

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Kathleen Mary Williams

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

United States District Judge for the Southern District of Florida

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.

Federal Public Defender for the Southern District of Florida
150 West Flagler Street, Suite 1500
Miami, Florida 33130

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

1956; Derby, Connecticut

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.

1979 – 1982, University of Miami School of Law; J.D., 1982
1974 – 1978, Duke University; B.A. (*magna cum laude*), 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.

1990 – Present
Federal Public Defender for the Southern District of Florida
150 West Flagler Street, Suite 1500
Miami, Florida 33130
Federal Public Defender (1995 – Present)
Chief Assistant Federal Public Defender (1990 – 1995)

1999 – 2000

Federal Public Defender for the Middle District of Florida
80 North Hughey Avenue, Room 417
Orlando, Florida 32801
Acting Federal Public Defender

1988 – 1990

Morgan, Lewis & Bockius
5300 First Union Financial Center
Miami, Florida 33131
Associate Attorney

1984 – 1988

United States Attorney's Office for the Southern District of Florida
99 N.E. Fourth Street
Miami, Florida 33132
Assistant United States Attorney

1987 – 1988

University of Miami School of Law
Coral Gables, Florida 33134
Adjunct Instructor of Legal Research and Writing

1982 – 1984

Fowler, White, Burnett, Hurley, Banick & Strickroot
1395 Brickell Avenue, Suite 1400
Miami, Florida 33131
Associate Attorney

1980 – 1982

Colson & Hicks
255 Aragon Avenue, Second Floor
Coral Gables, Florida 33134
Law Clerk

1978 – 1979

The Diaries of George Washington
Alderman Library
Charlottesville, Virginia 22904
Staff Assistant

1978 – 1979

National Legal Research Group, Inc.
2421 Ivy Road
Charlottesville, Virginia 22903
Clerical Assistant

Summer 1978
Crazy Horse Tavern
Palm Beach Lakes Boulevard
West Palm Beach, Florida 33401
Waitress

Other Affiliations (uncompensated)

1997 – Present (approximate)
Federal Bar Association (Miami, Chapter)
1111 Brickell Avenue, Suite 1700
Miami, Florida 33131
President (2003) & Director (1997 – Present)

1995 - Present
Florida Association of Criminal Defense Lawyers (Miami)
150 West Flagler Street
Miami, Florida 33130
Director

1994 – 1996 (approximate)
Amigos Together for Kids
801 S.W. Third Avenue, Suite 300
Miami, Florida 33130
Director

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 have not registered for selective service.

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

AV-Rated, Martindale Hubbell (current)
Lawyers in Leadership Award, U. Miami Ctr. for Ethics & Public Service (2009)
Founder's Award (Career Achievement), Fl. Assoc. of Criminal Defense Lawyers (2007)
C. Clyde Atkins Civil Liberties Award, American Civil Liberties Union (2003)
Criminal Justice Award, Dade County Bar Association (2001)
Commendation, Drug Enforcement Administration (1987)
Superior Performance Award, Department of Justice (approx. 1987)
Commendation, International Academy of Trial Lawyers (1982)
Trial Advocacy Award, University of Miami School of Law (1982)

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.

Administrative Office of the U.S. Courts (A.O.)

Advisory Process Focus Group (2008)

Defender Performance Measurement Working Group (approx. 1997 – 2008)

Defender Representative to the Joint Advisory Council of the A.O. (2002 – 2008)

Federal Defender Advisory Group, Chair (2002 – 2008)

Association of Federal Defenders

Eugene P. Spellman Inn of Court

Federal Bar Association (Miami Chapter)

President (2003) & Director (1997 – Present)

Florida Association of Criminal Defense Lawyers (Miami)

Director (1995 – Present)

Florida Association of Women Lawyers

Florida Bar Special Commission on Professional Regulation (2001)

U.S. Court of Appeals for the First Circuit

Reappointment Committee for the Federal Defender of Puerto Rico (2008)

U.S. District Court for the Southern District of Florida

Atty. Admissions, Peer Review, and Atty. Grievance Cmte. (2007 – Present)

Bench-Bar Conference Committee (2008 & 2010)

Civil Justice Advisory Group (1999 – Present)

Community Liaison Cmte. (2007 – Present)

Criminal Justice Act Panel Cmte., Chair (1995 – Present)

Defense Liaison Group to U.S. Attorney's Office (1992 – 2002, approx.)

Judicial Evaluation Cmte. (2002)

Magistrate Judge Merit Selection & Reappointment Cmtes. (various years)

Volunteer Lawyers' Project for the Southern District of Florida

Advisory Committee (approx. 1995 – Present)

As the Federal Public Defender for the Southern District of Florida since 1995, I have frequently served on Committees of the District Court and of the Administrative Office of U.S. Courts (which oversees the administration of the Federal Defender Program). I have sought to list all such committees of which I have a memory or record, but there may be others I have been unable to recall or identify.

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.

Florida, 1982

There has been no lapse in membership.

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

United States District Court for the Southern District of Florida, 1983
Supreme Court of Florida, 1982

There has been no lapse in membership.

11. Memberships:

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

Amigos Together for Kids, Director (approx. 1994 – 1996)
City Club (1988 – 1990)
Leadership Miami (1984)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

I have never been a member of any organization that currently discriminates or, to my knowledge, formerly discriminated 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.

“The Emperor’s New Clothes: The Federalization of State Crimes,” in THE FLORIDA DEFENDER (May 1999) and THE CHAMPION (Dec. 1999). Copy supplied.

The Office of the Federal Public Defender publishes a monthly “Defense Newsletter.” Copies supplied of all issues that were in my files and in Federal Defender’s Office files. A companion blog is published at <http://defensenewsletter.blogspot.com/>. Although I have not taken an active editorial role in either the newsletter or blog, my name appears on the mastheads.

I searched my memory, records, and available Internet databases, and while I have not identified other publications, there may be others I have been unable to identify or recall.

- 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.

Extracts from The Outline of the Defender Services Program Strategic Plan, January 2009. Copy supplied.

Administrative Office Advisory Process Study, 2008. Copy supplied.

Special Commission on Lawyer Regulation: Report and Recommendations, 2001. Copy supplied.

I searched my memory, records, and available Internet databases, and while I have not identified other reports, memoranda, or policy statements, there may be others I have been unable to identify or recall.

- 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.

Presentation before House and Senate Appropriations committees on need for increase in CJA compensation (Oct. 12, 2007). I have no notes, transcripts, or recording.

Testimony at Public Hearing on Proposed Amendments Before the U.S. Sentencing Comm'n (Mar. 15, 2006.)
http://www.ussc.gov/hearings/03_15_06/0315USSC.pdf. Prepared statement and transcript supplied.

Testimony/statement before January 2006 en banc session of U.S. District Court regarding local case assignment practices. Press coverage supplied.

Presentation before House and Senate Appropriations committees on need for increase in CJA compensation (2004). I have no notes, transcripts, or recording.

Statement on behalf of Fed. Pub. and Cmty. Defenders, concerning the Proposed Guideline Amendments, before the U.S. Sentencing Comm'n, Washington, D.C. 40 (Mar. 5, 1998) at http://www.ussc.gov/agendas/3_12_98/williams.pdf. Prepared statement and transcript supplied.

I searched my memory, records, and available Internet databases, and while I have not identified other testimony or official statements relating to matters of public policy, there may be others I have been unable to identify or recall.

- 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.

I done my best to identify all speeches or talks form my memory, from my records, and from available Internet databases. There are, however, other speeches and talks I have given that I cannot specifically recall and have been unable to identify. Since joining the Federal Public Defender's Office and particularly since assuming leadership of the office as the Federal Public Defender in 1995, I have made it my practice to speak frequently to law firms, lawyers' associations, and law schools about the work of the Office and the importance of pro bono work on behalf of indigent defendants. I have listed all presentations that I can; however, I have not kept comprehensive records of such presentations.

Panelist, Hunton & Williams, Miami, Florida (July 21, 2010). A discussion of available vehicles for lawyers to perform pro bono work. I have no notes, transcripts, or recording.

I participated in the "Principal for a Day" program at South Miami Middle Community School in October 2009.

Remarks to Professor Ricardo Bascuas' Criminal Procedure Class, University of Miami School of Law (Feb. 26, 2009). I discussed aspects of criminal procedure with two sitting federal judges. I have made similar presentations to Professor Bascuas' classes during other terms, but I do not recall and have been unable to identify the dates.

Keynote Speaker, Orientation for Assistant Federal Defenders, Santa Fe, New Mexico (Nov. 14, 2008). Notes supplied.

Speaker, Florida Association of Criminal Defense Lawyers Annual Dinner, Rodney Thaxton Award Ceremony, Miami, Florida (May 2008). Notes supplied.

Keynote Speaker, Florida International University College of Law Graduation Dinner, Miami, Florida (April 2008). Notes supplied.

Speaker, Federal Bar Association, West Palm Beach, Florida (Feb. 15, 2008). Notes supplied.

Keynote Speaker, Orientation for Assistant Federal Defenders, Santa Fe, New Mexico (Nov. 11, 2007). The basic outline of this presentation is within the notes I have supplied for November 14, 2008.

"Federal and State Defender Cooperation." Federal Defenders of Montana and Office of the State Public Defenders Media, Misconceptions and Misnomers Seminar, Fairmont Hot Springs, Montana (Aug. 10, 2007). I have no notes, transcripts, or recording.

"Professionalism – You'll Know it When You See It and Why You Can't Live Without It." Panelist, The Florida Bar Annual Meeting, Orlando, Florida (June 28, 2007). Notes supplied.

Speaker, Federal Bar Association, Miami, Florida (April 16, 2007). Notes supplied.

"Prosecutorial Discretion: Underused?" Moderator, Criminal Justice Ethics Symposium, American Bar Association Criminal Justice Section and University of Miami School of Law, Miami, Florida (Apr. 13, 2007). Notes supplied.

Keynote Speaker, Orientation for Assistant Federal Defenders, Santa Fe, New Mexico (Nov. 2006). The basic outline of this presentation is within the notes I have supplied for November 14, 2008.

Speaker, Florida Association of Criminal Defense Lawyers Annual Dinner, Introduction of Richard C. Klugh, Miami, Florida (May 13, 2006). Notes supplied.

Welcoming Remarks, Administrative Office of the U.S. Courts, Office of Defender Services Training Branch, "Sentencing Advocacy Workshop: Thinking Outside the Guideline Box," Miami Beach, Florida (Mar. 2, 2006). I have no notes, transcript, or recording.

Speaker, Investiture of Judge Martin Bidwill, Fort Lauderdale, Florida (Feb. 17, 2006). Notes supplied.

Speaker, Federal Bar Association, Miami, Florida (Dec. 8, 2005). Notes supplied.

"Shared Perspectives of Indigent Representation in State and Federal Courts." Panelist, Broward County Public Defender's Office, Fort Lauderdale, Florida (Nov. 17, 2005). I have no notes, transcript, or recording.

Keynote Speaker, Orientation for Assistant Federal Defenders, Santa Fe, New Mexico (Nov. 2005). The basic outline of this presentation is within the notes I have supplied for November 14, 2008.

"The Cuban Spy Trial In Miami: The Perfect Storm?" Panelist, American Constitution Society, Miami, Florida (Oct. 20, 2005). A discussion of the decision in *United States v. Campa*, 419 F.3d 1219 (11th Cir. 2005). I have no notes, transcript, or recording.

Federal Defender Breakout Session, Moderator, Eighth Circuit Judicial Conference, Colorado Springs, Colorado (Oct. 18, 2005). A discussion of national indigent defense issues with the Federal Defenders of the Eighth Circuit. I have no notes, transcript, or recording.

Speaker, Investiture of Judge William Thomas, Miami, Florida (Mar. 4, 2005). Notes supplied.

Keynote Speaker, Orientation for Assistant Federal Defenders, Santa Fe, New Mexico (Nov. 11, 2004). The basic outline of this presentation is within the notes I have supplied for November 14, 2008.

"Waivers in Plea Agreements." Winning Strategies for Defending Federal Criminal Cases, Nashville, Tennessee (July 30, 2004). A discussion of

considerations attendant to appellate waivers. I have no notes, transcript, or recording.

"Waivers in Plea Agreements: How Much Is Too Much To Waive?" Winning Strategies for Defending Federal Criminal Cases, Santa Fe, New Mexico (Apr. 23, 2004). A discussion of considerations attendant to appellate waivers. I have no notes, transcript, or recording.

"How Effective Is Federal Sentencing?" Testimony before the ABA Justice Kennedy Commission, Washington, D.C. (Nov. 13, 2003). Notes supplied.

"Plea Agreements and Waivers." Annual CJA Training Seminar, Nashville, Tennessee (Oct. 11, 2003). A discussion of considerations attendant to appellate waivers. I have no notes, transcript, or recording.

"Leadership Breakfast Series." Center for Ethics, University of Miami School of Law, Miami, Florida (Sept. 29, 2003). A discussion of a legal career in indigent defense. I have no notes, transcript, or recording.

Informal comment at inaugural meeting of Florida Bar Discipline Process Review Commission (Sept. 5, 2003). Press coverage supplied.

Acceptance remarks, American Civil Liberties Union, C. Clyde Atkins Award, Miami, Florida (May 16, 2003). Notes supplied.

"Good Faith and The Limits of Zealous Advocacy." Moderator, Criminal Justice Ethics Symposium, University of Miami, School of Law, Miami, Florida (Apr. 11, 2003). A discussion of day to day ethical questions facing the criminal practitioner. I have no notes, transcript, or recording.

Speaker, Ethics and Professionalism Award, given to Daniel Pearson, University of Miami School of Law, Miami, Florida (Apr. 3, 2003). Notes supplied.

"Charting Our Future: Hearings on The Status of Women in Law." Panelist, American Bar Association Commission on Women, Miami, Florida (Mar. 21, 2003). A discussion of challenges facing women lawyers. I have no notes, transcript, or recording.

"*Gideon v. Wainwright*: A 40th Birthday Celebration." Panelist, FACDL-Miami Chapter and the Federal Public Defender's Office for the Southern District of Florida, Miami, Florida (Mar. 18, 2003). A discussion of the importance and continued viability of *Gideon v. Wainwright*. I have no notes, transcript, or recording.

"Your Client and The Media." Panelist, Advanced Federal Criminal Practice, Miami, Florida (Jan. 30, 2003). I have no notes, transcript, or recording.

Keynote Speaker, Orientation for Assistant Federal Defenders, Santa Fe, New Mexico (Nov. 4, 2002). The basic outline of this presentation is within the notes I have supplied for November 14, 2008.

"Pre-Indictment/Information Ethical Considerations." Panelist, Criminal Justice Ethics Symposium, University of Miami, School of Law, Miami, Florida (Apr. 26, 2002). I have no notes, transcript, or recording.

"Challenges/Problems Running a Defender Office." Moderator, Annual Federal Defender Conference, Marco Island, Florida (Dec. 5, 2001). I have no notes, transcript, or recording.

"Investigation of a Drug Case." Montana Association of Criminal Defense Attorneys Annual Seminar, Great Falls, Montana (Aug. 23, 2001). A discussion of what to consider in defending methamphetamine prosecutions. I have no notes, transcript, or recording.

"Preparing Your Case To Win—Themes, Theories and Facts." Winning Strategies For Defending Federal Criminal Cases, San Antonio, Texas (Sept. 21-23, 2000). I have no notes, transcript, or recording.

"Defending State Crimes in Federal Court." Florida Association of Criminal Defense Lawyers Annual Meeting, Miami Beach, Florida (June 9, 2000). A discussion of the federalization of traditional state crimes. I have no notes, transcript, or recording.

"Do We Understand Diversity?" Panelist, National Seminar for Federal Defenders, New Orleans, Louisiana (June 5-7, 2000). I have no notes, transcript, or recording.

"Firearms Programs." Panelist, The Federal Bar Association of the United States Sentencing Commission Annual Seminar On the Federal Sentencing Guidelines, Clearwater Beach, Florida (May 4, 2000). A discussion of guideline sentences in firearms cases. I have no notes, transcript, or recording.

"CJA Panel Administrations and Issues." Panelist, National Conference of CJA Panel Attorneys, Albuquerque, New Mexico (Mar. 3-5, 2000). I have no notes, transcript, or recording.

"Issues of Common Concern, CJA Panel Support." Panelist, Annual Federal Defender Conference, San Diego, California (Jan. 24-26, 2000). I have no notes, transcript, or recording.

"Ethical Issues in Criminal Prosecution." Panelist, American Inns of Court, Fort Lauderdale, Florida (Jan. 18, 2000). I have no notes, transcript, or recording.

Remarks at retirement celebration for U.S. District Judge Edward B. Davis (approx. June 2000). I have no notes, transcript, or recording.

"Initial Appearance and The Bail Hearing." Winning Strategies of Defending Federal Criminal Cases, Savannah, Georgia (June 3-5, 1999). I have no notes, transcript, or recording.

"Federalization of State Criminal Laws." Panelist, Federalist Society, Miami, Florida (Apr. 29, 1999). I have no notes, transcript, or recording. Press coverage with statement supplied.

"Current Issues in Federal Death Penalty Litigation." Moderator, Federal Death Penalty Litigation Seminar, Miami, Florida (Mar. 11, 1999). I have no notes, transcript, or recording.

"The Pretrial Process." Winning Strategies for Defending Federal Criminal Cases, Portland, Maine (Aug. 27-28, 1998). A discussion of pretrial issues that shape litigation. I have no notes, transcript, or recording.

"Bail." Winning Strategies for Defending Federal Criminal Cases, Dallas, Texas (June 19, 1998). I have no notes, transcript, or recording.

"Women As Cross-Examiners." American Bar Association Criminal Justice Section, Mid-Year Meeting, New York, New York (Apr. 22-25, 1998). A demonstration of cross-examination by women attorneys. I have no notes, transcript, or recording.

"Recent Developments in Guideline Sentencing." National Seminar for Federal Defenders, Atlanta, Georgia (Mar. 23-24, 1998). I have no notes, transcript, or recording.

I recall specifically speaking to Women's Business Forums in Dade and Broward counties, but cannot recall topics or dates (I believe these programs were conducted in the mid-1990's and sometime after 2002, respectively).

Since 1996, I have designed and coordinated the annual CJA/FPD litigation seminar for the Southern District of Florida. At each of these programs, I have moderated a panel entitled "A View from the Bench" or "CJA Town Meeting" where indigent defense lawyers engage in a dialogue with District Judges and CJA program administrators. I have no notes, transcripts, or recordings of these panels.

Also, as Chairperson of the Defender Services Advisory Group, I spoke at most every annual, national Defender and CJA Conference since 2002. Except for those presentations I have listed above, I have no notes, transcripts, or recordings of these appearances.

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

I have searched my files and publicly-available Internet databases to identify all interviews I have given, but there may be others I have been unable to recall or identify. Clips supplied for all interviews listed.

"Class notes," Barrister Alumni Magazine, Volume LXI, Fall 2009.

"JNC Picks 3 Judicial Finalists," MIAMI DAILY BUSINESS REVIEW, JULY 17, 2009.

"Scales of Justice: The Right to Counsel vs. the Need to Bar Tainted Legal Fees," THE WALL STREET JOURNAL, Nov. 20, 2008.

"Federal Defender Williams Leads Other Districts, Staff by Example," MIAMI DAILY BUSINESS REVIEW, Nov. 17, 2008.

"Naming Names: Likely Candidates for U.S. Attorney Post," BROWARD DAILY BUSINESS REVIEW, Nov. 10, 2008.

"Cocaine Prison Terms Reduced," FORT LAUDERDALE SUN-SENTINEL, Sept. 21, 2008.

"Defense Bar Protests Removal of Plea Deals from U.S. Website," MIAMI DAILY BUSINESS REVIEW, Apr. 23, 2007.

"Federal P.D. Starts Fourth Term," MIAMI DAILY BUSINESS REVIEW, FEB. 12, 2007.

"Federal Courts Face Layoffs, Loss of Services as an Already Bare-Bones Budget Remains Frozen," MIAMI DAILY BUSINESS REVIEW, Jan. 31, 2007.

"U.S. Seeking Wider Web Ban Protecting Plea Deal 'Snitches,'" MIAMI HERALD, Jan. 25, 2007.

"Three's the Charm?" MIAMI DAILY BUSINESS REVIEW, Dec. 19, 2005.

"Additional Federal Judges Tied to Split of 9th Circuit," MIAMI DAILY BUSINESS REVIEW, Dec. 5, 2005.

"Rules Secrecy Ends, But Direct Transfers of Cases Continues," MIAMI DAILY BUSINESS REVIEW, Nov. 21, 2005.

“Little-Known U.S. Attorney Makes Rounds,” MIAMI DAILY BUSINESS REVIEW, Aug. 1, 2005.

“Judge Skips Criminal Cases as Feds Target His Secretary,” MIAMI DAILY BUSINESS REVIEW, July 11, 2005.

“Judges Maintain Secret Policy Manual,” MIAMI DAILY BUSINESS REVIEW, June 15, 2005.

“Miami Attorney Debates Scalia at Supreme Court,” MIAMI DAILY BUSINESS REVIEW, June 13, 2005.

“Free at Last,” MIAMI DAILY BUSINESS REVIEW, May 9, 2005.

“‘Vanishing trial’ a Disturbing Trend,” WESTSIDE GAZETTE, March 17, 2005 - March 23, 2005.

“Pleas Favored Over Trials,” MIAMI HERALD, Mar. 14, 2005.

“Locals Dubious as Boot Camp Gets the Boot,” MIAMI DAILY BUSINESS REVIEW, Feb. 14, 2005.

“Florida Bar Scrutinizes Discipline for Lawyers,” PALM BEACH POST, March 5, 2004.

“Security Fears End Miami Trial,” BROWARD DAILY BUSINESS REVIEW, Nov. 7, 2003.

“Defense Funding Crisis,” MIAMI DAILY BUSINESS REVIEW, Oct. 3, 2003.

“Grievance Group Gears Up For Year-Long Examination,” FLORIDA BAR NEWS, Oct. 1, 2003.

“Reuben Camper Cahn, 2003 Outstanding Assistant Federal Defender,” LIBERTY LEGEND, Fall 2003.

“Court Secrets,” MIAMI DAILY BUSINESS REVIEW, May 9, 2003.

“Immigration Crackdown Snares Arriving Haitians,” MIAMI HERALD, May 5, 2003.

“Belief in Brown Unites Defenders,” FORT LAUDERDALE SUN-SENTINEL, Apr. 27, 2003.

“Asylum Seekers Face U.S. Charges,” FORT LAUDERDALE SUN-SENTINEL, Apr. 16, 2003.

“Confession of Retarded Teenager Tossed Out in 1990 Cop Killing,” MIAMI DAILY BUSINESS REVIEW, Mar. 20, 2003.

“Federal Prosecutors Ordered to Seek Death Penalty,” MIAMI DAILY BUSINESS REVIEW, Jan. 29, 2003.

“Contractor Gets One Year in Airport Bribery Case,” MIAMI HERALD, Apr. 18, 2002.

“Bush Urged to Order Behan Review,” MIAMI HERALD, Mar. 16, 2002.

“Kathy Williams Next Chair of Defender Services Advisory Group,” LIBERTY LEGEND, Winter 2002.

“Panel Lawyers in U.S. Courts to Get Pay Hike,” MIAMI DAILY BUSINESS REVIEW, Dec. 20, 2001.

“Ex-Guard Gets Prison in Krome Sex Case,” FORT LAUDERDALE SUN-SENTINEL, July 25, 2001.

“Grant Thornton’s Stein Lands International Promotion,” MIAMI HERALD, Apr. 24, 2000.

“Proud as a Peacock,” MIAMI HERALD, Apr. 24, 2000.

“Smugglers Face Few Risks in Federal Court,” PALM BEACH POST, Mar. 14, 1999.

“Theodore Sakowitz, 75, had been U.S. Public Defender,” MIAMI HERALD, Jan. 20, 1999.

“Kathleen M. Williams, Federal Public Defender,” BROWARD DAILY BUSINESS REVIEW, Jan. 7, 1999.

“Poor Defense: The Nation’s Top Prosecutor Launches Campaign to Upgrade Legal Representation of Indigent Defendants,” MIAMI DAILY BUSINESS REVIEW, June 10, 1998.

“Key Biscayne Realtor, Cash Disappear,” MIAMI HERALD, June 1, 1998.

“Making Federal Case of Tourist Attacks Fails,” MIAMI HERALD, Apr. 29 1998.

“Lithuanians Held in Miami in Probe of Nuclear Weapons Deals,” MIAMI HERALD, July 7, 1997.

"2 Held in Alleged Scheme to Sell Nuclear Weapons," LOS ANGELES TIMES, July 2, 1997.

"Tailing Turns into High-Tech Endeavor," THE ORANGE COUNTY REGISTER, Jan. 27, 1997.

"Legal Eagles Needed for Volunteer Project," MIAMI HERALD, Nov. 25, 1996.

"Appellate U.S. Attorney Retiring After 23 Years," BROWARD DAILY BUSINESS REVIEW, Sept. 19, 1996.

"Lawyers: Public Defense Cases Not Worth Time, Expense," PALM BEACH POST, Feb. 11, 1996.

"Punishment in War on Drugs Not ColorBlind, Lawyers Say," MIAMI HERALD, Nov. 24, 1995.

"Colombia's Heroin Couriers: Swallowing and Smuggling," THE NEW YORK TIMES, Nov. 2, 1995.

"Simpson-Inspired Tactic in Local Courts," MIAMI DAILY BUSINESS REVIEW, Sept. 22, 1995.

"Officials Voice Doubts About Restitution Bill," FORT LAUDERDALE SUN SENTINEL, Feb. 11, 1995.

"U.S. Judge Rules Crack Sentences Don't Target Blacks," PALM BEACH POST, Dec. 17, 1994.

"Hard Time for Hard Cases," SOUTH FLORIDA SUN-SENTINEL, Sept. 27, 1992.

"Crack Crackdown Singles Out Blacks, Lawyers Say," PALM BEACH POST, May 10, 1992.

"Case Against Noriega Buffeted by Inconsistency; Witnesses Draw a Sketchy Drug Connection," WASHINGTON POST, Oct. 6, 1991.

"Associates Jump Ship, Go Public," THE NATIONAL LAW JOURNAL, Aug. 5, 1991.

"Young Lawyers Competing for Jobs," MIAMI HERALD, Apr. 29, 1991.

"Murderer Got a Fair Trial, Report Says," PALM BEACH POST, Oct. 31, 1990.

"Convicted Killer Seeks New Trial, Cites Romance," MIAMI HERALD, Sept. 21, 1990.

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

I have not held judicial office.

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

- 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 have not served as a judge.

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.

In 1995, I was appointed by the United States Court of Appeals for the Eleventh Circuit to be Federal Public Defender for the Southern District of Florida. I have since been reappointed by the same Court to successive terms. I was also appointed by the same Court to be Acting Federal Public Defender for the Middle District of Florida from 1999 to 2000. I have not held elective office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have never held office in any political party or election committee. I have never held a position or played a role in a political campaign.

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 have not served as clerk to a judge.

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

I have not practiced law 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.

1982 – 1984

Fowler, White, Burnett, Hurley, Banick & Strickroot
1395 Brickell Avenue, Suite 1400
Miami, Florida 33131
Associate Attorney

1984 – 1988

United States Attorney's Office for the Southern District of Florida
99 N.E. Fourth Street
Miami, Florida 33132
Assistant United States Attorney

1988 – 1990

Morgan, Lewis & Bockius
5300 First Union Financial Center
Miami, Florida 33131
Associate Attorney

1999 – 2000

Federal Public Defender for the Middle District of Florida
80 North Hughey Avenue, Room 417
Orlando, Florida 32801
Acting Federal Public Defender

1990 – Present

Federal Public Defender for the Southern District of Florida

150 West Flagler Street, Suite 1500

Miami, Florida 33130

Federal Public Defender (1995 – Present)

Chief Assistant Federal Public Defender (1990 – 1995)

- 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.

As a law firm associate from 1982 to 1984, I participated in insurance defense litigation. I then served four years as an Assistant United States Attorney from 1984 to 1988, during which time I was a federal criminal prosecutor. I returned to private practice from 1988 to 1990, where I worked on labor litigation and white collar criminal defense matters. Since 1990, I have been a full-time criminal defense practitioner representing indigent individuals accused of federal crimes.

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

As an attorney in the private sector, my clients were primarily corporate entities with occasional representation of individual clients. Specifically, while at Fowler White from 1982 to 1984, I defended private insurance companies, city and county interests, hospital trusts, and corporations. While at Morgan, Lewis & Bockius from 1988 to 1990, my clients included financial institutions, government contractors, and multi-national corporations, which I represented in both criminal and labor litigation contexts.

As an attorney for the Department of Justice, I represented the efforts of federal law enforcement agencies and the interests of the people of the United States in bringing criminal prosecutions against persons accused of violations of federal law. The cases I handled ranged from simple narcotics and weapons matters to complex money-laundering and RICO litigation.

As the Federal Public Defender, I represent persons accused of violating federal criminal statutes who cannot afford to retain an attorney. My client demographics are multi-cultural, multi-ethnic, and multi-lingual. The only characteristic common among my clients is the financial inability to hire legal counsel of the client's choice. The matters we handle encompass a wide range of litigation including immigration, complex fraud, and national security.

- 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.

As a law firm associate from 1982 to 1984 and from 1988 to 1990, I appeared in court occasionally. As an Assistant United States Attorney from 1984 to 1988, I appeared in court frequently. When I joined the Federal Defender's Office in 1990, and while Chief Assistant, I appeared in court frequently. However, after becoming the Federal Defender and the Chair of the Defender Services Advisory Group, my time in Court decreased to occasional appearances.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 90% |
| 2. state courts of record: | 10% |
| 3. other courts: | |
| 4. administrative agencies: | |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 15% |
| 2. criminal proceedings: | 85% |

- 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-nine cases to verdict.

Since joining the Federal Defender's Office, I have tried one case alone and have tried approximately nine cases as co-counsel, twice in a lead attorney capacity. While an associate attorney with Morgan, Lewis & Bockius, I was co-counsel in an arbitration matter tried before a special master, and I tried one forfeiture case (non-jury) as lead counsel. As an Assistant United States Attorney, I tried approximately twenty-six cases to verdict; in all but five of the cases, I was sole counsel. I tried two cases to verdict while an attorney at Fowler White, as co-counsel.

- i. What percentage of these trials were:
 - 1. jury: 97%
 - 2. non-jury: 3%
- 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 never appeared before the Supreme Court of the United States nor have I personally authored any briefs filed with the Court; however, matters have been presented to and argued before the Court by attorneys in my office under my name as Federal Public Defender. For example, Assistant Federal Public Defenders routinely file petitions for certiorari in the Court on behalf of their clients. Hundreds of these petitions have been submitted under my name in the fifteen years I have been the Federal Defender.

Additionally, two cases have been briefed and argued before the Court by two different Assistant Federal Defenders during my time as Federal Public Defender. They were:

Dodd v. United States, 545 U.S. 353 (2005)

Gonzalez v. Crosby, 544 U.S. 969 (2005)

Finally, in addition to one amicus brief authored by an attorney in my office in the matter of *Boumediene v. Bush*, 553 U.S. 723, 128 S. Ct. 2229 (2008), my office has been a co-signator with all federal and community defenders in the United States in the following cases:

Magwood v. Culliver, 130 S. Ct. 1117 (2010)

Dillon v. United States, 130 S. Ct. 797 (2009)

Barber v. Thomas, 130 S. Ct. 737 (2009)

Kimbrough v. United States, 552 U.S. 85 (2007)

Gall v. United States, 552 U.S. 38 (2007)

Rita v. United States, 551 U.S. 338 (2007)

Mujahid v. Daniels, cert. denied 547 U.S. 1149 (2006) (amicus in support of cert. petition)

There may be other cases that I have been unable to recall or identify on which my name appears on the brief in an institutional capacity.

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

in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

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

- (1) *United States v. Dolores Eirin, Roberto Botero, et al.*, Case No. 81-6018-Cr EPS; *United States v. Eirin*, 778 F.2d 722 (11th Cir. 1985). In this case, I was co-counsel for the government, assisting the Chief Assistant of the office. The indictment alleged that wealthy and socially prominent Colombian businessman, Roberto Botero, aided by bank employee Dolores Eirin and others, laundered \$57 million through the Landmark Bank of Ft. Lauderdale over a ten month period. Mr. Botero and Mrs. Eirin were found guilty on all counts.

The trial took place in July 1984, presided over by U.S. District Judge Eugene P. Spellman (since deceased). My Co-Counsel was: Gerald Houlihan, Esq., 9130 South Dadeland Boulevard, Suite 1209, Miami, Florida 33156; Telephone: (305) 460-4091. Opposing Counsel were: Joel Hirschhorn, Esq., 550 Biltmore Way, PH 3-A, Coral Gables, Florida 33134; Telephone: (305) 445-5320; David Bogenschutz, Esq., 600 South Andrews Avenue, Suite 500, Ft. Lauderdale, Florida 33301; Telephone: (954) 764-2500.

- (2) *United States v. Hernan Botero*, 81-6018-Cr-EPS. After extradition to the United States, Hernan Botero was tried for the money laundering activities described in (1). Mr. Botero was found guilty on all counts.

The trial took place June 18-25, 1985, presided over by U.S. District Judge Eugene P. Spellman (since deceased). Co-Counsel was: Gerald Houlihan, Esq., 9130 South Dadeland Boulevard, Suite 1209, Miami, Florida 33156; Telephone: (305) 460-4091. Opposing Counsel was: Neal Sonnett, Esq., 2 South Biscayne Boulevard, Suite 2600, Miami, Florida 33131; Telephone: (305) 358-2000.

- (3) *United States v. Madruga*, Case No. 86-00976-Cr-ALH; *United States v. Madruga*, 810 F.2d 1010 (11th Cir. 1987). I was sole counsel for the United States. This litigation was one of the first prosecutions brought pursuant to a new money laundering statute (Title 18 U.S.C. Section 1956). While Mr. Madruga and several of the more culpable defendants pled prior to trial, the two remaining defendants were convicted by a jury on all counts.

The trial took place September 14-22, 1987, presided over by then-U.S. District Judge Alcee Hastings. Opposing Counsel were: Jack Denaro, Esq., 7700 North Kendall Drive, Suite 504, Miami, Florida 33156; Telephone: (305) 274-9550; Miguel del Aguila, Esq.,

6161 Blue Lagoon Drive, Suite 400, Miami, Florida 33126; Telephone: (305) 267-4665; Emilio de la Cal, Esq., 780 N.W. LeJeune Road, Suite 525, Miami, Florida 33126; Telephone: (305) 444-8244.

- (4) *United States v. Luis Castano-Ochoa, et al.*, Case No. 86-0138-Cr-WMH.
This case was a RICO prosecution brought against members of the Ochoa cocaine cartel. Mr. Castano-Ochoa and his co-defendant were found guilty on all counts. I was co-counsel for the government.

The trial took place May 5-June 15, 1987, presided over by U.S. District Judge William H. Hoeveler. Co-Counsel was: Richard Gregorie, Assistant United States Attorney, 99 N.E. Fourth Street, Miami, Florida 33132; Telephone: (305) 961-9148. Opposing Counsel were: Neal Sonnett, Esq., 2 South Biscayne Boulevard, Suite 2600, Miami, Florida 33131; Telephone: (305) 358-2000; Douglas Hartman, Esq., 10680 N.W. 25th Street, Suite 200, Miami, Florida 33172; Telephone: (305) 477-1184.

- (5) *Robinson v. Caulkins Indiantown Co.*, Case No. 83-8655-Civ-WMH;
Cardin v. Via Tropical Fruits, Inc., et al., Case No. 88-14201-Civ-SM.
Both the *Robinson* and *Cardin* matters arose from allegations of racial and sexual discrimination at a Florida orange grove and juice processing plant. I was co-counsel for corporate defendants.

Robinson was resolved after I left the firm in 1990. It was presided over by U.S. District Judge William C. Hoeveler. Co-Counsel was: Terence Connor, Hunton & Williams LLP, 111 Brickell Avenue, Suite 2500, Miami, Florida 33131; Telephone: (305) 810-2517. Opposing Counsel was: Peter Helwig, Esq., 6700 South Florida Avenue, Suite 31, Lakeland, Florida 33813; Telephone: (863) 648-2958.

Cardin was resolved after I left the firm. It was presided over by U.S. District Judge Stanley Marcus. Co-Counsel was: Terence Connor, Hunton & Williams LLP, 111 Brickell Avenue, Suite 2500, Miami, Florida 33131; Telephone: (305) 810-2517; Opposing Counsel was: Joseph A. Vassallo, Esq., Vassallo & Bilotta, 1920 Wekiva Way, Suite 102, West Palm Beach, Florida 33411; Telephone: (561) 432-1994.

- (6) *United States v. William Murray, et al.*, Case No. 93-10003-Cr-JLK.
This case charged a group of Key West citizens with distribution of narcotics. I represented defendant William Murray. The jury returned a verdict of not guilty for my client, Mr. Murray, and another co-defendant. A mistrial was declared as to two other co-defendants after the jury could not reach a verdict in their cases.

The case was tried July 14-29, 1993, presided over by U.S. District Judge James L. King. Co-Counsel were: Mel Black, Esq., 2937 S.W. 27th Avenue, Suite 202, Miami, Florida 33133; Telephone: (305) 443-1600; Richard Hersch, Esq., 2937 S.W. 27th Avenue, Suite 206, Coconut Grove, Florida 33133; Telephone: (813) 229-6585; William Aaron, Esq., 200 South Biscayne Boulevard, Suite 2770, Miami, Florida 33131; Telephone: (305)

371-5800. Opposing Counsel was: Guy Lewis, 3059 Grand Avenue, Suite 340, Coconut Grove, Florida 33133; Telephone: (305) 442-1101.

(7) *United States v. Lemar Smith*, Case No. 00-704-Cr-DLG.

Mr. Smith, a guard at Krome Detention Center, was charged with the sexual assault of a detainee. The case was resolved by a misdemeanor plea. I was co-counsel for Mr. Smith along with now Chief Assistant Federal Defender Michael Caruso.

Mr. Smith's plea, sentencing, and restitution hearing took place in 2001, presided over by U.S. District Judge Donald L. Graham. Co-counsel was Michael Caruso, Chief Assistant Federal Public Defender, 150 West Flagler Street, Suite 1700, Miami, Florida 33130; Telephone: (305) 530-7000. Opposing Counsel were: Magistrate Patrick A. White, 301 North Miami Avenue, Third Floor, Miami, Florida 33128; Telephone: (305) 523-5780; Scott Ray, Assistant United States Attorney, 10723 Gloxinia Drive, Rockville, Maryland 20852; Telephone: Unknown.

(8) *United States v. Dale Babb*, Case No. 90-79-Cr-FAM.

Mr. Babb was charged with illegal possession of a weapon by a convicted felon. He was found not guilty after a jury trial. I was co-counsel to the Assistant Federal Defender assigned to represent Mr. Babb.

Trial took place in spring 1991, presided over by U.S. District Judge Federico A. Moreno. Co-Counsel was: Linda Osberg-Braun, Esq., 11900 Biscayne Boulevard, Suite 700, Miami, Florida 33181; Telephone: (305) 895-0300. Opposing Counsel was: Eduardo Palmer, Esq., 2100 Salzedo Street, Suite 300, Miami, Florida 33134; Telephone: (305) 476-1100.

(9) *United States v. Brenda Jackson*, Case No. 90-927-Cr-KLR.

Ms. Jackson was charged with postal embezzlement and was found guilty after a jury trial. I was co-counsel to the Assistant Federal Defender assigned to represent Mr. Jackson.

Trial took place March 1991, presided over by U.S. District Judge Kenneth L. Ryskamp. Co-Counsel was: Circuit Court Judge Mary Barzee, Richard E. Gerstein Building, 1351 N.W. 12th Avenue, Room 217, Miami, Florida 33125; Telephone: (305) 349-7074. Opposing Counsel was: Steve Petri, Assistant United States Attorney, 500 East Broward Boulevard, Seventh Floor, Fort Lauderdale, Florida 33394; Telephone: (954) 356-7255.

(10) *United States v. Ignacio Ramirez*, Case No. 85-539-Cr-EBD.

This case involved allegations of narcotics violations. Our client was found not guilty after a jury trial. I was co-counsel to the Assistant Federal Defender assigned to represent Mr. Ramirez.

Trial was July 8-10, 1991, presided over by U.S. District Judge Edward B. Davis (since deceased). Co-Counsel was: Jacqueline Rubin, Esq. (since deceased). Opposing Counsel

was: Karen Rochlin, Assistant United States Attorney, 99 N.E. Fourth Street, Room 820, Miami, Florida 33132; Telephone: (305) 961-9234.

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 the Federal Public Defender for the Southern District of Florida since 1995, I personally have represented indigent defendants as well as overseen thousands of additional representations. My management responsibilities have included hiring and personnel management, training design, and case management. It has been my privilege to lead a team of attorneys that has acquired a reputation for vigorous advocacy and earned a wide range of accolades in doing so (for example, the BACDL Harry Gulkin Award in 2002; the Miami Chapter FACDL Rodney Thaxton Award in 1996, 1998, 2001, 2004, 2006, 2007 and 2008; the West Palm Beach Federal Bar Association Kenneth Ryskamp Award in November 17, 2005).

I am especially proud of the programs our office has built to train, supervise, and provide continuing education and mentorship to public defenders. We were honored by the Senate's recognition of our work in S. Rept. 108-344 (2004), wherein the Senate Appropriations Committee stated that it "enthusiastically supports the program [the Federal Defender's Office for the Southern District of Florida] has built and highly encourages the judiciary to use their complete program as a guide for other [Federal Defenders' Offices] to follow."

I also count my leadership of the Defender Services Advisory Group as a defining period in my career. For six years, I represented Federal and Community Defenders and Criminal Justice Act lawyers around the country to the Defender Services Committee, a Judicial Conference committee that governs the federal indigent defense program, as well as in other attendant venues. Being the voice of the Defender program in matters ranging from substantive legal policy to appropriations issues was a significant challenge and a singular honor for me. The responsibility of educating decision makers as to the importance of a robust indigent defense program has made me a more effective leader in the legal community and a more effective participant in the apparatus of modern government.

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 taught legal research and writing to law students at the University of Miami School of Law during the 1987 to 1988 school year. The course was designed to introduce students to appellate brief writing and research. I have not retained a syllabus.

I have had a supporting role in the Federal Appellate Clinic at the University of Miami School of Law, launched last year by a former Assistant Federal Public Defender in my office who is now a tenured professor at the University of Miami. Students in the clinic work with appellate attorneys in our office.

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

None.

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

I have no such plans, commitments, or agreements.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I would recuse myself from any cases involving clients or former clients represented by the Federal Public Defender's Office for the Southern District of Florida during my tenure as Defender.

My partner of the past 26 years is a senior attorney at the Department of Justice in Washington, D.C. Accordingly, in our current roles, I have recused myself from involvement in any prosecutions he supervises (the Chief Assistant Federal Defender has served as Acting Federal Defender in such cases and makes all decisions attendant to those litigations). If confirmed as a judge, I would recuse myself from any prosecutions in which my partner is counsel, supervisor, or has any other role. I anticipate such cases would be relatively rare.

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

If confirmed, I will handle all matters involving actual or potential conflicts of interests through the careful and diligent application of Canon 3 of the Code of Conduct for United States Judges, as well as other relevant canons and statutory provisions.

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 a public defender representing indigent criminal defendants since 1990, my full-time work has been in serving the disadvantaged. In addition, I have worked with community organizations such as Amigos Together For Kids and have taken every opportunity to speak at different venues on the importance of equal justice and the rule of law.

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 May 1, 2009, John M. Fitzgibbons, Chair of the Florida Federal Judicial Nominating Commission issued a notice that the Commission was accepting applications for the position of United States District Judge for the Southern

District of Florida. I submitted an application to the Commission and was thereafter interviewed by the Commission on July 15, 2009. On July 20, 2009, Mr. Fitzgibbons wrote to Senator Bill Nelson and Senator Mel Martinez recommending me as one of three finalists for the position.

On September 2, 2009, I met with Senator Nelson and Senator Martinez in Miami, Florida. Since October 28, 2009, I have been in contact with pre-nomination officials at the Department of Justice. On December 15, 2009, I interviewed in Washington, D.C., with attorneys from the White House Counsel's Office and the Department of Justice. On July 21, 2010, the President submitted my nomination to the Senate.

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

No.

**FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2009**

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

1. Person Reporting (last name, first, middle initial) Williams, Kathleen M.	2. Court or Organization Southern District of Florida	3. Date of Report 07/23/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) United States District Judge	5a. Report Type (check appropriate type) ☒ Nomination, ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period to 01/01/2009 - 06/30/2010
7. Chambers or Office Address 150 West Flagler Street Suite 1500 Miami, Florida 33130	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	

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

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

☒ NONE *(No reportable positions.)*

POSITION

NAME OF ORGANIZATION/ENTITY

1.	
2.	
3.	
4.	
5.	

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

☒ NONE *(No reportable agreements.)*

DATE

PARTIES AND TERMS

1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 6

Name of Person Reporting

Williams, Kathleen M.

Date of Report

07/23/2010

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☒ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1.		
2.		
3.		
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☒ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1.	
2.	
3.	
4.	

IV. REIMBURSEMENTS — *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
Exempt				
1.				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 6

Name of Person Reporting
Williams, Kathleen M.Date of Report
07/23/2010**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Exempt		
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☐ NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	Neiman Marcus	Revolving Credit Card	J
2.	American Express	Revolving Credit Card	J
3.	Wachovia	Secured Note/Equity Line	M
4.			
5.			

FINANCIAL DISCLOSURE REPORT

Page 4 of 6

Name of Person Reporting
Williams, Kathleen M.

Date of Report
07/23/2010

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

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

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. United Technologies Stock	E	Dividend	N	T	Exempt				
2. ATT Stock	C	Dividend	K	T					
3. Edison International Stock	A	Dividend	K	T					
4. Lockheed Martin Stock	B	Dividend	K	T					
5. IBM Stock	B	Dividend	K	T					
6. Manulife Stock	A	Dividend							
7. Martin Marietta Stock	A	Dividend							
8. Wachovia Money Market Sweep	A	Interest	J	T					
9. Tax Exempt Municipal Bond	A	Interest	J	T					
10. Hartford Fort Small Cap (HSLCX)		None	M	T					
11. Pioneer Hi Income Municipals (HICMX)	B	Dividend	M	T					
12. Princ Preferred Sec (PRFCX)	A	Dividend	L	T					
13. Allianz Vision Variable Annuity		None	M	T					
14. Nationwide All American Annuity		None	M	T					
15.									
16.									
17.									

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

FINANCIAL DISCLOSURE REPORT

Page 5 of 6

Name of Person Reporting

Williams, Kathleen M.

Date of Report

07/23/2010

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

Investments reported in Part VII, lines 6 and 7, were fully divested prior to the end of the reporting period.

FINANCIAL DISCLOSURE REPORT

Page 6 of 6

Name of Person Reporting

Williams, Kathleen M.

Date of Report

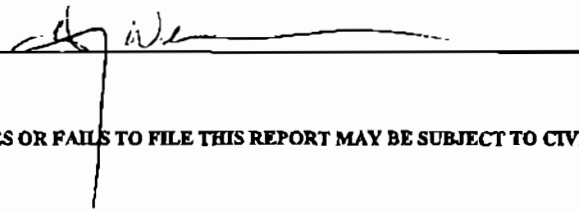
07/23/2010

IX. CERTIFICATION.

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

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

Signature



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

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

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

FINANCIAL STATEMENT

NET WORTH

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

ASSETS				LIABILITIES			
Cash on hand and in banks		3	495	Notes payable to banks-secured		179	807
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities—see schedule		772	595	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due		3	499
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable			
Real estate owned primary residence		400	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		40	000	Auto Loan		16	640
Cash value-life insurance							
Other assets itemize:							
Thrift Savings Program		467	003				
Allianz Vision Variable Annuity		238	863				
Nationwide All American Annuity		235	573	Total liabilities		199	946
Tax Exempt Sec Tr			206	Net Worth	1	957	789
Total Assets	2	157	735	Total liabilities and net worth	2	157	735
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged?	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							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULE

Listed Securities

AT&T	\$ 34,023
Edison International	17,186
IBM	25,606
Lockheed Martin	22,179
United Technologies	330,150
Hartford Fort Small Cap (HSLCX)	117,505
Pioneer Hi Income Municipals (HICMX)	151,613
Princ Preferred Sec (PRFCX)	74,333
Total Listed Securities	772,595

AFFIDAVIT

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

7/26/10
(DATE)

Kathleen Williams
(NAME)

Sworn and subscribed before me this 26th day of July, 2010.
*Personally known to me.

Deborah McMullen Richman
(NOTARY)

