

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Karen Spencer Marston
Karen Marston Wilson

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

United States District Court Judge for the Eastern District of Pennsylvania

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 Attorney's Office
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106

Residence: Bryn Mawr, Pennsylvania

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

1968; Portsmouth, Virginia

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.

1995 – 1998, Wake Forest University School of Law; J.D. (*magna cum laude*) 1998

1991 – 1994, Salem College; M.A.T. Elementary Education, 1994

Summer 1991, Villanova University; courses towards M.A.T., no degree received

1986 – 1990, Davidson College; B.A., 1990

Summer 1989, Cambridge University; summer abroad program, no degree received

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.

2006 – present

United States Attorney's Office
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106
Assistant United States Attorney, Chief, Narcotics and Organized Crime (2018 – present)
Assistant United States Attorney, Criminal Division (2006 – 2018)

Fall 2016; Spring 2016; Fall 2013; Spring 2013

Temple University Beasley School of Law
1719 North Broad Street
Philadelphia, Pennsylvania 19122
Adjunct Professor

2000 – 2006

United States Attorney's Office
Western District of North Carolina
227 West Trade Street, Suite 1650
Charlotte, North Carolina 28202
Assistant United States Attorney, Criminal Division

1998 – 2000; Summer 1997

Moore & Van Allen PLLC
100 North Tyron Street, Suite 4700
Charlotte, North Carolina 28202
Associate (1998 – 2000)
Summer Associate (Summer 1997)

Fall 1997

United States Attorney's Office
Middle District of North Carolina
101 South Edgeworth Street, 4th Floor
Greensboro, North Carolina 27401
Wake Forest University School of Law Clinical Student

Summer 1997; Summer 1996

Hunton & Williams
101 South Tyron Street, Suite 3500
Charlotte, North Carolina 28202
Summer Associate

1991 – 1995
Summit School
2100 Reynolda Road
Winston-Salem, North Carolina 27106
Second Grade Teacher, Field Hockey Coach, Summer Camp Counselor

1990 – 1991
St. Peter's School
319 Lombard Street
Philadelphia, Pennsylvania 19147
Fifth Grade Teacher

Summer 1990
319 Beach
Kiawah Island, South Carolina 29455
Sales Associate

Other Affiliations (uncompensated)

2017 – present
Horizons at Episcopal Academy Board of Trustees
1785 Bishop White Drive
Newtown Square, Pennsylvania 19073
Trustee

2007 – present
Philadelphia Reads
1709 Benjamin Franklin Parkway, Suite 201
Philadelphia, Pennsylvania 19103
Volunteer (2007 – present)
U.S. Attorney's Office Coordinator (2018 – present)

2006 – present
First Presbyterian Church
21st and Walnut Streets
Philadelphia, Pennsylvania 19103
Elder (2017 – present)
Instructor for Children's Lesson (2017 – present)
Sunday School Teacher (intermittent)

2015 – 2019
Episcopal Academy Board of Trustees
1785 Bishop White Drive
Newtown Square, Pennsylvania 19073
Trustee

2011 – 2019

Episcopal Academy Alumni Society Board of Managers

1785 Bishop White Drive

Newtown Square, Pennsylvania 19073

President (2015 – 2019)

Vice President (2014 – 2015)

Member (2011 – 2019)

Class Agent, Class of 1986 (2011 – 2019)

2011 – 2019 (intermittent)

Philadelphia Bar Association's Advancing Civics Education ("A.C.E.")

1101 Market Street, 11th Floor

Philadelphia, Pennsylvania 19107

Volunteer Teacher at Constitution High School

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

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

Professional honors:

Outstanding Prosecutor Award for the Prosecution of the "Lansdowne Avenue Gang" presented by the Philadelphia-Camden High Intensity Drug Trafficking (2014)

Recognition and Appreciation for Dedicated Efforts in the investigation of Novartis Pharmaceuticals Corporation presented by Eastern Area Field Office, Office of Inspector General, United States Postal Service (2011)

Award in Appreciation for Steadfast Support of FDA/OCI and Public Health Mission presented by Office of Criminal Investigations for the Novartis-Trileptal Investigation (2011)

Recognition of Outstanding Prosecutive Skills presented by Federal Bureau of Investigation, Philadelphia Field Division (2008)

Chief's Award for Excellence in Policing presented for the Exceptional Problem-Solving Initiatives in the prosecution of *United States v. Howard et al*, Charlotte-Mecklenburg Police Department (2007)

Certificate of Appreciation for dedication and commitment to working with ATF, hard work and perseverance in the prosecution of Dan Dedrick and Assault Technologies, presented by Bureau of Alcohol, Tobacco, Firearms and Explosives (2006)

Recognition of Dedication and Hard Work on behalf of the Charlotte ICE Office, presented by U.S. Immigration and Customs Enforcement (2006)

Recognition of Dedication to the Western District of North Carolina and Appreciation of Tireless Efforts in the "War on Methamphetamine" presented by the Drug Enforcement Administration (2006)

Charlotte-Mecklenburg Police Department, Violent Crime Unit Recognition of Unwavering Loyalty and Dedication with Violent Crime (2006)

Award for work with Bulk Cash Smuggling and Highway Interdiction Program, Charlotte, North Carolina, presented by U.S. Immigration and Customs Enforcement (2006)

Special Award of Honor in recognition of outstanding accomplishment in the field of law enforcement, presented by The International Narcotic Enforcement Officers Association (2005)

Special Award of Honor in recognition of outstanding accomplishment in the field of Narcotic Law Enforcement while assigned to the Northwestern North Carolina Methamphetamine Task Force, presented by The North Carolina Narcotic Enforcement Officers Association (2005)

Northwestern District of North Carolina State Bureau of Investigation Award presented for Unwavering Dedication and Support of the NC State Bureau of Investigation for partnership in the war against methamphetamine labs (2005)

Certificate of Appreciation for Outstanding Contributions in the Field of Drug Law Enforcement presented by Drug Enforcement Administration, Houston Field Office (2005)

Department of Justice Director's Award for Superior Performance as an Assistant United States Attorney (2002)

Award in recognition of outstanding accomplishments in the pursuit of justice presented by United States Attorney for the Western District of North Carolina (2001)

Multiple Sclerosis Leadership Award (2000)

Academic honors:

Recipient of the E. McCruder Faris Memorial Award presented to the Student who has Exhibited High Standards of Character, Leadership & Scholarship, Wake Forest University School of Law (1998)

Graduated with honors from Wake Forest University School of Law, *magna cum laude* (Rank 2/145) (1998)

Order of the Coif, Wake Forest University School of Law Chapter (1998)

Order of Barristers, Wake Forest University School of Law (1998)

Articles Editor of *Wake Forest University School of Law, Law Review* (1997 – 1998)

Wake Forest University School of Law, National Trial Team, Co-Captain (1997 – 1998)

Recipient of The Brown Scholarship, Wake Forest University School of Law (1997 – 1998, 1996 – 1997)

West Publishing Co. Award for Outstanding Scholastic Achievement (1997 – 1998)

Scholastic Honors List, Wake Forest University School of Law (1995 – 1998)

“CALI Excellence for the Future” presented to the student who has earned the highest grade in law-related classes: Criminal Procedure, Constitutional Law II, Conflicts of Law, Evidence, Federal Jurisdiction, Clinic, Sales, Property I, Family Law, Legal Research and Writing, II; Legal Research and Writing, III (1995 – 1998)

Wake Forest University School of Law, John Marshall Privacy Law Team (Fall 1997)

Semi-Finalist, Stanley Moot Court Competition (Fall 1996)

Finalist and Second Best Oralist, Moot Court Competition (Spring 1996)

Finalist and Second Best Oralist, First Year Trial Bar Competition (Fall 1995)

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 (2018 – present)

Mecklenburg County Bar (1998 – 2006)

North Carolina Bar Association (1996 – 2005)

Pennsylvania Bar Association (2018 – present)

Philadelphia Bar Association (2019 – present)

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.

North Carolina, 1998

Pennsylvania, 2018

South Carolina, 1999

There have been no lapses in membership. I took inactive status in South Carolina beginning in 2003.

- 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, 2007

Court of Appeals for the Third Circuit, 2006

Court of Appeals for the Fourth Circuit, 1998

Eastern District of North Carolina, 1998

Middle District of North Carolina, 1998

Western District of North Carolina, 1998

Eastern District of Pennsylvania, 2006

North Carolina Supreme Court, 1998

Pennsylvania Supreme Court, 2018

South Carolina Supreme Court, 1999

There have been no lapses in membership.

11. **Memberships:**

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

Federalist Society (2019 – present)

Kiawah Island Governor's Club (2017 – present)

St. Albans Swim & Tennis Club (2016 – 2018)

- 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.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

Letter from the Alumni Society President for 2019 Alumni Awards Ceremony, Episcopal Academy's Playbill, May 4, 2019. Copy supplied.

Letter from the Alumni Society President for 2018 Alumni Awards Ceremony, Episcopal Academy's Playbill, May 5, 2018. Copy supplied.

Letter from President of the Episcopal Academy Alumni Society Board of Managers, Episcopal Academy's Website, Aug. 2017. Copy supplied.

Letter from the Alumni Society President for 2017 Alumni Awards Ceremony, Episcopal Academy's Playbill, May 6, 2017. Copy supplied.

Letter from President of the Episcopal Academy Alumni Society Board of Managers, Episcopal Academy's Connections Magazine, Summer 2016. Copy supplied.

Awards Dinner Recap, Episcopal Academy's Connections Magazine, Spring 2016. Copy supplied.

New Alumni Society Board of Managers, Episcopal Academy's Connections Magazine, Fall/Winter 2015. Copy supplied.

Letter from the Alumni Society President for 2015 Alumni Awards Dinner, Episcopal Academy's Program, Nov. 14, 2015. Copy supplied.

Letter from President of the Episcopal Academy Alumni Society Board of Managers, Episcopal Academy's Website, Aug. 2015. 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.

None.

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

None.

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

August 5, 2019: Panelist, *Drug Trafficking Presentation with Drug Enforcement Administration*, University of Pennsylvania Law School, Philadelphia, Pennsylvania. I discussed the use of modern technology to search and detect narcotics; types of drugs seized and prevalence; methamphetamine seizures; and overview of a drug case. I have no notes, transcript, or recording. The address for the University of Pennsylvania Law School is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

January 17, 2019: Panelist, *Combatting the Opioid Crisis*, Federal Bar Association, Philadelphia, Pennsylvania. Notes supplied.

November 13, 2018: Panelist, *Opioid Management in Crisis*, Villanova Inn of Court, Philadelphia, Pennsylvania. Notes supplied.

October 1, 2018: Guest Lecturer, *Law of Investigations*, University of Pennsylvania Law School, Philadelphia, Pennsylvania. We discussed certain investigative steps that helped lead to the successful prosecution of *United States v. Joseph Adens et al.* I have no notes, transcript, or recording. The address for the University of Pennsylvania Law School is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

May 5, 2018: Welcome Speaker, *The Episcopal Academy 2018 Alumni Awards Ceremony*, Episcopal Academy, Newtown Square, Pennsylvania. My remarks closely resembled the supplied remarks I provided for the November 14, 2015 ceremony.

May 6, 2017: Welcome Speaker, *The Episcopal Academy 2017 Alumni Awards Ceremony*, Episcopal Academy, Newtown Square, Pennsylvania. My remarks closely resembled the supplied remarks I provided for the November 14, 2015 ceremony.

January 31, 2017: Guest Lecturer, *Trial Advocacy*, University of Pennsylvania Law School, Philadelphia, Pennsylvania. I discussed the art of opening statements and gave a sample opening statement. I have no notes, transcript, or recording. The address for the University of Pennsylvania Law School is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

March 16, 2016: Panelist, *Careers in Law*, The Episcopal Academy, Newtown Square, Pennsylvania. I discussed my career as a federal prosecutor to an audience of high school students. I have no notes, transcript, or recording. The address for Episcopal Academy is 1785 Bishop White Drive, Newtown Square, Pennsylvania 19073.

November 14, 2015: Welcome Speaker, *The Episcopal Academy 2015 Alumni Awards Ceremony*, Episcopal Academy, Newtown Square, Pennsylvania. Notes supplied.

March 31, 2015: Panelist, *Women in Law Enforcement*, Acorn Club, Philadelphia, Pennsylvania. United States District Court Judge Gene E.K. Pratter led the panel discussion. The panel included myself, a federal prosecutor, as well as, a female defense attorney, Federal Bureau of Investigation Special Agent and a United States Probation Officer, and we discussed what it was like to be a female working in these careers. I have no notes, transcript, or recording. The address for the Acorn Club is 1519 Locust Street, Philadelphia, Pennsylvania 19102.

November 3, 2014: Guest Lecturer, *Trial Advocacy*, University of Pennsylvania Law School, Philadelphia, Pennsylvania. I discussed the art of opening statements and gave a sample opening statement. I have no notes, transcript, or recording.

The address for the University of Pennsylvania Law School is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

October 15, 2014: Panelist, *Handling A Cooperating Defendant*, U.S. Attorney's Office, Eastern District of Pennsylvania, Philadelphia, Pennsylvania. Notes supplied.

February 4, 2014: Speaker, *Career Day*, The Episcopal Academy, Newtown Square, Pennsylvania. I discussed my career as a federal prosecutor with high school students. I have no notes, transcript, or recording. The address for Episcopal Academy is 1785 Bishop White Drive, Newtown Square, Pennsylvania 19073.

January 14, 2013: Speaker, *Career Day*, The Episcopal Academy, Newtown Square, Pennsylvania. I discussed my career as a federal prosecutor with high school students. I have no notes, transcript, or recording. The address for Episcopal Academy is 1785 Bishop White Drive, Newtown Square, Pennsylvania 19073.

September 17, 2012: Guest Lecturer, *Trial Advocacy*, University of Pennsylvania Law School, Philadelphia, Pennsylvania. I discussed the art of opening statements and gave a sample opening statement. I have no notes, transcript, or recording. The address for the University of Pennsylvania Law School is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

April 30, 2011: Speaker, *The Presence of the Place*, The Episcopal Academy, Newtown Square, Pennsylvania. Speech supplied.

February 15, 2011: Speaker, *Career Day*, The Episcopal Academy, Newtown Square, Pennsylvania. I discussed my career as a federal prosecutor with high school students. I have no notes, transcript, or recording. The address for Episcopal Academy is 1785 Bishop White Drive, Newtown Square, Pennsylvania 19073.

May 16, 2007 (approximate): Speaker, *Lessons Learned from the Federal Prosecution of United States v. Howard et al.*, Charlotte-Mecklenburg Police Department Academy, Charlotte, North Carolina. Notes supplied.

April 2005: Instructor, *Federal Prosecution of Methamphetamine Conspiracies*, The North Carolina State Bureau of Investigations, Salemburg, North Carolina. I spoke about Practical Drug Investigations training for law enforcement agents. I have no notes, transcript, or recording. The address for the North Carolina State Bureau of Investigations is 3320 Garner Road, Raleigh, North Carolina 27610.

September 11, 2003: Panelist, *United States Supreme Court Year In Review*, Mecklenburg County Bar Association, Charlotte, North Carolina. I discussed the previous year's Supreme Court term. I have no notes, transcript, or recording. The

address for the Mecklenburg County Bar Association is 2850 Zebulon Avenue, Charlotte, North Carolina 28208.

- 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.

Courtney Brinkerhoff-Rau, *Celebrating 40 Years of Coeducation* Episcopal Academy's Connections Magazine, Fall/Winter 2015. Copy supplied.

Brooke Kelly, *EA Welcomes First Female Head of Alumni*, The Scholium, Nov. 2015. Copy supplied

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

I have not served as a judge.

- 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:	_____ % [total 100%]
civil proceedings:	_____ %
criminal proceedings:	_____ % [total 100%]
- 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 held judicial office.

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

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

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

I have never been a candidate for or held elective or 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.

Summer 1988

National Republican Senatorial Committee, Washington, D.C.

Intern, Political Action Committee

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 did not serve as a clerk for a judge.

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

I have not 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.

1998 – 2000

Moore & Van Allen PLLC

100 North Tyron Street, Suite 4700

Charlotte, North Carolina 28202

Associate (1998 – 2000)

2000 – 2006

United States Attorney's Office

Western District of North Carolina

227 West Trade Street, Suite 1650

Charlotte, North Carolina 28202

Assistant United States Attorney, Criminal Division

2006 – present

United States Attorney's Office

Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106
Assistant United States Attorney, Criminal Division (2006 – 2018)
Assistant United States Attorney, Chief, Narcotics and Organized Crime
(2018 – 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.

b. Describe:

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

From 1998 through 2000 I was an associate at the Charlotte headquartered law firm, Moore & Van Allen, PLLC. My practice was primarily focused on commercial and real estate litigation, including work with financial institutions related to SEC investigations. I also worked on some employment law, restructuring and bankruptcy matters. I handled some motions hearings in state court, as well as some administrative EEOC hearings.

Since December 2000, I have been an Assistant United States Attorney handling criminal cases. The entirety of my practice is litigation and I have appeared in federal court frequently. As a federal prosecutor, I have investigated and prosecuted a broad array of criminal matters, including complex cases involving multiple agencies. Specifically, I have handled large-scale violent narcotics trafficking organizations, international money laundering schemes, identity theft, white collar crime, government fraud, firearms violations, bank robbery, Hobbs Act robbery, Mann Act, health care fraud, immigration offenses, and counterterrorism. As sole counsel or first chair, I have tried approximately thirty-five federal jury trials and a federal civil forfeiture bench trial. Over the past 18 years, I have handled my criminal cases from the beginning stages of the criminal investigation through all stages in federal court (U.S. Magistrate Court, United States District Court and the Court of Appeals). I handle initial appearances, arraignments and detention hearings in United States Magistrate Court. I handle all pre-trial litigation (i.e. suppression hearings, *Starks* hearings, motion *in limine* hearings), jury trials, plea hearings and sentencings. In addition, I have been responsible for any appeals arising from my cases. I argued two appeals before the Fourth Circuit Court of Appeals while I was in the U.S. Attorney's Office for the Western District of North Carolina.

Although I have had a number of appeals in the Third Circuit Court of Appeals, only one has been selected for oral argument (which was scheduled while I was on maternity leave). As a criminal Assistant United States Attorney, I regularly appear before federal grand juries. In addition, I have worked closely with civil division counterparts on parallel proceedings, including a significant *qui tam* investigation.

In 2018, I became Chief of the Narcotics/Organized Crime team. I presently supervise and manage sixteen Assistant United States Attorneys. I analyze and approve proposed matters for prosecution, review and approve charging documents and plea agreements, assist with developing strategies for pretrial hearings and trials, approve sentencing recommendations, review and revise trial briefs and help prepare prosecutors for court hearings and oral arguments before both the District Court and the Third Circuit Court of Appeals. I often attend grand jury sessions and court hearings, including trials, with less experienced prosecutors to provide them with support and feedback. I also participate in developing, reviewing and revising office-wide policies and practices. I am responsible for working closely with our federal agencies to accept cases for federal prosecution and I continue to maintain a criminal caseload along with my supervisory duties.

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

While an associate at Moore & Van Allen, PLLC from 1998 to 2000, my clients were primarily medium to large corporations and financial institutions, with a few individual clients. I also did some pro bono work.

As a federal prosecutor, my sole client is the United States of America.

- 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.

While an associate at Moore & Van Allen, PLLC from 1998 to 2000, I handled a few civil and administrative hearings.

As a federal prosecutor, my practice has always been 100% litigation and I appear in court frequently. Even after becoming Chief of Narcotics & Organized Crime last summer, I have maintained a criminal docket and continue to appear in court.

Approximately 98% of my practice as a federal prosecutor involves criminal proceedings. Approximately 2% of my practice at times involves civil forfeiture matters in connection with criminal investigations.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 90% |
| 2. state courts of record: | 8% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 2% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 2% |
| 2. criminal proceedings: | 98% |

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

I have tried approximately thirty-five jury trials, of which thirty-three were tried to verdict and two of which resulted in guilty pleas during trial. I have tried one civil forfeiture bench trial. All of my trials have been in United States District Court for both the Eastern District of Pennsylvania and the Western District of North Carolina. Primarily I have been sole counsel on my cases. I can recall only approximately nine cases during the past 18 years where I had the assistance of co-counsel.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 99% |
| 2. non-jury: | 1% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the 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:

- the date of representation;
- 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) *United States v. Miguel Amaris-Caviedes*, 2:14-CR-00243 (E.D. Pa.) (Hon. Lawrence F. Stengel), *aff'd* 701 F. App'x 84 (3d Cir. 2017) (Hon. Thomas Hardiman, Hon. Jane Richards Roth & Hon. D. Michael Fisher)

Dates of representation: 2014 – 2017

I was co-counsel for the United States in the prosecution of this case. Defendant was charged with two counts of international money laundering of purported drug proceeds. Defendant offered a variety of sophisticated money laundering services from Costa Rica for Colombian drug traffickers, including laundering drug proceeds through multiple bank accounts and providing services to broker bulk currency pick-ups in the United States. During the investigation, Defendant stopped all communication with the confidential source being used by law enforcement. After an INTERPOL Red Notice was issued, defendant was arrested in Spain and ultimately brought to the United States to face the charges. Defendant pled guilty. At sentencing, I argued the two-level enhancement for sophisticated laundering applied under the United States Sentencing Guidelines. The Judge agreed and defendant was sentenced to 60 months' imprisonment.

Defendant appealed the application of the two-level enhancement for sophisticated laundering. I wrote the brief and the Third Circuit took the case on submission of the briefs. In an unpublished opinion the Third Circuit affirmed defendant's sentence.

Defense Counsel:

Michael A. Caudo
Caudo Law Group, P.C.
2332 South Broad Street
Philadelphia, Pennsylvania 19145
(215) 389-8940

Ivan E. Mercado
Mercado & Rengel PA
201 South Biscayne Boulevard, 28th Floor
Miami, Florida 33131
(305) 432-2199

- (2) *United States v. Joseph Adens*, 2:12-CR-616-1 (E.D. Pa.) (Hon. Gene E.K. Pratter)

Dates of representation: 2012 – 2015

I was sole counsel for the United States in this prosecution. Eleven defendants were charged in a superseding bill of indictment. Charges included conspiracy to distribute five kilograms or more of cocaine and 100 kilograms or more of marijuana; a separate conspiracy to distribute five kilograms or more of cocaine and marijuana; attempted possession with intent to distribute five kilograms or more of cocaine; possession and discharge of a firearm in furtherance of a drug trafficking crime; illegal possession of a firearm that traveled in interstate commerce; and conspiracy to commit money laundering. Specifically, defendant shot a co-conspirator at point blank range in daylight in front of an elementary school that was in session. Defendant shot the co-conspirator because defendant believed the co-conspirator had stolen eleven kilograms of cocaine that failed to arrive via courier from California. Defendant proceeded to trial and after approximately five days of trial, defendant entered into a Rule 11(c)(1)(C) plea to 27 years imprisonment.

Defense Counsel:

Thomas C. Egan, III
621 Swede Street
Norristown, Pennsylvania 19401
(610) 277-4868

- (3) *United States v. Novartis Pharmaceuticals Corp.*, 2:10-CR-650 (E.D. Pa.) (Hon. Joel H. Slomsky)

Dates of representation: 2007 – 2011

This was a joint criminal and civil investigation that resulted in a criminal information being filed for the off-label marketing of the anti-epileptic drug Trileptal. The information charged Novartis with introducing misbranded drugs into interstate commerce between July 2000 and December 2011. The Food and Drug Administration (“FDA”) had approved the drug Trileptal for the treatment of epilepsy patients, however, the information charged that Novartis’ management had created marketing materials promoting the drug for off-label uses, including neuropathic pain and bipolar disease, which were not FDA-approved uses. Novartis targeted psychiatrists and pain specialists, who were known to use anti-epileptic drugs like Trileptal off-label. Novartis marketed and promoted the drug as treatment for both of these indications and directed its sales force to visit doctors who would not normally prescribe Trileptal. The company funded continuing medical education programs, using other medical professionals to promote off-label uses of Trileptal. Novartis profited by hundreds of millions of dollars from the misbranding and off-label promotion of the drug. Novartis pled guilty to the criminal information and agreed to pay a criminal fine and forfeiture

of \$185 million. In addition, Novartis paid \$237.5 million to resolve civil liabilities for its off-label marketing of Trileptal and payment of kickbacks to health care providers to induce them to prescribe Trileptal as well as five other drugs. I coordinated a team of agents in conducting this large complex investigation. The criminal and civil sides worked closely together in negotiation with counsel for Novartis to bring about the successful criminal prosecution and civil resolution of this case.

Co-Counsel:

Frank Costello

U.S. Attorney's Office for the Eastern District of Pennsylvania
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Catherine Votaw

Retired

Patrick Jasperse

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Defense Counsel:

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Post & Shell, P.C.

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(215) 587-1000

Evan R. Chesler

Cravath, Swaine & Moore

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Karen F. Green

Wilmer Hale

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(617) 526-6207

- (4) *United States v. Ruben Boria*, 2:07-CR-151-2 (E.D. Pa.) (Hon. Gene E.K. Pratter), *rev'd* 592 F.3d 476 (3d Cir. 2010) (Hon. D. Michael Fisher, Hon. Thomas Michael Hardiman & Hon. Franklin Van Antwerpen)

Dates of representation: 2007 – 2011

I was sole counsel for this criminal case in district court. Two defendants were charged with conspiracy to possess with the intent to distribute approximately 100 kilograms of cocaine and aiding and abetting the possession with intent to distribute the same. The 100 kilograms of cocaine had been transported by a tractor-trailer driver from Texas. The driver met with members of the drug trafficking organization upon arrival in Philadelphia at a Walmart parking lot. Subsequently, the drug organization directed defendant to meet with the driver and take him to a garage where the cocaine was to be unloaded. Defendant proceeded to trial. Following the government's case-in-chief, defense counsel made a Rule 29 motion that the Court held in abeyance. After approximately four days of trial, the jury returned a guilty verdict on all counts. Subsequently, the district court held argument on the defense Rule 29 and Rule 33 motions. The district court granted the Rule 29 motion and the government filed an appeal to the Third Circuit.

I wrote the appellate brief; however, I was on maternity leave at the time this case was scheduled for oral argument. Chief of Appeals Robert Zauzmer argued the appeal before the Third Circuit, which reversed the district court's ruling granting the Rule 29 motion. The case was remanded for sentencing. Prior to sentencing in 2011, defendant qualified for the safety valve provision under the United States Sentencing Guidelines, and the Court then sentenced defendant to 66 months' imprisonment.

Defense Counsel for defendant Boria:

Anthony J. Petrone
Anthony J. Petrone Law Office
1717 Arch Street
Philadelphia, Pennsylvania 19103
(215) 569-1000

- (5) *United States v. Jose Antonio Santiago*, 2:05-CR-32 (E.D. Pa.) (Hon. Juan R. Sanchez)

Dates of representation: 2007 – 2009

I took over this case before trial in 2007. Three defendants were charged with conspiracy to commit hostage taking; aiding and abetting hostage taking; and

aiding and abetting the using and carrying of a firearm in furtherance of a crime of violence. The defendants kidnapped at gunpoint the young adult son of the owner of D & K Diner in West Chester, Pennsylvania. The defendants knew the owner was from Colombia and ran several successful businesses, and therefore, demanded a \$1,000,000 ransom for the release of the son. Although warned not to involve law enforcement, the family went to the authorities and the FBI introduced an undercover agent who negotiated a ransom exchange. During the attempted exchange, shots were fired. Three defendants were arrested and two defendants pled guilty. One defendant, however, proceeded to trial, which lasted approximately two and half weeks in September 2008. Defendant was found guilty of all charges by the jury and subsequently sentenced to 319 months' imprisonment.

Co-Counsel:

Joseph J. Khan
Then with the U.S. Attorney's Office
Weisbrod Matteis & Copley
100 North 18th Street
Two Logan Square, Suite 1925
Philadelphia, Pennsylvania 19103
(215) 372-2266

Defense Counsel:

Elizabeth Toplin
Nina C. Spizer
Defender Association of Philadelphia
Independence Square West
Curtis Center Suite 540 West
Philadelphia, Pennsylvania 19106
(215) 928-1100

- (6) *United States v. Bilal Shabazz*, 2:06-CR-710-1 (E.D. Pa) (Hon. Eduardo C. Robreno), *aff'd* 564 F.3d 280 (3d Cir. 2009) (Hon. Marjorie O. Rendell, Hon. Thomas L. Ambro, & Hon. Kent A. Jordan)

Dates of representation: 2006 – 2008

I was sole counsel for the United States in this prosecution. Four defendants were charged with conspiracy to commit a Hobbs Act robbery; aiding and abetting a substantive Hobbs Act violation; and aiding and abetting the using and carrying of firearms in furtherance of a crime of violence. All the charges arose from the defendants' armed robbery of a Wal-Mart store of approximately \$351,563. During the armed robbery, defendants brandished their firearms, forced an employee to the floor and bound his ankles and hands with duct tape. Three

defendants pled guilty and one defendant proceeded to trial. The jury returned a guilty verdict on all charges. Defendant was sentenced to 360 months' imprisonment.

Defendant appealed his sentence and argued that the jury's request to read back certain testimony should have been granted, that certain statements made by defendant while being processed in Miami should have been suppressed, that a co-conspirator should not have been allowed to make an identification of defendant from the video surveillance footage, and that his sentence exceeded the statutory maximum for the firearms conviction. I wrote the government's appellate brief and the Third Circuit took the case on submission of the briefs. In a published opinion, the Court affirmed defendant's conviction and sentence.

Defense Counsel:

Constance Mary Clarke
Mayers Mennies & Sherr LLP
3031 Walton Road, Building A, Suite 330
Blue Bell, Pennsylvania 19422
(610) 825-0300

Mark S. Greenberg
920 Lenmar Drive
Blue Bell, Pennsylvania 19422
(267) 253-7933

- (7) *United States v. Tracy Howard et al.*, 3:04-CR-271 (W.D. NC) (Hon. Robert J. Conrad, Jr.)

Dates of representation: 2004 – 2006

I was lead counsel for the United States in this prosecution. Seven defendants were charged in a superseding indictment with drug trafficking, possession and use of firearms in furtherance of drug trafficking, Mann Act and money laundering violations. This was a complex investigation of a violent criminal enterprise that used juveniles, as young as 14 years of age to engage in interstate prostitution and in the distribution of multiple kilograms of crack cocaine. The two brothers who lead the criminal enterprise claimed to be "pimps" and solicited and coerced runaway juvenile females to prostitute for them, in exchange for promised "affection," shelter, food and clothing. In addition, the juvenile females were forced to bag crack cocaine into user amounts and distribute the drugs at an apartment complex. Four defendants proceeded to trial in April 2006. After a three-week trial, wherein the government called approximately fifty witnesses, and the jury returned guilty verdicts for all defendants. The two Howard brothers

who were the leaders of the criminal enterprise were sentenced to life imprisonment, defendant Sanchez was sentenced to 151 months' imprisonment, and defendant Ragin was sentenced to 210 months' imprisonment.

Co-counsel:

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Defense Counsel for defendant Tracy Howard:

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Culler Law Firm PA
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Defense Counsel for defendant David Howard:

Peter Adolf
Federal Public Defender
Western District of North Carolina
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Defense Counsel for defendant Oscar Solano-Sanchez:

Richard K. Brown
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Defense Counsel for defendant Nicholas Ragin:

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Charlotte, North Carolina 28204
(704) 358-0038

- (8) *United States v. Albert Esposito et al.*, 3:01CR202 (W.D. NC) (Hon. Richard L. Voorhees)

Dates of representation: 2000 – 2004

I was lead counsel for the United States in this prosecution of Albert Esposito and three co-conspirators who were charged with conspiracy to commit offenses against the United States, including mail and wire fraud, conspiracy to commit money laundering and substantive mail and wire fraud and money laundering violations. The case involved a complex Ponzi scheme in which the defendants operated between 1998 and 2001 defrauding numerous investors of approximately \$27 million. Albert Esposito was the leader, who convinced his victims through seminars and conversations, to invest their money with him in investment vehicles such as gold bullion, aviation, real estate and Christian-oriented causes. Rather than investing the money, Esposito and his co-conspirators used the investors' money for their personal benefit and to pay back other investors in order to pretend that the investments were making money. Albert Esposito demanded to proceed *pro se* during the two-and-a-half-week jury trial. Esposito was found guilty of twenty counts and sentenced to thirty years imprisonment.

Co-Counsel

Matthew Hoefling

Then with the U.S. Attorney's Office

Wells Fargo

301 South College Street, #2800

Charlotte, North Carolina 28202

(704) 374-3461

Defendant Albert Esposito:

Pro se

Standby Defense Counsel:

Steve T. Meier

Maloney and Meier, L.L.C.

307 East Boulevard

Charlotte, North Carolina 28203

(704) 333-3456

- (9) *United States v. Joe Anthony Brown*, 3:01-CR-185 (W.D. NC) (Hon. Richard L. Voorhees), *vac'd on other grounds* 128 F. App'x 975 (4th Cir. 2005) (Hon. J. Michael Luttig, Hon. William B. Traxler, Jr., & Hon. Robert B. King)

Dates of representation: 2001 – 2005

In January 2003, I was asked to take over this case for the trial of defendant. Defendant was charged with conspiracy to possess with the intent to distribute 50

grams or more of cocaine base; aiding and abetting the possession with intent to distribute more than 5 grams of cocaine base; and using, carrying and discharging a firearm in furtherance of the drug conspiracy. At trial, I presented evidence that during the course of the drug conspiracy, defendant had purchased poor quality crack from his supplier and had subsequently shot at the supplier's associate as he sat in a car in his grandmother's driveway. In response, the supplier and associates retaliated and a shoot-out occurred outside defendant's residence, killing an innocent bystander. Evidence was presented that defendant was aware that a retaliatory shoot-out was likely, and when questioned if an August block party should be occurring outside his residence, defendant responded it was fine because he was armed with his firearm. Defendant was found guilty of all charges by a jury and sentenced to life imprisonment followed by consecutive sentence of 134 months' imprisonment. Defendant filed an appeal.

On appeal, defendant raised the following issues: whether the district court correctly denied Defendant's motion for Judgment of Acquittal on Counts One and Three; whether the district court correctly applied the murder cross-reference in United States Sentencing Guideline Section 2D1.1(d)(1); whether the district court erred in granting the Government's Motion for an Upward Variance as to Count Three; and whether the district court correctly ruled as to the drug amount foreseeable to the defendant. I argued the case before the Fourth Circuit Court of Appeals and the conviction was affirmed. The Court separately remanded the case for resentencing in light of the United States Supreme Court's unrelated and then-recent decision *United States v. Booker*, 543 U.S. 220 (2005), and its progeny.

Defense Counsel for defendant Brown (for trial)

Reita P. Pendry, Esquire
Post Office Box 5432
Charlotte, North Carolina 28299
(704) 532-6232

Defense Counsel for defendant Brown (for appeal)

R. Deke Falls, Esquire
Barnett & Falls
130-C North McDowell Street
Charlotte, North Carolina 28204
(704) 334-2044

- (10) *United States v. John Fitzgerald Hudson*, 3:99-CR-134-1 (W.D. NC) (Hon. Graham C. Mullen), *aff'd* 272 F.3d 260 (4th Cir. 2001) (Hon. Harvie Wilkinson, III, Hon. Paul V. Niemeyer & Hon. Robert Bruce King)

Dates of representation: 2001 – 2003

I was sole counsel for the United States for defendant's sentencing and then the government's appeal of the district court's sentence. I argued at defendant's sentencing that the judge should find that the United States Sentencing Guideline enhancement for obstruction of justice was applicable because defendant had fled from supervision while on pre-sentence release and failed to appear for sentencing. In addition, I argued that because defendant fled supervision, he was no longer entitled to receive a reduction in his guidelines for acceptance of responsibility. The Judge rejected the government's arguments, instead accepting defendant's claim that he ran because he was scared. Defendant was sentenced to 135 months' imprisonment, significantly below his guideline range of 235 to 293 months. The government appealed and I argued the case before the Fourth Circuit Court of Appeals. In a published opinion, the Fourth Circuit reversed the district court's failure to apply the obstruction of justice enhancement and its grant of a reduction for acceptance of responsibility and remanded the case for resentencing. In addition, because of comments made by the district court judge at the sentencing hearing, the Fourth Circuit directed on remand the case be assigned to a different judge for resentencing. Defendant was then sentenced by the Hon. Richard L. Voorhees to a guideline sentence of 235 months' imprisonment.

Defense Counsel for defendant Hudson:

Thomas Blackwood
704 Lexington Avenue
Charlotte, North Carolina 28203
(704) 376-2912

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.)

As a criminal Assistant United States Attorney for the past eighteen years, all of my significant legal activities have revolved around the prosecution of hundreds of criminal cases, as well as some civil forfeiture matters. My work begins with criminal investigations where I consult with and direct the activities of an entire team of agents and investigators, and ultimately, I assume responsibility for litigating any and all issues that arise during the investigation and prosecution. Federal investigations primarily lead to a criminal case which ends in a verdict by trial or guilty plea. To the extent I have worked on investigations that have not resulted in criminal charges being brought, those matters are grand jury investigations which I am not authorized by law to disclose. I worked a few years on the Project Safe Neighborhood initiative, focusing on the East

Division neighborhood in Philadelphia. As part of my work on that initiative, I attended monthly meetings at Philadelphia Police Department's East Division in order to coordinate federal, state and local efforts to decrease the drugs and violence in the neighborhood.

In addition, during my two years as an Associate at Moore & Van Allen, PLLC, I was part of a team responsible for supervising ten contract attorneys in conjunction with a large-scale production of electronic and voice data in a bond related SEC investigation of a multinational financial institution.

I have also taught *Federal Criminal Practice: United States Attorney*, a clinical course at Temple University Beasley School of Law in Philadelphia, Pennsylvania for four semesters. I have also helped judge high school trial team competitions at various times over the years.

I have never performed any lobbying activities.

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 been an Adjunct Professor at Temple University Beasley School of Law in Philadelphia, Pennsylvania on four occasions. Each time, I co-taught with another Assistant United States Attorney the following course:

Federal Criminal Practice: United States Attorney, Spring 2013, Fall 2013, Spring 2016, Fall 2016. This course taught the role of a federal prosecutor at each stage of the criminal judicial system. The class involved a mix of lecture, and "learn by doing" exercises that were geared towards developing the students' analytical, oral, and to a limited extent written advocacy skills. The course culminated with a mock trial before a United States District Court Judge in the Eastern District of Pennsylvania. Syllabus supplied.

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

Upon retirement, I will receive benefits from the Federal Employees Retirement System for my service as a federal prosecutor.

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.

Time permitting, I would like to maintain my volunteer work and membership on the Board of Trustees of Horizons. I believe the federal courthouse may also work with the Philadelphia Reads program, and therefore, if possible I would continue volunteer work with that program.

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).

When my nomination is formally submitted to the Senate, I will file my mandated Financial Disclosure Report and submit a copy to this Committee.

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.

I have served for almost 13 years as an Assistant United States Attorney for the Eastern District of Pennsylvania. I would recuse myself from matters involving cases I handled, supervised, or was consulted on as an Assistant United States Attorney, in a manner consistent with 28 U.S.C. § 455, the Code of Conduct for United States Judges, policies of the district court, and all applicable rules regarding ethics and conflicts of interest.

In addition, my brother and sister-in-law are partners at Morgan Lewis & Bockius LLP and presently work out of its Miami, Florida office. On occasion, however, they may appear in federal court in the Eastern District of Pennsylvania on behalf of the firm's clients. If confirmed, I will recuse myself from any case in which either my brother or sister-in-law is involved.

For all other cases, I would assess recusal concerns in accordance with 28 U.S.C. § 455, the Code of Conduct for United States Judges, policies of the district court, and all applicable rules regarding ethics and conflicts of interest.

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

In actual conflict of interest situations based upon my current position as an Assistant United States Attorney, I would recuse myself from any and all cases and investigations I participated in and/or supervised as an Assistant United States Attorney. In other potential conflict of interest situations, I would disclose to all the parties all relevant information, allow the parties to be heard, and then rule on recusal based upon the application of judicial guidelines to the specific potential conflict of interest scenario. In reviewing all actual or potential conflicts, I would comply with the requirements of 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, policies of the district court, and all applicable rules regarding ethics and conflicts of interest.

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.

As an Assistant United States Attorney, I am prohibited from engaging in the practice of law on behalf of any entity other than the federal government. The United States Attorney's Office for the Eastern District of Pennsylvania provides certain opportunities for attorneys to volunteer with our community. Specifically, for years I have been involved with the Philadelphia Reads Program. Through this program second grade students from a local public school come once a week to our office and read with "reading buddies." I help organize the program and am a reading buddy. In addition, as my schedule allows, I also volunteer my time to promote and enhance the legal system by speaking at continuing legal education programs and judging mock trial competitions.

Because of the limitations on my pro bono work, I have found ways to continue my commitment to the disadvantaged through community involvement with my church, Horizons, as well as the Philadelphia Bar Association's Advancing Civic Education program. Most of my volunteer work centers around ways I can use my elementary school teaching background and help foster a love of reading. My service on the Board of Trustees for Horizons is focused on improving educational outcomes for students from low income families by providing quality academic and enrichment opportunities, which enable these students to realize their full potential.

I estimate that I have devoted approximately 100 hours per year to my community service activities.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so,

please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On August 28, 2018, Senator Toomey and Senator Casey announced that they were accepting applications from persons interested in filling judicial vacancies on the Federal District Court for the Eastern District of Pennsylvania. On September 16, 2018, I submitted an application to the Senators' judicial nomination advisory panel for the Eastern District of Pennsylvania for consideration.

On February 14, 2019, I interviewed with the judicial nomination advisory panel in Philadelphia, Pennsylvania. It is my understanding the panel recommended me to Senators Toomey and Casey. On May 6, 2019, I interviewed with Senator Toomey and a member of his staff at Senator Toomey's office in Allentown, Pennsylvania. On May 21, 2019, I interviewed with Senator Casey and members of his staff at the Russell Senate Office Building, in Washington, D.C. On June 3, 2019, I interviewed with the White House Counsel's Office and the Department of Justice Office of Legal Policy in Washington, D.C. Since then, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy.

- 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.

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		27	970	Notes payable to banks-secured (auto)		80	701
U.S. Government securities		4	500	Notes payable to banks-unsecured		5	900
Listed securities – see schedule		946	844	Notes payable to relatives			
Unlisted securities				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 – see schedule	1	461	939
Real estate owned – see schedule	1	992	700	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		106	500	Tuition due Episcopal Academy		20	800
Cash value-life insurance		29	900	401K Loan Karen Marston		33	063
Other assets itemize:				401K Loan Greg Buzan		17	960
15% ownership SSG-Barco, Inc.		225	000				
				Total Liabilities	1	620	363
				Net Worth	1	713	051
Total Assets	3	333	414	Total Liabilities and Net Worth	3	333	414
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax		17	680				
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

Thrift Saving Lifecycle Fund 2040	\$	136,620
Thrift Saving Lifecycle Fund 2030	\$	133,174
Thrift Saving Government G Fund	\$	150,901
TIAA CREF Money Market R1	\$	5,260
TIAA CREF Stock R1	\$	26,942
Newport American Funds Euro Pacific Growth	\$	6,529
Newport Mainstay Large Cap Growth	\$	32,670
Chevron Stock	\$	4,201
Intel Stock	\$	14,240
Janus Balanced Fund	\$	9,588
Janus Value Fund	\$	6,733
Altria Group Stock	\$	3,958
Spider index SPY Fund S&P 500	\$	5,124
Vanguard World Fund	\$	3,620
Spider Select Financial Sector XLF	\$	5,135
Vanguard 500 Index 529 plan	\$	31,151
Vanguard Age Based aggressive fund 529 plan	\$	32,128
401K Vanguard Target 2035	\$	157,500
401K Vanguard 500 Index	\$	93,290
401K Vanguard Small Cap Growth	\$	56,190
401K Vanguard Real Estate Fund	\$	31,890
Total Listed Securities	\$	<u>946,844</u>

Real Estate Owned

Personal Residence	\$	963,000
Rental Property	\$	577,000
Business Property (BBM 45% Interest)	\$	452,700
Total Real Estate Owned	\$	<u>1,992,700</u>

Real Estate Mortgages Payable

Personal Residence Mortgage	\$	668,826
Rental Property Mortgage	\$	424,113
Business Property (BBM 45% Interest) Mortgage	\$	369,000
Total Real Estate Mortgages Payable	\$	<u>1,461,939</u>

AFFIDAVIT

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

August 6, 2019
(DATE)

Karen Spencer Maister
(NAME)

State of Pennsylvania
County of Philadelphia

Beth Ann Fuhrhop
(NOTARY)

This record was acknowledged before me
on August 6, 2019.

Commonwealth of Pennsylvania - Notary Seal
Beth Ann Fuhrhop, Notary Public
Philadelphia County
My commission expires May 11, 2023
Commission number 1290547
Member, Pennsylvania Association of Notaries