v. Beneficial, Civ. No. 08-3039

This employment discrimination suit went to verdict. This was a difficult and complex case with multiple claims. The complaint addressed both state and federal law. The claims included gender discrimination, failure to promote, and age discrimination. The jury returned a verdict of no cause.

For Miller:

Aron M. Schwartz  
Greenbaum, Rowe, Smith, and Davis  
Metro Corporate Campus One  
99 Wood Avenue South  
Iselin, New Jersey 08830-2712  
(732) 549-5600

For Beneficial:

Michael Furey  
Riker, Danzig, Scherer, Hyland and Perretti LLP  
One Speedwell Avenue  
Morristown, New Jersey 07962  
(973) 538-0800

Lynne Anderson  
Sills, Cummis and Gross P.C.  
One Riverfront Plaza  
Newark, New Jersey 07102  
(973) 643-7000

2. U.S. v. Charles Rodriguez, Crim. No. 98-547

This criminal case involved a multiple count indictment charging defendants with attempted armored car robbery and several bank robberies, some of which involved holding members of the public hostage. The trial was hotly contested. The jury found each of the defendants guilty. I sentenced two of the defendants to life without the possibility of parole. The other defendant received thirty-six years.

For Government:

Stuart Rabner  
Chief Justice New Jersey Supreme Court  
Hughes Justice Complex, 25 W. Market St.

P.O. Box 023  
Trenton, New Jersey 08625  
(609) 292-2448

Howard Wiener  
United States Attorney's Office  
401 Market Street  
Camden, New Jersey 08101  
(856) 757-5026

For Charles Rodriguez:  
Wayne Powell  
811 Church Road  
Cherry Hill, New Jersey 08002  
(856) 488-0004

For Joseph Rodriguez:  
Martin Isenberg  
Haddonfield Berlin Road  
Gibbsboro, New Jersey 08026  
(856) 782-8222

For Jose Soto:  
David Holman  
Assistant Federal Public Defender  
972 Broad Street  
Newark, New Jersey 07102  
(973) 645-6347

Lisa Lewis  
Assistant Federal Public Defender  
840 Cooper Avenue  
Camden, New Jersey 08102  
(856) 757-5341

3. U.S. v. Robert Spinello, Crim. No. 99-539  
The United States Attorney for our district tried this unusual bank robbery case. Prior to trial, the defense made a novel Commerce Clause argument in an attempt to have the indictment dismissed. A police officer robbed a bank, on his beat, in broad daylight. The defense was mistaken identity. The defense produced extensive expert testimony on the unreliability of eyewitness testimony. The jury came back with a guilty verdict. Spinello received an eight-year sentence.

For Government:  
Robert Cleary



Proskauer Rose  
1585 Broadway  
New York, New York 10036  
(212) 969-3000

Matthew Queler  
Proskauer Rose  
1585 Broadway  
New York, New York 10036  
(212) 969-2900

For Spinello:  
Larry Lustberg  
Gibbons, P.C.  
One Gateway Center  
Newark, New Jersey 07102  
(973) 596-4731

Mark Berman  
Hartmann, Doherty, Rosa, Berman & Bulbulia  
126 State Street  
Hackensack, New Jersey 07601  
(201) 441-9056

4. Sika v. Mantex, Civ. No. 00-3617  
This civil case involved a breach of contract between a manufacturer and a distributor. The unique quality of this case was an immense volume of testimony and exhibits tried by one experienced lawyer for each party. Plaintiff prevailed.

For Sika:  
John Klock  
Gibbons, P.C.  
One Gateway Center  
Newark, New Jersey 07102  
(973) 596-4757

For Mantex:  
Joseph Fleischman  
Norris, McLaughlin, and Marcus  
721 Route 202  
P.O. Box 1018  
Somerville, New Jersey 08876  
(908) 722-0700

5. U.S. v. Sara Bost, Crim. No. 02-265  
This political corruption case charged the former mayor of Irvington with soliciting and taking bribes from contractors. Mayor Bost, a seeming untouchable, was open and notorious in her effort to pad her coffers. She pled guilty after the government presented videotape and audiotape evidence regarding her guilt.

For Government:

James Nobile  
Assistant U.S. Attorney  
970 Broad Street  
Newark, New Jersey 07102  
(973) 645-2700

Paula Dow  
Essex County Prosecutor's Office  
50 West Market Street  
Newark, New Jersey 07102  
(973) 621-4700

For Bost:

Raymond Brown  
Brown and Brown  
One Gateway Center  
Newark, New Jersey 07102  
(973) 622-1846

Alan D. Bowman  
Private Attorney  
One Gateway Center, Suite 105  
Newark, New Jersey 07102  
(973) 622-2225

6. Hamme v. N.J. Institute of Technology, Civ. No. 00-2608  
Plaintiff Hamme brought a discrimination case against the New Jersey Institute of Technology. The multiple count complaint focused, in large measure, on a claim of a widespread hostile work environment, and other forms of discrimination. Extensive motion practice prior to trial created interesting evidentiary issues for trial. The matter settled before a verdict was returned.

For Hamme:

Deanna Waldron  
McLaughlin & Stern LLP.  
260 Madison Avenue  
New York, New York 10016  
(212) 448-1100

For N.J Institute of Technology:

Tricia Bevelock-O'Reilly  
Connell Foley LLP.  
85 Livingston Avenue  
Roseland, New Jersey 07068  
(973) 535-0500

Liza Walsh  
Connell Foley LLP.  
85 Livingston Avenue  
Roseland, New Jersey 07068  
(973) 535-0500

7. U.S. v. Rene Abreu, Crim. No. 02-337

The Government charged eight inter-related conspiracies in this complex fraud prosecution. Specifically, a real estate company, bank, mortgage company, and other corporate entities concocted a scheme to defraud. The ring leader of the conspiracy was a prominent, well-connected, and well-respected businessman. His co-conspirators were two employees, his banker, and a budding lawyer. The fraud adversely affected the public, several banks and other financial institutions. This case proved to be a harbinger of the nationwide mortgage fraud crisis. One of the conspiracies involved obtaining mortgages for people who could not sustain mortgage payments using false identities, fraudulent job histories, and faulty income verification. The scope of the fraud resulted in multi-million dollar damages. Abreu received the maximum sentence – 87 months.

For Government:

Deborah Goldklang Gramiccioni  
Director, Division of Criminal Justice  
Office of the Attorney General  
Richard J. Hughes Justice Complex  
25 Market Street – P.O. Box 080  
Trenton, New Jersey 08625-0080  
(609) 984-6500

Matthew Boxer  
Comptroller, State of New Jersey  
Office of the State Comptroller  
P.O. Box 024  
Trenton, New Jersey 08625  
(609) 984-2888

Thomas Eicher  
Assistant U.S. Attorney  
970 Broad Street

Newark, New Jersey 07102  
(973) 645-2700

For Abreu:

Gerald Krovatin  
Krovatin Klingeman LLC  
744 Broad Street # 1903  
Newark, New Jersey 07102  
(973) 424-9777

For Martell:

Timothy Donohue  
Arleo Donohue & Biancamano  
622 Eagle Rock Avenue  
West Orange, New Jersey 07052  
(973) 736-8660

For Giunta:

Dennis McAlevy  
1814 Kennedy Blvd.  
Union City, New Jersey 07087  
(201) 867-2008

For Jiminez:

Kelly Daniels  
Arseneault Whipple Farmer Fassett & Azzarello, LLP.  
560 Main Street  
Chatham, New Jersey 07928  
(973) 635-3366

For Nieves:

Brian Neary  
21 Main Street  
Courthouse Plaza South, Suite 305  
Hackensack, New Jersey 07601  
(201) 488-0544

8. U.S. v. Roger Duronio, Crim. No. 02-933  
This government prosecution focused on the purposeful attempt by Roger Duronio, an intelligent professional, to “bring down” his employer, UBS, by infecting the computer system of that company with a logic bomb. Effectively, a logic bomb operates like a virus. Duronio failed to achieve the bonus (compensation) level he wanted and over several months planted the seeds for a logic bomb, set to infect UBS’s computer system on a monthly basis for a sustained period of time. The challenge of the trial was ruling on complex

scientific data and whether Daubert and its progeny precluded certain expert testimony. Despite the complexity, the jury grasped the relevant issues. The jury returned a guilty verdict and Duronio was sentenced to 97 months.

For Government:

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Dickstein Shapiro LLP.  
1177 Avenue of the Americas  
New York, New York 10036  
(212) 277-6726

V. Grady O'Malley  
Senior Counsel to the U.S. Attorney  
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Newark, New Jersey 07102  
(973) 645-2700

For Duronio:

Christopher Adams  
Walder Hayden & Brogan, P.A.  
5 Becker Farm Road  
Roseland, New Jersey 07068  
(973) 992-5300

Kevin Buchan  
Walder Hayden & Brogan, P.A.  
5 Becker Farm Road  
Roseland, New Jersey 07068  
(973) 992-5300

9. U.S. v. Emmanuel Deji, Crim. No. 03-253  
This multi-layered, multi-defendant indictment charged a conspiracy and several substantive counts alleging large scale bank fraud, mail fraud, and wire fraud. The scheme involved defendants passing off counterfeit checks in large amounts, employing legitimate citizens and corporations as conduits for the ill-gotten gains. Millions of dollars in losses were proven at trial. The jury returned a guilty verdict against four out of five defendants.

For Government:

Nancy Hoppock  
Assistant U.S. Attorney  
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Marc Larkins  
Assistant U.S. Attorney  
970 Broad Street  
Newark, New Jersey 07102  
(973) 645-2700

For Deji:  
Bernard Udell  
16 Court Street  
Brooklyn, New York 11241  
(718) 596-2410

For Pallitta:  
Kevin Carlucci  
Assistant Federal Public Defender  
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Newark, New Jersey 07102  
(973) 645-6347

For Greenidge:  
Rena Rothfeld  
19-21 West Mount Pleasant Avenue  
P.O. Box 2025  
Livingston, New Jersey 07039  
(973) 740-0944

For DiGregorio:  
Michael Robbins  
157 Washington Street  
Newark, New Jersey 07102  
(973) 242-2202

For McGowan:  
James Murphy  
947 State Road  
Princeton, New Jersey 08540  
(609) 497-1994

10. N.F.L. v. Vepuri, Civ. No. 01-5397  
This civil action had a unique international flavor. NFL is the national fertilizer company in India. The company attempted, through this suit, to recover several million dollars it had lost to defendant Vepuri, based on Vepuri's fraudulent misrepresentations, subversion, and secretion of funds. The jury came back with a plaintiff's verdict for several million dollars.

For N.F.L.:

Paul Doyle  
Kelley Drye & Warren LLP  
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New York, New York 10178  
(212) 808-7786

Cathleen Condren  
Kelley Drye & Warren LLP.  
101 Park Avenue  
New York, New York 10178  
(212) 808-7800

Philip Robben  
Kelley Drye & Warren LLP.  
101 Park Avenue  
New York, New York 10178  
(212) 808-7726

For Vepuri:

Marc Klein  
Deceased

Susheela Verma  
Law Offices of Susheela Verma  
1 Woodbridge Center Drive, Suite 810  
Woodbridge, New Jersey 07095  
(732) 596-1140

- 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.
1. Eli Lilly and Co. v. Roussel Corp., et al., 23 F. Supp. 2d 460 (D.N.J. 1998)  
Issues raised included: RICO; Trademark Infringement; Fraud; Tortious Interference; Unjust Enrichment; Unfair Competition; Paris Convention; Standing; Proximate Cause; Conspiracy.

Michael R. Griffinger  
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One Gateway Center  
Newark, New Jersey 07102-5310  
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Liza M. Walsh  
Connell Foley LLP  
85 Livingston Avenue  
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2. Elsa Iwanowa v. Ford Motor Co., 67 F. Supp. 2d 424 (D.N.J. 1999):  
Class action complaint seeking reparations for persons forced into slave labor to assist Ford, and its German subsidiary, in manufacturing tanks and other vehicles for Nazi Germany's war effort. The opinion addressed motions to dismiss based on nonjusticiability, international treaties, choice of law, and other issues.

Warren M. Christopher  
O'Melveny & Myers LLP  
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Los Angeles, California 90067-6035  
(310) 246-6750

Walter E. Dellinger  
O'Melveny & Myers LLP  
1625 Eye Street, NW  
Washington, District of Columbia 20006-4001  
(202) 383-5319

Burt Neuborne  
New York University School of Law  
40 Washington Square S.  
New York, New York 10012-1005  
(212) 998-6172

3. U.S. v. Spinello, 95 F. Supp. 2d 242 (D.N.J. 2000):  
I denied a motion to dismiss indictment; defendant argued that federal bank robbery statute impermissibly exceeds Congress's authority under the Commerce Clause. The opinion ruled that Congress had a rational basis to conclude that bank robberies affect interstate commerce and the statute, as applied, comported with the Commerce Clause.

Robert J. Cleary  
Proskauer Rose LLP  
1585 Broadway  
New York, New York 10036-8299  
(212) 969-3340



Lawrence S. Lustberg  
Gibbons P.C.  
One Gateway Center  
Newark, New Jersey 07102-5310  
(973) 596-4731

4. Carpet Group Int'l v. Oriental Rug Importers Ass'n, Inc., et al., 256 F. Supp. 2d 249 (D.N. J. 2003)

Summary judgment, opinion on complex antitrust matter.

Michael Ira Asen  
Olonoff Asen & Serebro, LLP  
500 Fifth Avenue  
Suite 800  
New York, New York 10110  
(212) 768-3333

Andrew L. Schlafly  
521 Fifth Avenue  
17th Floor  
New York, New York 10175  
(212) 292-4510

5. Vital State Canada, Ltd. v. DreamPak, LLC, 303 F. Supp. 2d 516 (D.N.J. 2003):  
preliminary injunction motions

Steven M. Kaplan  
Rosenfeld & Kaplan, L.L.P.  
535 Fifth Avenue  
New York, New York 10017  
(212) 682-1400

Daniel Kelly  
Reinhart Boerner Van Deuren s.c.  
1000 North Water Street  
Suite 1700  
Milwaukee, Wisconsin 53202  
(414) 298-8284

6. Aventis Pharm., Inc. v. Barr Lab., Inc., et al., 335 F. Supp. 2d 558 (D.N.J. 2004):  
In a pharmaceutical patent case, the opinion granted summary judgment with a ruling of non-infringement of three patents; denied summary judgment on one other patent non-infringement motion; and reserved judgment, pending a Markman hearing, on yet another patent non-infringement motion.

Allyn Z. Lite  
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(973) 623-3000

Glenn J. Pfadenhauer  
Williams & Connolly LLP  
725 Twelfth Street, NW  
Washington, District of Columbia 20005  
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7. U.S. v. David Santos, 340 F. Supp. 2d 527 (D.N.J. 2004):  
I granted a motion to suppress evidence.

Lisa Rose  
US Attorney's Office  
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(973) 645-2869

Stephen Turano  
Tacopina Seigel & Turano, P.C.  
275 Madison Ave  
35<sup>th</sup> Floor  
New York, New York 10016  
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8. Victor Zavala v. Wal-Mart Stores, Inc., 393 F. Supp. 2d 295 (D.N.J. 2005):  
Motion to dismiss class action complaint of undocumented immigrant workers,  
who worked at Wal-Mart; denied as to Fair Labor Standards Act and common law  
claims and granted motion as to RICO and § 1985 claims.

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Cohen, Weiss and Simon LLP  
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25th Floor  
New York, New York 10036-6976  
(212) 563-4100

David P. Murray  
Willkie Farr & Gallagher LLP

1875 K Street, NW  
Washington, District of Columbia 20006-1238  
(202) 303-1112

9. Laura DePinto v. Bayonne Bd. of Educ., 514 F. Supp. 2d 633 (D.N.J. 2007):  
I granted a preliminary injunction for plaintiffs, parents of two minors, who wore to school a button, depicting Hitler Youth, but showing no Nazi symbolism, with a red line drawn across the button and the words "No School Uniforms." Parents alleged violation of First Amendment free speech rights when the school officials threatened to suspend the fifth-graders. Opinion addressed First Amendment issues at length.

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10. Douglas Palmer v. University of Medicine and Dentistry of New Jersey, et al., 605 F. Supp. 2d 624 (D.N.J. 2009):  
I decided the motion of plaintiff, Douglas Palmer, to remand only his claims against Defendants University of Medicine and Dentistry of New Jersey and University Hospital (collectively "UMDNJ") and Barry C. Esrig, M.D., to the Superior Court of New Jersey. The issue was whether UMDNJ, as a defendant to a cross-claim, has the right to remove the action, pursuant to 28 U.S.C. § 1441(b), based on co-defendant Esrig's federal cross-claim. I held that section 1441 does not allow a cross-claim to confer federal question jurisdiction on this Court, and thus, absent a basis to confer subject matter jurisdiction, UMDNJ improperly removed the case under §1441. Accordingly, I granted plaintiff's motion to remand only his claims, and remanded sua sponte the entire civil action.

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Graham Curtin, PA  
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Morristown, New Jersey 07962-1991  
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- e. Provide a list of all cases in which certiorari was requested or granted.

Information on the number of cases where certiorari was requested is not currently available. At present, this information is not maintained in a form that is retrievable from the court's records. However, to the best of my knowledge, certiorari has never been granted in any of my cases.

- 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.

In Re United Healthcare System; 11/15/1998; Unreported, Civ. No. 97-2495 (Order adopting a report and recommendation from a magistrate judge.); 200 F.3d 170 (1999); Reversed and remanded.

Farrell v. Planters Lifesavers Co.; 10/5/1998; 22 F. Supp. 2d 372; 206 F.3d 271 (2000); Affirmed in part, reversed in part, and remanded.

Employee terminated from senior manager position sued employer, alleging sex discrimination in title, pay, and grade, quid pro quo sexual harassment, and retaliation in violation of Title VII, together with breach of contract claim. Employer moved for summary judgment. Motion granted.

Rose Art Indus. v. Swanson; 11/20/1998; 31 F. Supp. 2d 367; 235 F.3d 165 (2000); Reversed and remanded.

Distributor of crayon, marker, and colored pencil products brought trade dress infringement action against a competitor. Upon distributor's motion for preliminary injunction, I held that distributor was not entitled to trade dress protection for its line of crayon, marker and colored pencil products. Motion denied.

Sutter v. Munich Reinsurance; 7/30/1999; Unreported, Civ. No. 99-757 (Order adopting a report and recommendation from a magistrate judge.); 223 F.3d 150 (2000); Reversed and remanded.

Liquidator for insolvent reinsured brought state court action against reinsurer to recover on reinsurance treaties. Reinsurer removed case, and liquidator moved for remand. I remanded the case to state court.

Carpet Group Int'l v. Oriental Rug Importers; 10/29/1999; Unreported, Civ. No. 95-5574 (Order adopting a report and recommendation from a magistrate judge.); 227 F.3d 62 (2000); Reversed and remanded.

Plaintiff brought suit against association of importer/wholesalers of oriental rugs, alleging conspiracy to restrain trade and to monopolize market for oriental rugs. I dismissed the suit.

United States v. Various Articles Of Merchandise Schedule No. 287; 2/22/2000; Unreported, Civ. No. 98-1559; 230 F.3d 649 (2000); Reversed.

Government brought action seeking forfeiture of French and German magazines devoted to nudists' lifestyles, which had been imported to United States, on ground that magazines were obscene. I ordered forfeiture of magazines, holding that each work, taken as a whole, lacked serious literary, artistic, political or scientific value.

S.H. v. Newark; 4/27/2001; Unreported, Civ. No. 00-2559; 336 F.3d 260 (2003); Reversed and remanded.

In Individuals with Disabilities Education Act (IDEA) case concerning continuing placement of hearing impaired child in out-of-district public school, ALJ concluded in due process hearing at state administrative level that school district failed to meet its burden in proving that change in placement would provide meaningful educational benefit. Child's mother sought attorney's fees, and school district counterclaimed challenging administrative decision. I reversed the ALJ's decision.

Board Of Trustees v. Kero Leasing Corp; 2/22/2003; Unreported, Civ. No. 98-1476; 377 F.3d 288 (2004); Affirmed in part and reversed in part.

Pension fund sued company's former sole shareholder to recover withdrawal liability. I granted defendant summary judgment on ground that action was time-barred, and awarded defendant interest.

Brennan v. Kulick; 3/1/2004; Unreported, Civ. No. 01-3837; 407 F.3d 603 (2005); Reversed and remanded.

Pro se § 1983 action was brought against city officials alleging violations of First, Fourth, and Fourteenth Amendments and various state laws. I denied plaintiff's motion to vacate previous order dismissing complaint with prejudice.

In Re United Healthcare System; 11/13/2003; Unreported, Civ. No. 03-1024 (Order adopting a report and recommendation from a magistrate judge.); 396 F.3d 247 (2005); Reversed and remanded.

Chapter 11 debtor objected to priority status given to New Jersey Department of Labor's (NJLDR) claims for reimbursement for unemployment compensation benefits paid to debtor's former employees. The United States Bankruptcy Court, Novalyn L. Winfield, J., 282 B.R. 330, concluded that the NJLDR's pre-petition and post-petition reimbursement claims were entitled to priority as excise taxes. I affirmed the decision of the Bankruptcy Court.

East Hill Synagogue v. Englewood; 9/26/2005; Unreported, Civ. No. 03-5228 (Order not adopting a report and recommendation from a magistrate judge.); 240 F. App'x 938 (2007); Reversed and remanded.

Synagogue brought action against city, city planning board, and owners of property neighboring synagogue, alleging violation of First Amendment rights and Religious Land Use and Institutionalized Persons Act (RLUIPA). I invoked Rooker- Feldman doctrine and dismissed complaint for lack of subject matter jurisdiction.

- 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.

Over the course of my career, I have written approximately 850 opinions. Of the 850, approximately 60-65 were published. I believe only decisions that address novel legal issues, have broad public interest or impact or have institutional value should be published. As a result, I have published very few of my opinions. In my chambers, I maintain an index of all opinions, both published and unpublished. Additionally, the Clerk's Office maintains the official record of each case, including a copy of any opinions, whether published or unpublished.

- 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.

1. Higginson v. Twp. of Greenwich, Civ. No. 95-5525 (D.N.J. Mar. 31, 1998).  
Opinion Attached.
2. Iwanowa v. Ford Motor Co., 67 F. Supp. 2d 424 (D.N.J. 1999).
3. United States v. Spinello, 95 F. Supp. 2d 242 (D.N.J. 2000).  
United States v. Spinello, 265 F.3d 150 (3d Cir. 2001).
4. Global Naps, Inc. v. Bell Atlantic-New Jersey, Inc., Civ. No. 99-4047 (D.N.J. Jan. 29, 2001). Opinion Attached.
5. United States v. Santos, 340 F. Supp. 2d 527 (D.N.J. 2004).
6. Rodriguez v. United States, Civ. No. 04-158, 2005 WL 2007033 (D.N.J. Aug. 22, 2005). Opinion Attached.
7. US v. Crandell, 509 F. Supp. 2d 435 (D.N.J. 2007).  
US v. Crandell, 554 F.3d 79 (3d Cir. 2009).
8. DePinto v. Bayonne Bd. of Educ., 514 F. Supp. 2d 633 (D.N.J. 2007).

9. United States v. Banks, Crim. No. 07-552, 2008 WL 177653 (D.N.J. Apr. 16, 2008). Opinion Attached.
10. Sasonov v. United States, 575 F. Supp. 2d 626 (D.N.J. 2008).
11. United States v. Baskerville, Crim. No. 07-553 (D.N.J. Nov. 12, 2008). Opinion Attached.
- 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.

Dorsey Trailers, Inc. v. Nat'l Labor Relations Bd., 134 F.3d 125 (3d Cir. 1998) is an opinion I wrote while sitting by designation at the request of the Chief Judge of the Third Circuit; substantively, the opinion addressed whether Petitioner violated the National Labor Relations Act when it entered into a subcontracting agreement without first negotiating with its employees' union representatives.

Opinions in which I joined the majority:

United States v. Roman, 121 F.3d 136 (3d Cir. 1997).

In re Consol. Coal Co., 123 F.3d 126 (3d Cir. 1997).

In re TMI Litig., 193 F.3d 613 (3d Cir. 1999).

Orban v. Vaughn, 123 F.3d 727 (3d Cir. 1997).

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:
  - 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.

I am vigilant about ensuring that the administration of justice remains transparent. My goal is to make sure each litigant believes he or she is treated fairly. My recusal list, consisting of persons, entities, and corporations in which I have a familial interest, an unusually close personal relationship, or a financial interest, is updated frequently. Also, that list is kept with the Clerk's Office, which uses an automated recusal program. Additionally, my staff reviews complaints as they are assigned to me, as a safeguard to the automated recusal system maintained by the Clerk's Office. Any matches provide an immediate basis for recusal.

Over the course of my judicial career, there have been some instances in which I have become aware of facts, after a case is assigned to me, that then required recusal. On those occasions, I have not hesitated to recuse. There have also been occasions when a party has requested recusal. If requested, I look to 28 U.S.C. § 455, 28 U.S.C. § 144, the Code of Conduct for United States Judges, the advisory opinions and the compendium of opinions, for guidance. I have also sought advice from the General Counsel's Office in the Administrative Office of the United States Courts, as well as from the Third Circuit representative on the Committee on Codes of Conduct. In the end, after consultation with the statute and opinions, my focus is on fairness, the appearance of impropriety, and transparency.

**Cases in which recusal was requested and granted:**

Pitak v. Bell Atlantic, Civ. No. 95-3319: In this case, plaintiffs filed a complaint asserting various causes of action arising from their employment. The complaint asserted class action allegations. Plaintiffs' counsel argued informally, but on the record, that I should recuse based on my acquaintance with defense counsel, Frank Dee. While at Johnson & Johnson, Frank Dee served as outside counsel on employment law matters. We had worked together on several cases. I had disclosed this information on the record before plaintiffs' counsel's entreaty. Upon reflection, plaintiffs' counsel suggested that I recuse, which I agreed to do.

Schering Corp. v. Teva Pharmaceuticals, et al., Civ. No. 00-255 and Schering Corp. v. McNeil-PPC, Inc., Civ. No. 01-6175: The recusal motion in this matter arose sua sponte. Originally, I had been presiding over this multi-party, complex civil litigation for some period of time. It came to my attention that McNeil-PPC was to be added as a party to this litigation. McNeil-PPC is a wholly-owned subsidiary of Johnson & Johnson, my former employer. As soon as I learned of this information, I recused myself from the litigation.

**Cases in which recusal was requested and denied:**

First National Bank of Arizona v. Majestic Home Mortgage, LLC, et al., Civ. No. 02-2935: One of the defendants in this civil fraud case sought recusal based on his dissatisfaction with a prior court ruling. There was no legitimate basis for the grant of recusal. The motion was denied.



Colida v. Panasonic Corp. of North America, Civ. No. 05-5527: After the case was closed for some time, the plaintiff in this case sought recusal based on an unsubstantiated and incorrect allegation that I have an interest in Panasonic Corporation of North America. Given the fact that I have no such interest, the motion was denied.

Vasilopoulos v. Superior Court of New Jersey, Civ. No. 08-5801: Plaintiff was dissatisfied with the progress of the case, which was unduly prolonged by plaintiff's continual amendments to his pleadings and submissions. I denied the recusal based on its lack of merit.

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

1. 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.

None.

2. 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.

None.

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

1. 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 served as a law clerk to the Honorable Vincent L. Broderick on the United States District Court for the Southern District of New York from 1982-1983.

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

I 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.

January 1990 - September 1996  
Johnson & Johnson  
1 Johnson & Johnson Plaza  
New Brunswick, New Jersey 08933  
Attorney-Legal Department

April 1985 – January 1990  
United States Attorney's Office  
970 Broad Street  
Newark, New Jersey 07102  
Assistant United States Attorney  
Chief – Narcotics Division January 1989 to January 1990  
Criminal Division April 1985 to January 1989

1981-1982; 1983-1985  
Kramer, Levin, Nessen, Kamin & Frankel  
1177 Avenue of the Americas  
New York, New York 10036  
Litigation Associate

- 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.

Other than mediating cases while I have been a United States District Judge, I have not served as a mediator or arbitrator in any alternative dispute resolution proceedings.

2. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.
- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

For almost seven years preceding my appointment to the District Court, I was an in-house general attorney at Johnson & Johnson. Although I was in the litigation group, the substantive areas of my practice went beyond strictly litigation, and included commercial litigation, criminal investigations, employment advice and litigation, corporate compliance, general corporate matters, and antitrust counseling.

Johnson & Johnson at the time had thirty-five domestic subsidiaries. I rendered legal advice or litigated cases on behalf of almost all of those subsidiaries. On rare occasions, I performed legal services for some of Johnson & Johnson's international subsidiaries. My clients generally were the management groups or the particular subsidiary that needed my expertise.

My responsibilities as a general attorney in the litigation group fell into three categories – Board attorney, litigator, and legal advisor. As the Board attorney for one of Johnson & Johnson's domestic subsidiaries, I was a member of the management group for that subsidiary. I attended management board meetings and participated as a full member. Besides providing input on business issues, I rendered general legal advice in areas of my practice. For issues outside my expertise, I worked with one of my in-house colleagues or outside counsel.

My role as a litigator was very active. Most of my cases were civil matters. My role was to handle cases until resolution, often without involving outside counsel. If outside counsel was required, I appeared as co-counsel. I participated in all facets of the cases – editing briefs, preparing for, defending and taking depositions, and negotiating settlements. Most of these cases were in federal court, where I was admitted pro hac vice.

I provided legal advice in several practice areas, particularly employment advice, focusing primarily on preventive work. I often guided my clients through the complex maze of federal statutes to ensure that the corporation complied with the law and was fair to its employees.

Prior to joining Johnson & Johnson, I served as an Assistant United States Attorney for the District of New Jersey for five years. At the United States Attorney's Office, I worked in the criminal division. I had responsibility for the entire spectrum of duties required to prosecute a criminal case. I worked with federal agents from all major law enforcement agencies, including the Federal Bureau of Investigation, the Drug Enforcement Administration, the Alcohol, Tobacco and Firearms Bureau, the Secret Service, and the Customs Service. I conducted and supervised investigations, presented cases to the grand jury, researched and wrote motions and briefs, and tried cases.

I had a varied experience at the United States Attorney's Office. I worked on, among other things, bank fraud, hijacking, check kiting, sexual abuse, mail fraud, and narcotics prosecutions. Towards the latter part of my tenure, I focused on drug prosecutions. As Chief of the Narcotics Division, I had supervisory authority over the drug prosecutions brought into the Office. Additionally, I coordinated our prosecutorial efforts with

both federal and state law enforcement agencies.

At the beginning of my career, I worked as a litigation associate at Kramer, Levin, Nessen, Kamin & Frankel, a New York law firm. The firm specialized in complex commercial litigation in federal and state courts. I spent the majority of my time conducting depositions, engaging in motion practice, counseling clients, and researching and drafting memoranda of law and briefs on commercial litigation matters.

In between my periods of employment with Kramer, Levin, I served as a law clerk to the Honorable Vincent L. Broderick. My duties focused on researching and drafting memoranda and opinions.

3. 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.

As in-house litigation counsel at Johnson & Johnson (1990-1996), I worked on more than fifty civil litigations around the country in both federal and state court. As an Assistant United States Attorney (1985-1990), I appeared in federal court on an almost daily basis. At Kramer, Levin, when I occasionally appeared in court as a young associate, it was generally in federal court.

- i. Indicate the percentage of your practice in:

1. federal courts:	90%
2. state courts of record:	9%
3. other courts:	0%
4. administrative agencies	1%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	50%;
2. criminal proceedings:	50%

4. 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 personally litigated fourteen federal criminal jury trials to verdict in the District of New Jersey while serving as an Assistant United States Attorney. The trials occurred between 1985 and 1990. In eleven of the fourteen trials, I served as sole counsel. In the remaining three, I was either associate or co-counsel. I handled approximately 150-200 cases to final judgment while an Assistant United States Attorney.

While at Johnson & Johnson, in September 1995, I tried a Title VII employment suit to verdict in federal court in Little Rock, Arkansas, as co-counsel. I handled relatively few matters to judgment since most cases settled.

i. What percentage of these trials were:

1. jury: 100%
2. non-jury: 0%

5. 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 Supreme Court of the United States.

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:

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

1. United States v. Pray, Cr. No. 88-175 (Judge John W. Bissell)

The Honorable John W. Bissell presided over this six-month, five-defendant trial beginning in April 1989. I served as lead counsel for the government. Alberto Rivas assisted me in the prosecution. This case was one of the first principal administrator prosecutions in the country. The indictment in this case charged Wayne Pray, a/k/a "Akbar", as a principal administrator (the most severe drug charge permissible under federal law at that time) in violation of 21 U.S.C. § 848. Pray masterminded a multi-million dollar drug ring in the Northern New Jersey area. He operated his ring with impunity for almost twenty years. In fact, the most damaging effect of Pray's criminal enterprise was that it gave him the recognition of a legitimate businessman. He then used this façade to recruit and corrupt young people.

The fifteen-month investigation that I led involved jurisdictions across the United States and culminated in his arrest. The successful effort required the cooperation of the DEA, FBI, Customs Service and ATF in New Jersey, Florida, Michigan, New York and Texas.

In addition, local law enforcement in New Jersey, particularly the Newark police, played a key role.

The evidence adduced at trial proved that Pray's operation imported several one hundred plus kilogram shipments of cocaine directly from Colombia to Mexico and, thereafter, across the U.S. border. The final destination of the cocaine was New Jersey. Pray made direct contact with Colombian importers who were supplied by the Medellin cartel. Pray used purportedly legitimate businesses in New Jersey as fronts for his drug ring.

After the jury's guilty verdict, Judge Bissell sentenced Pray to life in prison without the possibility of parole. Three of Pray's co-conspirators received substantial prison terms.

Co-Counsel for Government:

Alberto Rivas  
Lite DePalma Greenberg & Rivas LLC  
Two Gateway Center, 12th Floor  
Newark, New Jersey 07102  
(973) 623-3000

Counsel for Defendants:

Miles Feinstein, P.A.  
1135 Clifton Ave.  
Suite 202  
Clifton, New Jersey 07013-3642  
(973) 779-1124

2. Meitzenheimer v. Janssen, (LR-C-94-677) (Judge Elsijane Trimble Roy)

I served as co-counsel for Janssen Pharmaceutica, a Johnson & Johnson subsidiary, in this federal case in Little Rock, Arkansas. Plaintiff Meitzenheimer alleged that he had been denied a promotion and subjected to disparate treatment. The jury returned a verdict for plaintiff and awarded damages and back pay.

Co-Counsel:

Arkie Byrd  
Mays, Byrd & Associates, P.A.  
415 Main Street  
Little Rock, Arkansas 72201  
(501) 372-6303 or 1-800-227-1529

Opposing Counsel:

Philip E. Kaplan  
Williams & Anderson, PLC  
Stephens Building  
Twenty-Second Floor  
111 Center Street

Little Rock, Arkansas 72201  
(501) 372-0800

3. United States v. Summey, Cr. No. 88-319 (Judge Nicholas H. Politan)  
Defendant was charged with aggravated sexual abuse (rape) of another federal employee on federal government property. This case was of special significance to me because it afforded me the opportunity to help the victim through the most difficult event of her life and assist her in putting this event behind her. Defendant was convicted and sentenced to life without parole.

Defense Counsel:  
Gerald E. Fusella  
55 Washington Street  
Bloomfield, New Jersey 07003-2483  
(973) 680-1399

4. United States v. Carbone, Cr. No. 85-371 (Judge Anne E. Thompson)  
I served as co-counsel with James Patton in this two-month, two-defendant trial, which involved a drug conspiracy operating between Florida and the New Jersey shore. After a two year investigation involving local law enforcement and the DEA, over twenty members of Carbone's organization eventually pled guilty. Carbone was convicted and sentenced to twenty years. Carbone's co-defendant, Jose Alvarez, was acquitted.

Co-Counsel for Government:  
James Patton  
209 South Livingston Avenue, Suite 9  
Livingston, New Jersey 07039  
(973) 992-3500

Defense Counsel:  
Howard Brownstein  
Brownstein, Booth & Associates  
512 42<sup>nd</sup> Street  
Union City, New Jersey 07087  
(201) 866-4949

5. United States v. Rossmeyer, Cr. No. 85-373 (Judge Anne E. Thompson)  
I served as associate counsel with the First Assistant United States Attorney, Thomas Roth, during this three-month, eight-defendant trial. Bruce Rossmeyer, the owner of a car dealership in Toms River, was charged with participating in a drug conspiracy with seven other members of his sales force and management. The trial ended in a hung jury, but most of the defendants later pled guilty to drug offenses.

Lead Counsel for Government:  
Thomas Roth

395 Pleasant Valley Way  
West Orange, New Jersey 07052  
(973) 736-9090

Defense Counsel  
William J. Martini  
United States District Court Judge  
50 Walnut Street, Rm 5076  
Newark, New Jersey 07202  
(973) 645-6340

Jack Ford  
Bakefield & Ford  
One CNN Center  
Atlanta, Georgia 30303  
(404) 878-2276

6. United States v. Pelaez, Cr. No. 87-352 (Judge Anne E. Thompson)

I served as sole counsel in this case which charged Pelaez with both threatening to kill a witness to prevent that witness's testimony and operating a cross-country drug operation between California and the east coast. Despite Pelaez's threats against two witnesses, both witnesses testified. Pelaez was convicted and sentenced to twenty years.

Defense Counsel:  
Noah Lipman  
Law Offices of Noah Lipman  
11 Broadway Rm 967  
New York, New York 10004  
(212) 363-6969

7. United States v. Sardina, Cr. No. 85-300 (Judge John W. Bissell)

This indictment charged two defendants – Roberto Sardina and Javier Fernandez – with operating a stolen car ring. The cars were stolen in New York, driven to New Jersey, and shipped from New Jersey to Puerto Rico, using phony invoices and the assistance of corrupt shipping companies. I was sole counsel for the government. Both defendants were convicted.

Defense Counsel:  
Joel Rinsky (retired)  
Home:  
87 Sullivan Drive  
West Orange, New Jersey 07052  
(home) (973) 669-8687  
(cell) (973) 568-4560



8. United States v. Ortega, Cr. No. 87-381 (Judge Anne E. Thompson)

I was sole counsel for the government in this three-defendant trial. Ortega, whose base of operation was California, sought to expand to the east coast. All three defendants were convicted. Judge Thompson overturned one of the convictions.

Defense Counsel:  
Jerome Ballarotto  
143 Whitehorse Ave  
Trenton, New Jersey 08610-2643  
(609) 581-8555

9. United States v. Cadavio-Gomez, Cr. No. 86-318 (Judge H. Lee Sarokin)

I was sole counsel in this five-defendant trial. The DEA, working with the New Jersey State Police, uncovered a drug operation that moved substantial quantities of cocaine between New York and Florida by car courier. All five defendants were convicted and received substantial sentences.

Defense Counsel:  
Howard Brownstein  
Brownstein, Booth & Associates  
512 42<sup>nd</sup> Street  
Union City, New Jersey 07087  
(201) 866-4949

10. United States v. Parra-Restrepo, Cr. No. 87-39 (Judge John W. Bissell)

The three co-defendants in this case were charged with operating a drug conspiracy between New York and New Jersey. Defendant Parra-Restrepo's distributors had entrenched themselves in the outskirts of Atlantic City. With the assistance of a cooperating witness, the DEA gathered evidence that demonstrated Parra-Restrepo's managerial role. Two of the defendants were convicted, and the third pled guilty. I was sole counsel.

Defense Counsel:  
John C. Whipple  
Arseneault, Whipple, Farmer, Fassett & Azzarello  
560 Main Street  
Chatham, New Jersey 07928-2119  
(973) 635-3366 x217

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.)

Based on prior responses, this section shall describe my most significant legal activities while serving as in-house counsel at Johnson & Johnson. I have never engaged in lobbying activities.

1. State of Florida v. Johnson & Johnson Vision Products, Inc., MDL Docket No. 1030, 94-619-CIV-J.20

This was a federal antitrust lawsuit in the United States District Court for the Middle District of Florida. As in-house counsel, I was part of the litigation team for Johnson & Johnson. I participated fully in all aspects of the case. Margaret Zwisler was lead counsel. The State of Florida's Attorney General's Office filed the suit in the summer of 1994. Subsequently, individuals purporting to represent a class of consumers filed cases, which were consolidated in the Middle District of Florida by the MultiDistrict Litigation Panel. The plaintiffs sued Johnson & Johnson Vision Products, Inc. (a subsidiary of Johnson & Johnson), Bausch & Lomb, The American Optometric Association, and eight individual optometrists. The plaintiffs alleged a conspiracy among optometrists and disposable contact lens manufacturers to prevent mail order companies and pharmacies from dispensing replacement disposable contact lenses. The conspiracy was alleged to be a vertical restraint of trade in violation of the Sherman and Clayton Acts.

2. United States v. Ortho Pharmaceutical Corp., Cr. No. 95-12 (WGB)

This criminal action began in January 1991. At first, the United States Attorney's Office, in conjunction with the Food and Drug Administration ("FDA"), initiated an investigation to determine whether Ortho Pharmaceutical, a Johnson & Johnson subsidiary, had promoted a prescription drug – Retin-A – for an unapproved use. The FDA had approved Retin-A for treating acne in the early 1970's. By the mid-1980's, several prominent dermatologists had concluded through empirical research that Retin-A proved effective in treating photodamage, i.e., the damage to the skin caused by overexposure to the sun. Ortho Pharmaceutical proceeded to disseminate scientific information to the medical community and lay media, as is permissible by the FDA's regulations, regarding the effectiveness of Retin-A in treating photodamage. Although the company's actions were in the public domain, the government sought to determine whether Ortho Pharmaceutical had overstepped its bounds and actually promoted (at that time undefined by federal regulation) Retin-A for photodamage, as opposed to disseminating scientific information.

On January 2, 1991, FDA agents went to the homes of two Ortho executives seeking interviews. The next day, the U.S. Attorney's Office served a grand jury subpoena duces tecum on Ortho Pharmaceutical and Johnson & Johnson. Russell C. Deyo, Associate General Counsel of Johnson & Johnson (a former Assistant U.S. Attorney) and the person to whom I reported, accepted service (we both worked on this matter together for over four years). The company cooperated with the investigation from the start and voluntarily produced documents. After over a year of investigation, the government had presented only a few witnesses before the grand jury. In November 1992, while

interviewing a Johnson & Johnson employee prior to his grand jury testimony, Johnson & Johnson's attorneys (myself included) learned that at the time that the government served its grand jury subpoena, a small number of Ortho Pharmaceutical employees had destroyed some responsive documents.

Johnson & Johnson counsel immediately (a) advised the United States Attorney's Office that there was a problem; (b) adjourned the employee's appearance; and (c) advised the employee to retain outside counsel. Johnson & Johnson then conducted a full-scale investigation of the incident. Our office reported its findings about the destruction of documents to the U.S. Attorney's Office. Indeed, the government received a veritable road map of the document destruction, including names, times, and places. From that point forward, the government's investigation focused on the document destruction. The government presented dozens of witnesses before the grand jury to learn the full parameters of the document destruction. In fact, the government requested that Mr. Deyo and I appear voluntarily in the grand jury. Both Mr. Deyo and I appeared and responded to inquiries about the roles we played in the investigation. The prosecutors represented to our counsel that they (the prosecutors) were not alleging or making assertions that either of us engaged in any wrongdoing or unethical behavior.

Ortho Pharmaceutical pled guilty to a fifteen-count criminal information in January 1995, charging obstruction of justice.

3. Ms. X and Ms. Y v. R.W. Johnson Pharmaceutical Research Institute

This case involved a sexual harassment complaint by two female employees against their supervisor. The complaint originated internally in March of 1992. I worked with our Human Resources Department to address the issues raised. Specifically, the charges against the employees involved poor management style and inappropriate language and conduct. Despite remedial action by the company against the alleged harasser, some of the complained of activity persisted and resulted in a charge filed with the Equal Employment Opportunity Commission ("EEOC"). The claimants retained outside counsel. Over the course of the following sixteen months, I guided the company through the following: a full EEOC investigation, threatened civil litigation, and, finally, negotiations with both the EEOC and opposing counsel to arrive at a settlement. The settlement resulted in the separation from the company of the person accused of harassment and the consensual transfer of complainants.

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.

Columbia College, Columbia University  
2960 Broadway  
New York, New York 10027-6902  
Adjunct Professor, 2007-present  
The Supreme Court: Its Genesis and Progression

Cardozo School Of Law  
55 5<sup>th</sup> Avenue  
New York, New York 10003  
Adjunct Professor, 2006-present  
Criminal Trial Practice; The Supreme Court: Its Genesis and Progression

Rutgers School of Law – Newark  
123 Washington Street  
Newark, New Jersey 07102  
Adjunct Professor, 2002-2006  
The Supreme Court: Its Genesis and Progression; Civil Trial Practice; Criminal Trial Practice; and Ethics

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 plan on continuing to teach at Columbia College and Cardozo School of Law.

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:**

1. 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.

I do not have any issues regarding family members and potential conflicts of interest.

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

Should an issue arise that requires a taut analysis of the applicable ethics rule and the Code of Conduct for United States Judges, I would not hesitate to recuse.

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.

During my tenure at Kramer Levin, a New York City law firm, I spent a considerable amount of time on two pro bono matters. First, I assisted a senior partner, Gary Naftalis, in an investigation of an allegation of child abuse at a home for special needs children. The Blueberry Home for Children was located in Brooklyn. My work required interviewing the children and preparing reports of the interviews. Second, I took on a criminal appeal under the auspices of the Legal Aid Society. It was an appeal on behalf of a convicted rapist. State v. Luis Mangual required that I file a brief and argue before the First Department (New York State's intermediate appellate court). While at the firm, I worked on other matters pro bono but those were not as time consuming or focused.

In my other legal jobs, pro bono legal work has been restricted by both time and ethical considerations. However, while serving as a district judge, I have found other ways of giving back to the community. For example, I have coached my children's soccer, basketball, baseball, and softball teams. Also, I frequently speak to student groups, ranging in age from 4<sup>th</sup> grade to law students. Additionally, I have served as a mentor to both undergraduate students at Columbia University and law students at Rutgers School of Law and Cardozo School of Law. Of course, I regularly speak to Bar groups and appear on panels to such groups.

26. **Selection Process:**

1. 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

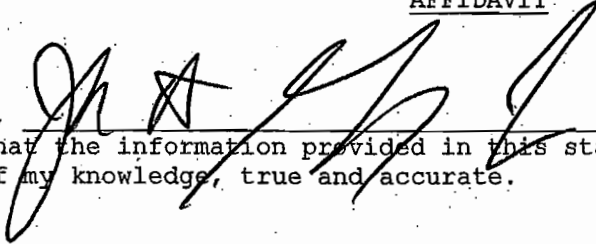
communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

My experience regarding the potential to be selected by President Obama as a nominee for the United States Court of Appeals for the Third Circuit is limited. Senators Lautenberg and Menendez each asked me to interview with them in their Washington, D.C. Senatorial offices. I interviewed with both of them in February 2009. Since there is no judicial selection committee in New Jersey there have not been any other steps to address. On March 30, 2009, and June 16, 2009, Cassandra Butts, Deputy Counsel to the President, telephoned me. On March 30, 2009, I was contacted by staff from the Department of Justice regarding the preparation of nomination paperwork. I have had subsequent conversations with Department staff regarding that paperwork and the nomination process. I had an interview with Department of Justice and White House Counsel staff on May 21, 2009. On June 19, 2009, I spoke with Matthew Lehigh from the White House Communications Office.

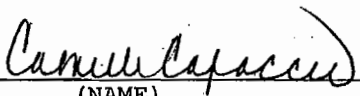
2. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or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

No.

AFFIDAVIT

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

6/18/09  
(DATE)

  
(NAME)

**CAMILLE CAPACCIO**  
**NOTARY PUBLIC OF NEW JERSEY**  
My Commission Expires on Feb. 22, 2010

\_\_\_\_\_  
(NOTARY)