

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Leo Theodore Sorokin

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

United States District Judge for the District of Massachusetts

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 District Court for the District of Massachusetts
 One Courthouse Way, Suite 7410
 Boston, Massachusetts 02210

Residence: Brookline, Massachusetts

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

1961; Hartford, 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.

1988 – 1991, Columbia Law School; J.D., 1991

1979 – 1983, Yale College; B.A. (*cum laude*), 1983

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.

January 2013 – present
Boston University School of Law
765 Commonwealth Avenue

Boston, Massachusetts 02215
Adjunct Professor

2005 – present
United States District Court for the District of Massachusetts
One Courthouse Way
Boston, Massachusetts 02210
Magistrate Judge (2005 – 2012)
Chief Magistrate Judge (2012 – present)

1997 – 2005
Federal Public Defender Office
51 Sleeper Street, Number Five
Boston, Massachusetts 02210
Assistant Federal Public Defender

1994 – 1997
Office of the Attorney General, Commonwealth of Massachusetts
One Ashburton Place
Boston, Massachusetts 02108
Assistant Attorney General and Opinions Coordinator (1996 – 1997)
Assistant Attorney General (1994 – 1996)

1992 – 1994
Mintz Levin
One Financial Center
Boston, Massachusetts 02111
Associate

September 1991 – August 1992
Honorable Rya W. Zobel
United States District Court for the District of Massachusetts
One Courthouse Way, Suite 6110
Boston, Massachusetts 02210
Law Clerk

January – April 1991
United States Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
Intern

Summer 1990
Debevoise & Plimpton LLP
919 Third Avenue

New York, New York 10022
Summer Associate

July 1990 (one week)
Vera Institute of Justice
223 Broadway, 12th Floor
New York, New York 10279
Summer Intern

Summer 1989
New York City Law Department
(formerly, Corporation Counsel for the City of New York)
100 Church Street
New York, New York 10007
Summer Associate

Spring Semester 1989
Columbia Law School
435 West 116th Street
New York, New York 10027
Research Assistant for Professor Michael Young

1985 – 1988
Rowe Software, Inc.
Framingham, Massachusetts
Computer Programmer
(This company no longer exists.)

Fall 1983 – Spring 1985 (intermittently, part-time)
State Representative Richard Tulisano (deceased)
Rocky Hill, Connecticut 06067
Political Consultant

April – June 1984
Friedman & Atherton LLP
53 State Street
Boston, Massachusetts 02109
Paralegal

January – March 1984
Ground Round Restaurant
Fresh Pond Rotary
Cambridge, Massachusetts 02138
Waiter
(This location is no longer open.)

May – September 1983
Bob Kiley for Mayor of Boston Campaign
Boston, Massachusetts
Field Coordinator

Other affiliations (uncompensated)

2000 – 2008
Teachers as Scholars
Post Office Box 610405
Newton, Massachusetts 02461
Board Member

1996 – 2005
Center for First Amendment Rights, Inc.
(now part of the American Civil Liberties Union of Connecticut)
330 Main Street, First Floor
Hartford, Connecticut 06106
Board Member

1984 – 1988
Tennis en France, Inc.
Jamaica Plain, Massachusetts and New York, New York
Board Member
(This organization was founded by my wife, but discontinued in 1988.)

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

I have not served in the U.S. Military. I timely 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.

Citation for Judicial Excellence, Boston Bar Association (2009)

Kent Scholar, Columbia Law School (1989 – 1990)

Stone Scholar, Columbia Law School (1988 – 1989, 1990 – 1991)

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.

Boston Bar Association
Criminal Law Section Steering Committee (2004 – 2005)

Criminal Justice Act Panel Advisory Committee (2003 – 2004)

Criminal Justice Act Board
District Court Magistrate Judge Liaison (2006 – present)

Federal Bar Association

Federal Magistrate Judges Association
Federal Courts Law Review, At-Large Editor (2011 – present)

Massachusetts Association of Criminal Defense Lawyers

National Association of Criminal Defense Lawyers

Selection Committee for Chief United States Probation Officer, United States District Court for the District of Massachusetts (2010)

Selection Committee for Clerk of Court, United States District Court for the District of Massachusetts (2013)

United States District Court Committee on Court Security (2012 – present)

United States District Court Committee on Information Technology (2012 – present)

United States District Court Reentry Committee (2013 – present)

United States District Court Criminal Justice Act Plan Committee (2009 – 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.

Massachusetts; 1991

There have been no lapses in my 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 District of Massachusetts; 1992

United States Court of Appeals for the First Circuit; 1997

There have been no lapses in my memberships.

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.

Brookline High School Parent Teacher Organization (2008 – present)

Brookline Recreation League Youth Soccer (2003 – present)

Center for First Amendment Rights, Inc. (1996 – 2005)
Board Member

Pierce School Parent Teacher Organization (2000 – present)

Teachers as Scholars (2000 – 2008)
Board Member

Tennis en France, Inc. (1984 – 1988)
Board Member

- 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.

The U.S. District Court Speaks: District of Massachusetts (MCLE, Inc. 2011) (contributing author). Copy supplied.

Federal Criminal Discovery: Handbook Regarding Exculpatory & Impeachment Material (MCLE, Inc. 2009) (contributing author). Copy supplied.

Court Assisted Recovery Effort flyer (D. Mass. 2009). Copy supplied.

The U.S. District Court Speaks: District of Massachusetts (MCLE, Inc. 2008) (contributing author). Copy supplied.

Appendi in the *First Circuit*, Mass. Ass'n Crim. Def. Law. Newsl. (Dec. 2001). Copy supplied.

The Computerization of Government Information: Does It Circumvent Public Access Under the Freedom of Information Act and the Depository Library Program?, 24 Colum. J.L. & Soc. Probs. 267 (1991). 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.

Memorandum to Hon. Patti B. Saris and the United States District Judges for the District of Massachusetts re: Court Assisted Recovery Effort Update (Sept. 25, 2013). Copy supplied.

Memorandum to Chief Judge Mark L. Wolf, Judge Patti B. Saris, and the United States District and Magistrate Judges for the District of Massachusetts re: 2010 Report on the Court Assisted Recovery Effort (Mar. 25, 2010). Copy supplied.

Summary Memorandum to United States District Judges for the District of Massachusetts re: Court Assisted Recovery Effort (June 30, 2009). Copy supplied.

Mission Statement for Court Assisted Recovery Effort (2008). Copy supplied.

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

June 20, 2013: I spoke before the Town of Brookline Zoning Board regarding a neighbor's request for permission to add an attached single family dwelling to his existing single family home. Minutes supplied.

June 15, 2013: On behalf of the Court, I proposed a pilot coordination project between the Bureau of Prisons and the United States District Court for the District of Massachusetts. The Bureau of Prisons and the District Court are discussing how to implement the proposal. Copy of proposal supplied.

June 13, 2013: I spoke before the Town of Brookline Planning Board regarding a neighbor's request for permission to add an attached single family dwelling to his existing single family home. Minutes supplied.

January 28, 2010: On behalf of the Magistrate Judges in the District of Massachusetts, I proposed to the Court that it implement on a permanent basis a program to draw civil cases directly to the Magistrate Judges. A copy of the proposal memorandum is supplied.

November 2008: On behalf of the Magistrate Judges in the District of Massachusetts, I proposed to the Court that it initiate a two-year pilot program to draw civil cases directly to the Magistrate Judges. A copy of the proposal memorandum is supplied.

May 7, 2008: I testified before the Governor's Council of Massachusetts in support of the nomination of then-Assistant United States Attorney Timothy Feeley to the position of Justice of the Superior Court of the Commonwealth of Massachusetts. A copy of the text of my remarks is supplied.

March 7, 2006: I proposed to the United States District Court for the District of Massachusetts that it create the Court Assisted Recovery Effort reentry court program. Based on this proposal, a pilot program was adopted and later made permanent. A copy of the proposal is supplied.

- 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.

May 2007 – present: In the course of presiding over the Court Assisted Recovery Effort, I have spoken with visiting judges, probation officers, Assistant United States Attorneys, and Assistant Federal Public Defenders from other jurisdictions observing District of Massachusetts reentry court programs. These presentations took place in the United States District Court for the District of Massachusetts in Boston, Massachusetts. My comments have related to the structure and daily operation of our reentry court programs. I have no notes, transcript, or recording. The address for the United States District Court for the District of Massachusetts is One Courthouse Way, Boston, Massachusetts 02210.

April 2005 – present: As a U.S. Magistrate Judge, I have routinely presided over naturalization ceremonies, where I have given remarks to newly naturalized citizens and others in attendance in the U.S. District Court for the District of Massachusetts in Boston, Lowell, and Methuen, Massachusetts. I do not have a record of every instance in which I presided over such an event, however, a copy of the speech I typically give is supplied.

April 2005 – present: As U.S. Magistrate Judge, I have met with groups of students and teachers visiting the federal courthouse through the Discovering Justice Program. My comments have related to the role of a Magistrate Judge, my career as an attorney, and the basic structure of our legal system. I have no notes, transcript, or recording. The address for Discovering Justice is One Courthouse Way, Suite 3120, Boston, Massachusetts 02210.

1994 – present: Both as a practicing attorney and as a U.S. Magistrate Judge, I have served as a guest lecturer in classes at Boston College Law School, Harvard Law School, Suffolk University Law School, and Yale Law School. My presentations have related to trial advocacy, civil litigation, criminal law, reentry court, and the role of a federal Magistrate Judge. I do not have a record of the individual dates on which I have participated in these classes, and I have no notes, transcript, or recording.

October 16, 2013: Discussion leader, “Young Attorney Roundtable,” U.S. District Court for the District of Massachusetts, Boston, Massachusetts. Notes supplied.

July 30, 2013: Moderator, panel discussion on Reentry Courts at the National Workshop for U.S. Magistrate Judges II, Federal Judicial Center; San Diego, California. The panel discussed the Northern District of Florida’s Reentry Court Program. I have no notes, transcript, or recording. The address for the Federal Judicial Center is One Columbus Circle, Northeast, Washington, District of Columbia 20544.

June 18, 2013: Speaker, "Court Assisted Recovery Effort," Criminal Law Section of the Massachusetts Bar Association, Boston, Massachusetts. I gave an overview of the structure and operation of the reentry courts in the District of Massachusetts. I have no notes, transcript, or recording. The address for the Massachusetts Bar Association is 20 West Street, Boston, Massachusetts 02111.

April 30, 2013: Panelist at 2013 Judicial Forum; Massachusetts Continuing Legal Education, Inc., Boston, Massachusetts. I provided practice pointers for lawyers appearing in federal court. I have no notes, transcript, or recording. The address for Massachusetts Continuing Legal Education, Inc. is Ten Winter Place, Boston, Massachusetts 02108.

April 25, 2013: Panelist at the National Workshop for U.S. Magistrate Judges I, "Reentry Courts," Federal Judicial Center, New Orleans, Louisiana. My remarks focused on common problems and issues that arise in reentry court. I have no notes, transcript, or recording. The address for the Federal Judicial Center is One Columbus Circle, Northeast, Washington, District of Columbia 20544.

April 24, 2013: Moderator of panel at the National Workshop for U.S. Magistrate Judges I, "Reentry Courts," Federal Judicial Center, New Orleans, Louisiana. Recording supplied.

March 28, 2013: Panelist, "Criminal and Civil Practice before the Federal Magistrate Judges," Boston Bar Association, Boston, Massachusetts. My remarks focused on effective advocacy. I have no notes, transcript, or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

March 20, 2013: Panelist, "Cutting Edge Approaches to Reentry Innovation," Boston Bar Association, Boston, Massachusetts. My remarks focused on the structure and operation of the Court Assisted Recovery Effort in the District of Massachusetts. I have no notes, transcript, or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

October 19, 2012: Panelist at the 2012 Bench Bar Conference, "Chief Judges Roundtable," U.S. District Court for the District of Massachusetts, Newton, Massachusetts. My remarks focused on the role of Magistrate Judges in the federal system. I have no notes, transcript, or recording. The address for the U.S. District Court for the District of Massachusetts is One Courthouse Way, Boston, Massachusetts 02210.

September 6, 2012: Speaker, comments during the swearing-in ceremony for U.S. District Judge Timothy Hillman, U.S. District Court for the District of Massachusetts, Worcester, Massachusetts. Remarks supplied.

July 24, 2012: Panelist at the National Workshop for United States Magistrate

Judges II, “iPad for Judges,” Federal Judicial Center, Denver, Colorado. PowerPoint supplied.

May 16, 2012: Speaker, “Breakfast with the Bench,” Massachusetts Chapter of the Federal Bar Association, Boston, Massachusetts. My remarks focused on the impact of social media on the law. I have no notes, transcript, or recording, but press coverage supplied. The address for the Massachusetts Chapter of the Federal Bar Association is care of President Matthew Moschella, Sherin and Lodgen, LLP, 101 Federal Street, Boston, Massachusetts 02110.

April 18, 2012: Panelist at the National Workshop for United States Magistrate Judges I, “iPad for Judges,” Federal Judicial Center, Miami, Florida. I used the same PowerPoint supplied for the July 24, 2012 event and recording supplied.

March 14, 2012: Panelist, “Criminal and Civil Practice before the Federal Magistrate Judges,” Boston Bar Association, Boston, Massachusetts. My remarks focused on effective advocacy, recurring litigation issues, and the Court’s reentry programs. I have no notes, transcript, or recording, but press coverage supplied. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

January 25, 2012: Panelist, “The Federal Jurisdiction and Venue Clarification Act of 2011,” Suffolk University Law School, Boston, Massachusetts. My comments focused on recent changes to federal courts’ removal jurisdiction. I have no notes, transcript, or recording, but press coverage supplied. The address for Suffolk University Law School is 120 Tremont Street, Boston, Massachusetts 02108.

October 27, 2011: Speaker, “Addiction, Treatment and Criminal Justice,” Massachusetts General Hospital, Boston, Massachusetts. PowerPoint supplied.

September 8, 2011: Moderator of a panel at Facilitating Offender Reentry to Reduce Recidivism Conference: A Workshop for District Teams, Criminal Justice and Treatment Professionals, “Addiction Treatment, Recovery Management, and the Benefits and Difficulties that Arise When Treatment Professionals Address Patients within the Criminal Justice System,” Federal Judicial Center and the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School, Cambridge, Massachusetts. Recording supplied.

September 8, 2011: Panelist at a conference on Facilitating Offender Reentry to Reduce Recidivism: A Workshop for District Teams, “The Judge’s Role in Reentry,” Federal Judicial Center and the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School, Cambridge, Massachusetts. Recording supplied.

September 7, 2011: Panelist at Facilitating Offender Reentry to Reduce

Recidivism Conference: A Workshop for District Teams, Reentry Courts & Post-Conviction Drug Courts, "Simulation: The Case Conference, Team Member Roles, and Group Dynamics," Federal Judicial Center and the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School, Cambridge, Massachusetts. My remarks focused on conducting a staffing session before reentry court. I have no notes, transcript, or recording. The address for the Federal Judicial Center is One Columbus Circle, Northeast, Washington, District of Columbia 20544.

July 18, 2011: Breakout Session Speaker at an Annual National Conference, Massachusetts CARE Program, National Association of Drug Court Professionals, Washington, D.C. PowerPoint supplied.

May 20, 2011: Panelist at the Annual National Seminar on the Federal Sentencing Guidelines, "Reentry Programs," United States Sentencing Commission, San Diego, California. My remarks focused on the structure and organization of the Court Assisted Recovery Effort. I have no notes, transcript, or recording. The address for the United States Sentencing Commission is One Columbus Circle, Northeast, Suite 2-500, Washington, District of Columbia 20002.

May 11, 2011: Panelist, Training Video on Facilitating Offender Reentry to Reduce Recidivism: Practical First Steps for USAOs, United States Department of Justice, Washington, D.C. Video supplied.

February 9, 2011: Panelist, "Meet the U.S. District Court Magistrate Judges," Boston Bar Association, Boston, Massachusetts. My remarks focused on the role of Magistrate Judges in civil cases, effective advocacy, and the Court's reentry programs. I have no notes, transcript, or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

November 2, 2010: Panelist at the Administrative Office of the U.S. Courts' Experimental Study of Federal District Court Reentry Programs Training Seminar, "Simulation & Discussion: The Case Conference, the Role of Team Members, and Group Dynamics," Federal Judicial Center, Washington, D.C. My remarks focused on conducting a staff meeting before a reentry court session. I have no notes, transcript, or recording. The address for the Federal Judicial Center is One Columbus Circle, Northeast, Washington, District of Columbia 20544.

October 15, 2010: Speaker at the Occasional Series on Reentry Research, "Reentry Courts," John Jay College of Criminal Justice's Prisoner Reentry Institute, New York, New York. My remarks focused on the structure, organization, and successes of the reentry court programs in the District of Massachusetts. I have no notes, transcript, or recording. The address for the John Jay College of Criminal Justice's Prisoner Reentry Institute is 899 Tenth Avenue, New York, New York 10019.

September 16, 2010: Panelist at the Tenth Annual Criminal Law Bench Bar Conference, "Federal Law Panel," Boston Bar Association's Criminal Law Section, Boston, Massachusetts. My remarks related to the role of Magistrate Judges in criminal cases, effective advocacy, and reentry courts. I have no notes, transcript, or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

September 13, 2010: Panelist at Facilitating Offender Reentry to Reduce Recidivism Conference: A Workshop for Teams, "Simulation: The Case Conference and the Role of Team Members and Group Dynamics," Federal Judicial Center, Stanford Criminal Justice Center, and Judicial Council of the California Administrative Office of the Courts, Stanford, California. The panel discussed the respective roles of the individuals who staff the reentry program in the District of Massachusetts, and the daily operation of the program. I have no notes, transcript, or recording. The address for the Federal Judicial Center is One Columbus Circle, Northeast, Washington, District of Columbia 20544.

June 2, 2010: Speaker at the 16th Annual Drug Court Training Conference, Reentry Court Symposium, National Association of Drug Court Professionals, Boston, Massachusetts. Conference report produced by the Department of Justice's Bureau of Justice Assistance and the Center for Court Innovation supplied.

May 6, 2010: Panelist, "Reentry Summit," Boston Bar Association's Criminal Law Section, Boston, Massachusetts. My remarks focused on the reentry court programs in the District of Massachusetts, effective advocacy related to reentry at sentencing, and the hallmarks of effective reentry programs. I have no notes, transcript, or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

April 16, 2010: Speaker, "Courtroom as Classroom," Boston University School of Law, Boston, Massachusetts. My remarks focused on the role of a Magistrate Judge. I have no notes, transcript, or recording. The address for the Boston University School of Law is 765 Commonwealth Avenue, Boston, Massachusetts 02215.

February 7, 2010: Speaker at the Extending Drug Dependence Treatment to the Criminal Justice System Conference, "View from the Bench," National Rehabilitation Centre and National Institutes of Health, Abu Dhabi, United Arab Emirates. PowerPoint supplied.

December 3, 2009: Panelist at the Facilitating Offender Reentry to Reduce Recidivism: A Workshop for District Teams Conference, "Collaboration in the Eastern District of Pennsylvania & District of Massachusetts," Federal Judicial Center, Durham, North Carolina. The panel focused on the respective roles of

individuals who staff reentry programs and the daily operation of such programs. I have no notes, transcript, or recording. The address for the Federal Judicial Center is One Columbus Circle, Northeast, Washington, District of Columbia 20544.

November 19, 2009: Speaker, "An Insider's Guide to Using the Federal District Court ADR Program," Boston Bar Association, Boston, Massachusetts. My remarks focused on the structure, operation, and utility of the ADR program in the District of Massachusetts. I have no notes, transcript, or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

November 13, 2009: Panelist at the Bail and Detention Workshop for Magistrate Judges, "Decision Making and Learning from Colleagues: Re-Entry Court," Federal Judicial Center, Washington, D.C. My remarks focused on the operation of the reentry court programs in the District of Massachusetts. I have no notes, transcript, or recording. The address for the Federal Judicial Center is One Columbus Circle, Northeast, Washington, District of Columbia 20544.

November 6, 2009: Panelist at the Second Annual Sentencing Advocacy Practice and Reform Institute with Special Focus on Reentry Conference, "Federal Reentry Efforts," American Bar Association's Criminal Justice Section, Washington, D.C. My remarks focused on the structure and operation of the reentry court programs in the District of Massachusetts. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

November 5, 2009: Panelist at the 2009 Reentry Summit, "Model Reentry Program Descriptions and Start Up Issues/Opportunities Including Budget, Structure, Eligibility Criteria, Referral, Authorizing Policy, Legislation or Court Rules," American Bar Association's Criminal Justice Section, Washington, D.C. PowerPoint supplied.

September 16, 2009: Panelist at a Bench Bar Conference, "Federal Panel," Boston Bar Association's Criminal Law Section, Boston, Massachusetts. Notes supplied.

June 1, 2009: Award Recipient Acceptance Speech at Boston Bar Association Annual Law Day Dinner, Boston, Massachusetts. I received the Boston Bar Association's Citation for Judicial Excellence at this event and made brief remarks of thanks as well as mention of the Court Assisted Recovery Effort. I have no notes, transcript or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

May 5, 2009: Panelist, "Meet the Magistrate Judges," Boston Bar Association, Boston, Massachusetts. Notes supplied.

April 2 – 3, 2009: Speaker at a Reentry Conference, "District of Massachusetts

Court Assisted Recovery Effort,” United States District Court for the District of Oregon, Portland, Oregon. PowerPoint supplied.

March 25, 2009: Panelist, “Internet Evidence: Finding It & Getting It Admitted,” Massachusetts Continuing Legal Education, Inc., Boston, Massachusetts. My remarks focused on the judicial perspective regarding Internet evidence. I have no notes, transcript, or recording. The address for Massachusetts Continuing Legal Education, Inc. is Ten Winter Place, Boston, Massachusetts 02108.

January 27, 2009: Panelist, “Cutting Edge Issues in Criminal Law,” Boston Bar Association’s Criminal Law Section, Boston, Massachusetts. My remarks focused on the structure and operation of the reentry court programs in the District of Massachusetts. I have no notes, transcript, or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

January 16, 2009: Panelist, Eighth Annual Business Law Conference, Massachusetts Continuing Legal Education, Inc., Boston, Massachusetts. Notes supplied.

December 3, 2008: Panelist, “Best Practices at Detention Hearings,” Boston Bar Association’s Criminal Justice Section, Boston, Massachusetts. My remarks focused on effective advocacy at detention hearings. I have no notes, transcript, or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

November 18, 2008: Speaker, “Sentencing, Revocation and Supervision in the Post-Gall/Kimbrough Era,” Boston Bar Association’s Criminal Law Section, Boston, Massachusetts. My comments focused on innovative approaches to supervision, reentry programs, and effective advocacy in post-sentencing proceedings. I have no notes, transcript, or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

November 13, 2008: Panelist at the Bail and Detention Workshop for United States Magistrate Judges, “Judicial Decision Making and Learning from Colleagues: Re-Entry Courts,” Federal Judicial Center, Washington, D.C. PowerPoint and recording supplied.

November 7, 2008: Panelist at “High” Crimes: Punishing America’s Drug Offenders Symposium, “The Use of Drug Courts as an Alternative to Traditional Punishments,” New England Law School Journal on Criminal and Civil Confinement, Boston, Massachusetts. PowerPoint supplied.

October 30, 2008: Panelist at the Facilitating Offender Reentry to Reduce Recidivism Conference, “Innovative and Evidence-Based Reentry Programs in the Federal Courts,” Federal Judicial Center, Durham, North Carolina. PowerPoint and recording supplied.

July 14, 2008: Panelist at the Alternatives to Incarceration Conference, “Federal Problem Solving Courts (View from the Court),” United States Sentencing Commission, Washington, D.C. PowerPoint and transcript supplied.

June 19, 2008: Speaker, “Litigating Civil Cases Before the Magistrate Judges: From Discovery to Jury Trial,” Massachusetts Chapter of the Federal Bar Association, Boston, Massachusetts. My remarks focused on effective advocacy, participation of junior lawyers, and the direct assignment of civil cases to the Magistrate Judges. I have no notes, transcript, or recording, but press coverage supplied. The address for the Massachusetts Chapter of the Federal Bar Association is care of President Matthew Moschella, Sherin and Lodgen, LLP, 101 Federal Street, Boston, Massachusetts 02110.

May 22, 2008: Panelist, “Trying Your First or Next Criminal Case in the Federal Court,” Massachusetts Continuing Legal Education, Inc., Boston, Massachusetts. My remarks focused on effective advocacy in preliminary criminal proceedings before Magistrate Judges. I have no notes, transcript, or recording. The address for Massachusetts Continuing Legal Education, Inc. is Ten Winter Place, Boston, Massachusetts 02108.

May 15, 2008: Panelist, “Federal Sentencing Nuts and Bolts,” American Bar Association’s Young Lawyers White Collar Crime Committee, Boston, Massachusetts. My remarks focused on the operation and structure of the reentry court programs in the District of Massachusetts. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

January 11, 2008: Panelist, “Habeas Corpus,” Boston Bar Association, Boston, Massachusetts. My remarks focused on effective advocacy in habeas proceedings. I have no notes, transcript, or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

December 4, 2007: Panelist at a Bench Bar Conference, “Magistrate Judges Panel,” Boston Bar Association, Boston, Massachusetts. My remarks focused on effective advocacy and the reentry court programs in the District of Massachusetts. I have no notes, transcript, or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

July 23, 2007: Panelist at the National Workshop for United States Magistrate Judges II, “Drug and Reentry Courts: An Emerging Trend in the Federal System,” Federal Judicial Center, Baltimore, Maryland. PowerPoint supplied.

June 15, 2007: Panelist at a Judicial Conference, “Criminal Pretrial Issues,” United States District Court for the District of Massachusetts, Newton, Massachusetts. My remarks focused on effective advocacy and recurring issues

arising in preliminary criminal proceedings before Magistrate Judges. I have no notes, transcript, or recording. The address for the United States District Court for the District of Massachusetts is One Courthouse Way, Boston, Massachusetts 02210.

April 2, 2007: Panelist at the National Workshop for United States Magistrate Judges I, "Drug and Reentry Courts: An Emerging Trend in the Federal System," Federal Judicial Center, Austin, Texas. I used the same PowerPoint supplied for the July 23, 2007 event.

March 8, 2007: Panelist, "Pretrial Service Topics," United States District Court for the District of Massachusetts, Boston, Massachusetts. My remarks focused on the role of Pretrial Services in initial criminal proceedings. I have no notes, transcript, or recording. The address for the United States District Court for the District of Massachusetts is One Courthouse Way, Boston, Massachusetts 02210.

September 26, 2006: Panelist at a Bench Bar Conference, "Federal Panel," Boston Bar Association's Criminal Law Section, Boston, Massachusetts. My remarks focused on the reentry court programs in the District of Massachusetts. I have no notes, transcript, or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

September 19, 2006, June 27, 2006, and March 24, 2006: Panelist at a seminar on Litigating Cases in Federal Court, Trial and Post-Trial Issues, Motion Practice and Summary Judgment, and Discovery and Pre-Trial Issues, Younger Lawyers Division of the Massachusetts Chapter of the Federal Bar Association, Boston, Massachusetts. Notes and related press report supplied.

June 21, 2006: Panelist, Federal Drug Court Symposium, National Association of Drug Court Professionals, Seattle, Washington. My remarks focused on the structure and operation of the reentry court program in the District of Massachusetts, and the role of the judge in such programs. I have no notes, transcript, or recording. The address for the National Association of Drug Court Professionals is 1029 North Royal Street, Suite 201, Alexandria, Virginia 22314.

January 25, 2006: Panelist at a Bench Bar Forum, "Magistrate Judges of the United States District Court Federal Criminal Practice," Boston Bar Association, Boston, Massachusetts. My remarks focused on effective advocacy in initial criminal proceedings before Magistrate Judges. I have no notes, transcript, or recording. The address for the Boston Bar Association is 16 Beacon Street, Boston, Massachusetts 02108.

November 18, 2005: Speaker, Closing Remarks at the Advanced Federal Criminal Appellate Practice Seminar, United States Court of Appeals for the First Circuit, Boston, Massachusetts. Notes supplied.

November 2, 2005: Panelist, “Discovery in Federal Court,” Boston Bar Association, Boston, Massachusetts. Notes supplied.

May 10, 2005: Speaker, remarks at my swearing-in ceremony as a United States Magistrate Judge, United States District Court for the District of Massachusetts, Boston, Massachusetts. Remarks supplied.

1997 to 2005: Presenter, Criminal Justice Act panel training programs, Federal Public Defender Office, Boston, Massachusetts. My presentations focused on topics such as detention, discovery, sentencing, and trial. I have no notes, transcript, or recording. The address for the Federal Public Defender Office is 51 Sleeper Street, Number Five, Boston, Massachusetts 02210.

May 14, 2004: Presenter and panelist at a Federal Criminal Appellate Practice Seminar, “Preparing to Write the Brief and Common Substantive Issues,” United States Court of Appeals for the First Circuit, Portland, Maine. Both my presentation and my panel comments focused on effective advocacy, brief writing, and recurring issues in federal criminal appeals. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the First Circuit is One Courthouse Way, Boston, Massachusetts 02210.

March 24, 2004: Presenter and panelist at a Federal Criminal Appellate Practice Seminar, “Preparing to Write the Brief and Common Substantive Issues,” United States Court of Appeals for the First Circuit, Boston, Massachusetts. Both my presentation and my panel comments focused on effective advocacy, brief writing, and recurring issues in federal criminal appeals. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the First Circuit is One Courthouse Way, Boston, Massachusetts 02210.

2001 to 2004: Coordinator and faculty member, training course on federal criminal practice for lawyers participating on the Criminal Justice Act panel in the District of Massachusetts, Federal Public Defender Office and Criminal Justice Act Board, Boston, Massachusetts. I taught two-hour sessions on topics including detention, discovery, motions to suppress, plea bargaining, trial, and sentencing. I have no notes, transcript, or recording. The address for the Criminal Justice Act Board is care of John Salsberg, Salsberg & Schneider, 232 Lewis Wharf, Boston, Massachusetts 02110.

November 3, 2003: Presenter and panelist at a Federal Criminal Appellate Practice Seminar, “Preparing to Write the Brief and Common Substantive Issues,” United States Court of Appeals for the First Circuit, San Juan, Puerto Rico. Both my presentation and my panel comments focused on effective advocacy, brief writing, and recurring issues in federal criminal appeals. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the First Circuit is One Courthouse Way, Boston, Massachusetts 02210.

2001 and 2003: Co-leader at the National Workshop for Federal Public Defenders, “First Circuit Break-Out Group,” Federal Judicial Center, Los Angeles, California (2001) and Portland, Oregon (2003). I facilitated sessions focused on current topics in federal criminal defense specific to practice in the First Circuit. I have no notes, transcript, or recording. The address for the Federal Judicial Center is One Columbus Circle, Northeast, Washington, District of Columbia 20544.

2003: Panelist, “Prosecution Trends in Federal Court,” White Collar Crime Committee of the American Bar Association’s Criminal Justice Section in the Northeast Region, Boston, Massachusetts. My remarks focused on developments in the types of cases being prosecuted in federal court in the District of Massachusetts. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

- 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.

Innovative Re-Entry Means Investing in the Individual, Beyond the Billable: Inspiring Lawyers to Do Good, Mar. 28, 2013. Copy supplied.

Valerie Cooke & Mark Sherman, Reentry Courts, Fed. Magistrate Judges Assoc. Bull., Jan. 2013. Copy supplied.

Denise LaVoie, Mass Ex-Cons Get New Chance with Federal Program, Assoc. Press State & Local Wire, June 17, 2009. Copy supplied.

Nicholas Phillips, Sweet Treatment: An Experimental Program Offers Rich Rewards to Drug-Addicted Ex-Cons in St. Louis Who Keep Themselves Clean, Riverfront Times, Jan. 28, 2009. Copy supplied.

Federal Offenders with Drug Problems Get Special Help, Third Branch, July 2007. Copy supplied.

Monica Brady-Myerov, untitled radio report regarding Court Assisted Recovery Effort, WBUR, June 2007. Audio recording supplied.

Serghino Rene, Court Assisted Recover Effort (CARE) Aids Addicts, Bay State Banner, Dec. 7, 2006. Copy supplied.

Shelley Murphy, Pilot Program Pushes Ex-Convicts Away from Perils: Judge’s Sessions Part of Probation, Bos. Globe, Nov. 30, 2006. 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.

In 2005, I was appointed to serve as a Magistrate Judge of the United States District Court for the District of Massachusetts by the Judges of the United States District Court for the District of Massachusetts. In 2013, I was reappointed to a second eight-year term as a Magistrate Judge. My duties and responsibilities have included: presiding over the trial of civil cases, both jury and non-jury, with the consent of the parties; issuing recommended decisions on dispositive motions and orders resolving non-dispositive motions in civil cases over which District Judges preside; managing pretrial proceedings in both civil and criminal cases over which District Judges preside; mediating civil cases pending before District Judges or other Magistrate Judges; issuing criminal complaints and search warrants upon a finding a probable cause; hearing and deciding motions to detain defendants due to flight or danger risks in felony criminal cases; and handling all aspects, including trial, of petty offenses and criminal misdemeanors.

On February 1, 2012, I became the Chief Magistrate Judge of the United States District Court for the District of Massachusetts. In addition to my other duties, I have assumed administrative responsibilities.

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

My best estimate is 60 cases that have gone to verdict or judgment. The percentages below represent the approximately 15 cases that have gone to trial; the other cases noted above were resolved via dispositive motions.

- i. Of these, approximately what percent were:

jury trials:	90 %
bench trials:	10 %
civil proceedings:	90 %
criminal proceedings:	10 %

- b. Provide citations for all opinions you have written, including concurrences and dissents.

See attached list.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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).

(1) United States v. Cusick, No. 11-cr-10066-GAO

The grand jury charged Cusick (a crew member working on board a commercial fishing vessel) with two violations of 16 U.S.C. § 1857(1)(L), to wit: criminal sexual harassment and interfering with and impeding the duties of a federal at-sea monitor; and forcible assault and interfering with and impeding the duties of a federal at-sea monitor collector. My memorandum and order ruling that the size of the fine authorized by the statute entitled the defendant to a jury, rather than bench, trial on these misdemeanor charges can be found at 817 F. Supp. 2d 1 (D. Mass. 2011). The jury convicted Cusick of one count and acquitted him of the other. This case was the first trial (or, at least, one of the first) in the nation of criminal charges under this statute. My order rejecting the defendant's post-trial motion claiming insufficient evidence to support the jury's determination that defendant had threatened to inflict bodily harm on the victim can be found at 2012 WL 442005 (D. Mass. Feb. 9, 2012).

Lead Prosecutor: Suzanne M. Sullivan
Assistant United States Attorney
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One Courthouse Way
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(617) 748-3146

Defense Counsel: Timothy G. Watkins
Federal Public Defender Office
51 Sleeper Street, Number Five
Boston, MA 02210
(617) 223-8061

(2) Pashamova v. New Balance Athletic Shoe, Inc., No. 11-cv-10001-LTS,
and Carey v. New Balance Athletic Shoe, Inc., No. 11-cv-10632-LTS

The named plaintiffs in these two related cases sued New Balance on behalf of a proposed nationwide class of consumers alleging that New Balance violated truth-in-advertising laws in a marketing campaign for its toning shoes. My order resolving various discovery and procedural motions as well as deferring ruling on a partial motion to dismiss is supplied. The parties engaged in several mediation sessions with another magistrate judge. Although these sessions did not produce a settlement, the parties later settled the matter. In response to a joint settlement proposal from the parties, I certified a class for settlement purposes only in the final judgment, a copy of which is supplied.

Plaintiffs' Counsel: Howard Friedman
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90 Canal Street, Fifth Floor
Boston, MA 02114
(617) 742-4100

Tina Wolfson
Ahdoot & Wolfson
10850 Wilshire Boulevard, Suite 370
Los Angeles, CA 90024
(310) 474-8585

Defense Counsel: R. David Hosp
Fish & Richardson P.C.
One Marina Park Drive
Boston, MA 02210
(617) 368-2125

(3) Zak Law Offices, P.C. v. Reed, No. 10-cv-10333-LTS

A software developer and several corporate entities related to the same legal practice brought an action for copyright infringement against an individual mortgage broker alleging that she wrongfully had accessed and copied a proprietary customer database. The defendant counterclaimed, alleging that she had formed a mortgage refinance business partnership with the attorney proprietor, and that she had been wrongfully excluded by him from the affairs of the partnership. She sought an accounting and her share of partnership profits. The parties settled the plaintiffs' claims. After I denied plaintiffs' motion to dismiss the counterclaim, the case proceeded to trial. A jury awarded damages to the defendant on her counterclaim. My memorandum and order on the plaintiffs' motion to dismiss the counterclaim can be found at 2010 WL 2802068 (D. Mass. July 13, 2010), and the First Circuit's decision upholding the jury verdict and the denial of post-trial motions is at Loan Modification Grp., Inc. v. Reed, 694 F.3d 145 (1st Cir. 2012).

Plaintiffs' Counsel: Isaac H. Peres
689 Massachusetts Avenue
Cambridge, MA 02139
(617) 821-9824

Defense Counsel: Scott F. Gleason
Gleason Law Offices, P.C.
163 Merrimack Street
Haverhill, MA 01830
(978) 521-4044

(4) RBS Citizens, Nat'l Assoc. v. Aresty, No. 09-cv-10116-LTS

The defendant law firm deposited a client check into its account and wired the funds overseas. After discovering that the check was fraudulent, the plaintiff bank sued the law firm and the lawyer who owned the firm to recover the funds it lost in wiring the funds overseas. The parties disputed whether officials from the bank had informed the lawyer that the check had cleared. The case included substantial discovery disputes, as well as issues relating to the possible personal liability of the lawyer. I found insufficient evidence to render the lawyer liable by piercing the corporate veil of the law firm and, thus, entered summary judgment in the lawyer's favor. I also found that the remaining claims brought by the bank against the law firm presented disputed issues of fact requiring a trial. The parties settled the case on the day trial was to commence. My orders resolving motions in limine and summary judgment motions can be found at 2011 U.S. Dist. LEXIS 119237 (D. Mass. Oct. 14, 2011), and 2011 U.S. Dist. LEXIS 57343 (D. Mass. May 26, 2011).

Plaintiff's Counsel: Jeffrey S. Patterson
Nelson Mullins
One Post Office Square, 30th Floor
Boston, MA 02109
(617) 573-4705

Defense Counsel: William M. Zall
Cunningham, Machanic, Cetlin, Johnson & Harney LLP
220 North Main Street
Natick, MA 01760
(508) 651-7524

(5) Cameron v. Idearc Media Corp., No. 08-cv-12010-LTS

The defendant company terminated several union sales representatives ostensibly for failure to meet sales objectives outlined in the collective bargaining agreement. These sales representatives sued the employer, alleging age discrimination, violation of the Employment Retirement Income Security Act ("ERISA"), and violation of the collective bargaining agreement. They also sued their union, a union official, and the ERISA plan administrator, alleging breach of the duty of fair representation, and misrepresentation. I granted the union and union official's motion for judgment on the pleadings both on immunity grounds and the running of the limitations period for filing suit. I entered summary judgment in the employer's favor because the plaintiffs failed to adduce evidence from which a reasonable jury could find that the employer's stated reason for discharge to be pretextual, and because the claims were barred by section 301 of the Labor Relations Management Act. The sales representatives appealed my summary judgment ruling. The First Circuit affirmed on the employment discrimination theory and did not reach the preemption issue. My memorandum

and order on motions to amend, dismiss, and for judgment on the pleadings can be found at 2009 WL 2496439 (D. Mass. Aug. 13, 2009); my memorandum and order on the motion for summary judgment can be found at 2011 WL 4054864 (D. Mass. Sept. 9, 2011); and the First Circuit's decision on appeal is at 685 F.3d 44 (1st Cir. 2012).

Plaintiffs' Counsel: Francis G. Gleason, Jr.
Gleason and Gleason
245 Winter Street
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(508) 881-2955

Defense Counsel: Arthur G. Telegen
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Two Seaport Lane, Suite 300
Boston, MA, 02210-2028
(617) 946-4800

(6) Amicas, Inc. v. GMG Health Sys., Ltd., No. 08-cv-11589-LTS

A medical software company sued a customer for breach of contract. The customer counterclaimed for breach of contract, negligent misrepresentation, and violation of Chapter 93A of the Massachusetts General Laws. I entered summary judgment in the plaintiff's favor on the breach of contract claim and against the defendant on its counterclaims. The defendant sought reconsideration of the amount of damages pursuant to Fed. R. Civ. P. 60(b). I reaffirmed the damage award, and the plaintiff also recovered attorneys' fees. My memoranda and orders on a motion for judgment on the pleadings, cross-motions for summary judgment, and a motion for reconsideration can be found at 2009 WL 943870 (D. Mass. Apr. 7, 2009), 2010 WL 5068142 (D. Mass. Dec. 3, 2010), and 2011 WL 1584369 (D. Mass. Apr. 26, 2011), respectively. The First Circuit's decision affirming the latter two orders is at 676 F.3d 227 (1st Cir. 2012).

Plaintiff's Counsel: Joseph M. Downes, III
Demeo LLP
One Lewis Wharf
Boston, MA 02110
(617) 263-2600

Defense Counsel: Kevin G. Kenneally
LeClair Ryan, P.C.
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Boston, MA 02110
(857) 221-8978

(7) Cape Ann Marina v. Watson Ins. Agency, Inc., No. 07-cv-11983-LTS

A marina and motel suffered a fire destroying the motel. The owner of the complex alleged it had inadequate insurance proceeds to rebuild after the fire because the defendant insurance broker negligently failed to procure adequate insurance coverage and negligently failed to explain the effect of certain policy provisions. The parties disputed whether special circumstances existed under Massachusetts law that might impose a heightened duty of care. I denied summary judgment, and the case proceeded to trial. In response to a motion for a directed verdict, I found no breach of contract claim separate from the negligence claim arising out of the contractual relationship and no right to either lost profits or attorneys fees. The jury found the defendant negligent, but concluded that the plaintiff's comparative negligence was greater than the defendant's resulting in no award for the plaintiff. My order denying summary judgment is supplied; my order resolving motions for a directed verdict can be found at 2010 WL 2991664 (D. Mass. July 26, 2010).

Plaintiff's Counsel: Joseph M. Orlando
Orlando & Associates
One Western Avenue
Gloucester, MA 01930
(978) 283-8100

Defense Counsel: Richard E. Heifetz
Tucker, Heifetz & Saltzman, LLP
100 Franklin Street, Suite 801
Boston, MA 02110
(617) 986-6210

(8) Kingsborough v. Sprint Commc'ns Co., No. 07-cv-10651-LTS

The plaintiffs in this putative nationwide class action were owners of land underlying or adjacent to railroad rights of way in 46 states, and the defendants were companies involved with the commercial use of fiber-optic telecommunications systems. The plaintiffs alleged that, beginning in the 1980s and without notice to them, the defendants entered into agreements by which they paid railroads to install their fiber optic cables in rights of way previously granted to the railroads by the plaintiffs, constituting a trespass. The parties negotiated 49 settlement agreements and a Common Administration Agreement, and filed a complaint in the District of Massachusetts. This was not the first proposed settlement. See Smith v. Sprint Commc'ns Co., 387 F.3d 612 (7th Cir. 2004); Zografos v. Qwest Commc'ns Corp., 225 F. Supp. 2d 1217, 1223 (D. Or. 2002). Class members were to be compensated based on the number of linear feet comprising their affected property at different rates, depending on a state-by-state analysis. The settlement provided for the Court to enter an easement on the titles of approximately 350,000 parcels of land adjoining the railroad tracks,

authorizing a perpetual easement and right of way. The total value of the settlement was estimated at \$188.5 million, with \$41.5 million to be awarded by separate motion to Settlement Class Counsel. Objectors challenged the Court's subject matter jurisdiction to adjudicate trespasses to land located outside of Massachusetts. I rejected the settlement, determining that a trespass matter is inherently and uniquely local in nature, presenting determinations of title and land ownership, and jurisdiction over title to real property is vested in the courts of the state in which the property at issue is located. My decision, which can be found at 673 F. Supp. 2d 24 (D. Mass. 2009), was not appealed.

Plaintiffs' Counsel: Nels Ackerson
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Defense Counsel: Emily Brubaker Harris
Corr Cronin Michelson Baumgardner & Preece LLP
1001 Fourth Avenue, Suite 3900
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Representing Qwest Communications

Joseph E. Jones
Fraser Stryker PC LLO
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Omaha, NE 68106
(402) 341-6000
Representing Level 3 Communications

J. Emmett Logan
Stinson Morrison Hecker LLP
1201 Walnut Street, Suite 2900
Kansas City, MO 64106-2051
(816) 691-2745
Representing Sprint Communications

(9) Farmers Ins. Exch. v. Ripple Commc'n, Inc., No. 07-cv-10494-LTS

Ripple Communication provided hardware and software to enable conference calling, chat lines, and other such services over the phone company's telecommunications system. Men using Ripple's chat lines met a Jane Doe minor and sexually assaulted her. The minor, through her parents, sued the phone company and settled with them. The contract between Ripple and the phone company contained an indemnification provision holding the phone company

harmless for claims arising from Ripple's equipment. In the action before me, Ripple's insurer sought a declaration that it had no duty to indemnify the phone company for the minor's claims against the phone company, arguing that her claim was not covered by its policy and that the indemnification agreement should not be enforced. The phone company cross-claimed seeking to enforce the indemnification agreement. I entered summary judgment in favor of Ripple and the insurer because the contract unambiguously did not provide a basis for indemnification. The First Circuit affirmed. My summary judgment memorandum and order is supplied; the First Circuit's decision is at 632 F.3d 777 (1st Cir. 2011).

Plaintiff's Counsel: Steven Joseph Bolotin
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250 Summer Street
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Defense Counsel: Roger D. Matthews
Ropes & Gray LLP
Prudential Tower
800 Boylston Street
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(617) 951-7000
Representing Ripple Communication, Inc.

Jennifer B. Hardy
Hamel, Marcin, Dunn, Reardon & Shea, P.C.
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Boston, MA 02110
(617) 482-0007
Representing RNK, Inc.

(10) Mulligan v. Maritrans Operating Co., No. 06-cv-10492-LTS

The plaintiff sustained injuries while fighting a fire aboard an oil tender. He alleged that the fire resulted from the negligence of the crew, that the vessel was unseaworthy, and that the defendant had denied him cure (i.e., the payment of reasonable medical expenses) to which he was entitled under the Jones Act. At counsel's request, I reserved for post-trial decision the issue of whether the defendant acted in a callous, willful, or recalcitrant manner with respect to the payment of cure. The jury found for the plaintiff on the negligence claim and the claim for cure, and for the defendant on the unseaworthiness claim. I denied the defendant's motions to amend the judgment and for judgment as a matter of law, and awarded punitive damages for the willful and wanton disregard of the maintenance and cure obligation for a portion of the relevant time period. After considering additional evidence not previously presented, I amended my

judgment and awarded no punitive damages or attorneys' fees. My Orders on the issues of punitive damages and fees can be found at 2010 WL 1930282 (D. Mass. May 12, 2010), and 2010 WL 3038091 (D. Mass. July 30, 2010). A copy of my unpublished order denying defendant's motion to alter or amend the judgment and a copy of my unpublished order denying the defendant's motion for judgment as a matter of law are supplied.

Plaintiff's Counsel: Brian S. McCormick
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(978) 283-8100

Defense Counsel: Thomas E. Clinton
Clinton & Muzyka
88 Black Falcon Avenue
Boston, MA 02210
(617) 723-9165

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

- (1) Brockton Power LLC v. City of Brockton, No. 12-cv-11047-LTS, --- F. Supp. 2d ---, 2013 WL 2407220 (D. Mass. May 30, 2013)

Plaintiffs' Counsel: Mark E. Robinson
and Siobhan E. Mee
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Representing the City, the Planning Board, and
Balzotti

John J. Davis
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90 Canal Street
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(617) 350-0950
Representing the City Council, Brophy,
DuBois, and Stewart

William P. Breen, Jr.
Eckert Seamans Cherin & Mellott, LLC
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(617) 342-6800
Representing McAllister

Philip A. Tracy, Jr.
DiMento & Sullivan
Seven Faneuil Hall Marketplace, Third Floor
Boston, MA 02109
(617) 523-2345
Representing Harrington

Kurt B. Fliegauf
Conn, Kavanaugh, Rosenthal, Peisch & Ford, LLP
Ten Post Office Square
Boston, MA 02109
(617) 482-8200
Representing Nicastro

- (2) United States v. Pani, No. 08-cr-40034-FDS, 2011 WL 4344336 (D. Mass. Aug. 3, 2011)

Lead Prosecutor: Scott Garland
Assistant United States Attorney
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(617) 748-3148

Defense Counsel: Robert M. Griffin
Dhar Law LLP
1600 Providence Highway
Walpole, MA 02110
(508) 922-9794

- (3) Nuon v. City of Lowell, 768 F. Supp. 2d 323 (D. Mass. 2011)

Plaintiff's Counsel: Jeffrey P. Wiesner
Stern, Shapiro, Weissberg & Garin
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(617) 742-5800

Myong J. Joun
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Defense Counsel: Stephen C. Pfaff
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Representing Kinney

Brian W. Leahey
Law Office of Brian W. Leahey, P.C.
327 Gorham Street
Lowell, MA 01852
(978) 459-0396
Representing the City of Lowell

- (4) Matamoros v. Starbucks Corp., No. 08-cv-10772-NMG, 2011 WL 1044654 (D. Mass. Feb. 8, 2011), approved and adopted, 2011 WL 1002740 (D. Mass. Mar. 18, 2011), aff'd, 699 F.3d 129 (1st Cir. 2012)

Plaintiffs' Counsel: Shannon E. Liss-Riordan
Lichten & Liss-Riordan, P.C.
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Defense Counsel: Daniel L. Nash
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1333 New Hampshire Avenue, N.W.
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(202) 887-4067

- (5) United States v. Mehanna, 669 F. Supp. 2d 160 (D. Mass. 2009)

Lead Prosecutor: Alope Chakravarty
Assistant United States Attorney
U.S. Attorney's Office, District of Massachusetts
One Courthouse Way

Boston, MA 02210
(617) 748-3658

Defense Counsel: J.W. Carney, Jr.
Carney & Bassil
20 Park Plaza, Suite 1405
Boston, MA 02116
(617) 338-5566

- (6) United States v. Massachusetts, No. 05-cv-10112-DPW, 2009 U.S. Dist. LEXIS 126548 (D. Mass. July 29, 2009), and 2008 U.S. Dist. LEXIS 112571 (D. Mass. June 6, 2008), approved and adopted, 724 F. Supp. 2d 170 (D. Mass. 2010), rev'd in part, vacated in part, United States v. Coalition for Buzzards Bay, 644 F.3d 26 (1st Cir. 2011)

Plaintiff's Counsel: Joshua E. Gardner
United States Department of Justice
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Defense Counsel: Seth Schofield
Office of the Attorney General
Environmental Protection Division
One Ashburton Place
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(617) 727-2200

- (7) Interface Partners Int'l, Ltd. v. Hananel, No. 06-cv-11708-RCL, ECF No. 66 (D. Mass. May 29, 2008) (copy supplied), approved and adopted, Electronic Order (D. Mass. July 2, 2008), aff'd 575 F.3d 97 (1st Cir. 2009)

Plaintiff's Counsel: Andrew H. Schapiro
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51 Madison Avenue, 22nd Floor
New York, NY 10010
(212) 849-7000

Defense Counsel: Lawrence G. Green
Burns & Levinson LLP
125 Summer Street
Boston, MA 02110
(617) 345-3216

- (8) In re Bextra & Celebrex Mktg. Sales Practices & Prod. Liab. Litig., 249 F.R.D. 8 (D. Mass. 2008)

Petitioner's Counsel: John C. Dougherty
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6225 Smith Avenue
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(410) 580-4140

Respondent's Counsel: Paul W. Shaw
K & L Gates LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111
(617) 261-3100

(9) United States v. Pesaturo, 519 F. Supp. 2d 177 (D. Mass. 2007)

Lead Prosecutor: David G. Tobin
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One Courthouse Way
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(617) 748-3392

Defense Counsel: William J. Cintolo
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(10) Wayside Youth & Family Support Network, Inc. v. Town of Framingham,
No. 06-cv-11060-LTS, ECF No. 30 (D. Mass. Mar. 9, 2007) (copy
supplied)

Plaintiffs' Counsel: Kenneth N. Margolin
Law Office of Kenneth N. Margolin, PC
246 Walnut Street, Suite 101
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(617) 641-9600

Defense Counsel: Judy A. Levenson
Brody, Hardoon, Perkins & Kesten, LLP
One Exeter Plaza, 12th Floor
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(617) 880-7100

- e. Provide a list of all cases in which certiorari was requested or granted.

McGarry v. Geriatric Facilities of Cape Cod, Inc., No. 10-cv-11343-GAO, 2011 U.S. Dist. LEXIS 69073 (D. Mass. Mar. 23, 2011), approved and adopted, 2011 U.S. Dist. LEXIS 69184 (D. Mass. June 28, 2011), reconsideration denied, 2011 U.S. Dist. LEXIS 103263 (D. Mass. Sept. 12, 2011), summarily aff'd, No. 11-2292 (1st Cir. Dec. 27, 2011), cert. denied, 132 S. Ct. 2441 (2012)

Wood v. Spencer, No. 05-cv-12021-GAO, ECF No. 19 (D. Mass. Aug. 1, 2006), approved and adopted, ECF No. 21 (D. Mass. Sept. 27, 2006), aff'd 487 F.3d 1 (1st Cir. 2007), cert. denied, 552 U.S. 912 (2007)

- 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.

United States v. O'Brien, No. 12-cr-40026-FDS, 2013 WL 1057929 (D. Mass. Mar. 13, 2013), objection sustained in part, ECF No. 128 (D. Mass. June 18, 2013) (copy supplied) (government's objections to order allowing defendants' discovery motion with respect to certain categories of information sustained as to one category based on finding that the information sought was not exculpatory).

Young v. Wells Fargo Bank, N.A., No. 11-cv-10757-LTS, 2012 WL 734187 (D. Mass. Mar. 7, 2012), aff'd in part, vacated in part, 717 F.3d 224 (1st Cir. 2013) (order granting bank's motion to dismiss claims by homeowner vacated in part, with breach of contract and Mass. Gen. Laws ch. 93A claims remanded for further proceedings).

Harper v. Credit Control Servs., Inc., No. 11-cv-10072-NMG, 2012 U.S. Dist. LEXIS 70403 (D. Mass. Apr. 9, 2012), rejected, in part, 863 F. Supp. 2d 125 (D. Mass. 2012) (recommendation to deny, in part, debt collector's request for summary judgment in Telephone Consumer Protection Act case based on plaintiff's affidavit not adopted in part by the District Court, which found no genuine factual dispute and granted summary judgment in full).

Paradise v. Eagle Creek Software Servs., Inc., No. 10-cv-11678-GAO, 2011 U.S. Dist. LEXIS 109126 (D. Mass. June 16, 2011), rejected, 2011 WL 4499008 (D. Mass. Sept. 26, 2011) (recommendation to transfer action based on forum selection clause in arbitration agreement not adopted by the District Court, which found there was a genuine dispute regarding the validity of the agreement).

Varela v. E*Trade Bank, No. 10-cv-10186-MLW, 2010 WL 8228829 (D. Mass. Oct. 22, 2010), rejected, in part, 2011 WL 6757434 (D. Mass. Dec. 23, 2011) (recommendation to dismiss some claims and not others in predatory lending case)

not adopted in part by the District Court, which found as to one claim that no preemption analysis was necessary because the relevant state statute had not been enacted until after the dates of the loans at issue).

United States v. Massachusetts, No. 05-cv-10112-DPW, 2009 U.S. Dist. LEXIS 126548 (D. Mass. July 29, 2009), approved and adopted, 724 F. Supp. 2d 170 (D. Mass. 2010), rev'd in part, vacated in part, United States v. Coalition for Buzzards Bay, 644 F.3d 26 (1st Cir. 2011) (recommendation to enter summary judgment in favor of the United States in action seeking to enjoin enforcement of state oil spill regulations adopted by the District Court, but the First Circuit reversed based on finding that agency's violation of NEPA was not harmless).

Likely v. Ruane, No. 06-cv-10342-PBS, ECF No. 23 (D. Mass. July 21, 2009) (copy supplied), rejected, 681 F. Supp. 2d 107 (D. Mass. 2010), aff'd, 642 F.3d 99 (1st Cir. 2011) (recommendation to grant state prisoner's federal habeas petition based on admission of chemist's certificate of analysis in violation of the Confrontation Clause not adopted by the District Court, which denied petition; denial affirmed on appeal).

Augustin v. Danvers Bank, No. 06-cv-10368-NMG, 2007 U.S. Dist. LEXIS 102330 (D. Mass. Feb. 13, 2007), rejected, in part, 468 F. Supp. 2d 99 (D. Mass. Mar. 28, 2007) (recommendation to dismiss debtor's claims against lenders, companies, and attorneys, but not to dismiss claims against bank, not adopted in part by the District Court, which found claims against the bank related to property in the bankruptcy estate and only trustee, not debtor, had standing to pursue such claims).

Essex Ins. Co. v. BloomSouth Flooring Corp., No. 03-cv-10275-LTS, ECF No. 58 (D. Mass. Aug. 16, 2006) (copy supplied), rev'd, 562 F.3d 399 (1st Cir. 2009) (summary judgment entered in favor of insurer in action by insurer seeking declaration that it had no duty to defend or indemnify its insured in state-court negligence action arising from odor allegedly caused by defective carpet installation; the First Circuit reversed as to duty to defend).

Adelson v. Hananel, No. 04-cv-10357-RCL, 2006 U.S. Dist. LEXIS 98451 (D. Mass. Mar. 28, 2006), approved and adopted, 2006 WL 6493338, rev'd, in part, 510 F.3d 43 (1st Cir. 2007) (recommendation to find personal jurisdiction but dismiss declaratory judgment action, brought by American businessman against Israeli former employee, for forum non conveniens adopted by the District Court, but the First Circuit reversed as to forum non conveniens).

In re Neurontin Mktg., Sales Practices, & Prods. Liab. Litig., MDL No. 1629, Master File No. 04-cv-10981-PBS, ECF No. 269 (D. Mass. Jan. 31, 2006) (copy supplied), rejected, in part, 433 F. Supp. 2d 172 (D. Mass. June 12, 2006) (recommendation to grant in part motion to dismiss, including certain state-law fraud and unjust enrichment claims, not adopted in part by the District Court,

which concluded that some of the fraud claims were pled with sufficient particularity and cognizable injury was adequately alleged, and that unjust enrichment could be pled in the alternative along with the fraud claims).

TLT Constr. Corp. v. RI, Inc., No. 05-cv-10223-LTS, ECF No. 28 (D. Mass. Dec. 28, 2005) (copy supplied), rev'd, 484 F.3d 130 (1st Cir. 2007) (summary judgment entered in favor of general contractor, which alleged its extended negotiations with a subcontractor resulted in a contract that the subcontractor had then breached, but the First Circuit reversed based on finding no contract had formed).

Neshewat v. Titan Corp., No. 03-cv-10841-PBS, ECF No. 105 (D. Mass. Nov. 21, 2005) (copy supplied), rejected, ECF No. 109 (D. Mass. Mar. 8, 2006) (copy supplied) (recommendation to grant summary judgment in favor of defendants in race discrimination/failure-to-hire case not adopted by the District Court, which found a genuine dispute existed regarding the reason the plaintiff was not hired).

Pechner-James v. City of Revere, No. 03-cv-12499-MLW, ECF No. 88 (D. Mass. Oct. 12, 2005) (copy supplied), rejected, in part, ECF No. 136 (D. Mass. Mar. 20, 2006) (copy supplied) (recommendation to grant summary judgment in favor of individual defendants in civil rights suit not adopted in part by the District Court, which concluded claims against individuals in their official capacities should proceed to trial).

Vt. Pure Holdings, Ltd. v. Nestle Waters N. Am., Inc., No. 03-cv-11465-DPW, ECF No. 117 (D. Mass. Sept. 23, 2005) (copy supplied), rejected, 2006 WL 839486 (D. Mass. Mar. 28, 2006) (recommendation to deny reconsideration of the District Court's ruling that certain FDA regulations preempted state law claims not adopted by the District Court, which granted reconsideration and concluded it had applied the wrong test for preemption).

- 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.

Of the more than 400 opinions that I have written as a U.S. Magistrate Judge, only a small number have been published in the Federal Supplement, although more appear on LEXIS and/or Westlaw. The unpublished opinions are docketed by the Clerk's Office and are available to members of the public via the Court's public access website.

- 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.

Brockton Power LLC v. City of Brockton, --- F. Supp. 2d ----, 2013 WL 2407220 (D. Mass. May 30, 2013)

Nuon v. City of Lowell, 768 F. Supp. 2d 323 (D. Mass. 2011)

Jones v. Scotti, No. 08-cv-10583-LTS, 2011 WL 4381919 (D. Mass. Sept. 13, 2011), aff'd, 493 F. App'x 139 (1st Cir. 2012)

Afreedi v. Bennett, No. 05-cv-12461-MLW, 2007 U.S. Dist. LEXIS 74676 (D. Mass. Aug. 2, 2007), approved and adopted, 517 F. Supp. 2d 521 (D. Mass. 2007), summarily aff'd, No. 09-2460 (1st Cir. July 2, 2010)

Mahar v. Hall, No. 01-cv-10354-GAO, ECF No. 70 (D. Mass. Jan. 9, 2007) (copy supplied), approved and adopted, 2008 U.S. Dist. LEXIS 50906 (D. Mass. July 3, 2008), appeal dismissed, No. 08-2154 (1st Cir. Nov. 7, 2008)

- 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.

I have not sat by designation on any federal appellate court.

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 assess recusal in accordance with 28 U.S.C. § 455. The United States District Court for the District of Massachusetts does not have an automatic recusal system. We do have a conflict checking feature in our electronic case management system, which alerts me if I have a potential conflict with someone or some entity that is a party in a newly filed case assigned to me.

Upon becoming a Magistrate Judge, I recused myself from any matters in cases pending in the Federal Public Defender Office on my last day of work there. In

addition, I have recused sua sponte in the following cases:

Marchionne v. Metro. Life Ins. Co., No. 13-cv-10223-GAO (a family member held a financial interest, as that term is defined in Title 28, in Metropolitan Life Insurance Company)

Bridge St. Auto., Inc. v. Green Valley Oil, LLC, No. 12-cv-10750-PBS (longstanding personal friendship with one attorney)

Brickley v. CitiMortgage, Inc., No. 11-cv-10022-NG (a family member held a financial interest, as that term is defined in Title 28, in Citibank)

United States v. Hoskins, No. 12-cr-10151-JLT (a family member held a financial interest, as that term is defined in Title 28, in Target, the victim in this case)

Aresty Int'l Law Firm, PC v. Citibank, NA, No. 10-cv-11861-GAO (a family member held a financial interest, as that term is defined in Title 28, in Citibank)

Nwaubani v. Citibank, NA, No. 10-cv-11777-DJC (a family member held a financial interest, as that term is defined in Title 28, in Citibank)

Cambridge Place Inv. Mgmt. Inc. v. Morgan Stanley & Co., No. 10-cv-11376-NMG (a family member held a financial interest, as that term is defined in Title 28, in Citibank, which was a party by way of a subsidiary)

Mason v. CitiMortgage, Inc., No. 10-cv-11167-JGD (a family member held a financial interest, as that term is defined in Title 28, in Citibank)

Metz v. Bank of Am. Corp., No. 08-cv-11598-NG (a family member held a financial interest, as that term is defined in Title 28, in Bank of America)

Fernandes v. Havkin, No. 08-cv-11498-MBB (Countrywide Home Loans was a defendant in this action, and a family member held a financial interest, as that term is defined in Title 28, in Bank of America)

Vincent-Tyndall v. Beckmann, No. 08-cv-10416-PBS (CitiMortgage was a defendant in this action, and a family member held a financial interest, as that term is defined in Title 28, in Citibank)

Tuli v. Brigham & Women's Hosp., No. 07-cv-12338-NMG (I previously had served as a judicial mediator in this case)

Crooker v. Microsoft Corp., No. 07-cv-10403-JGD (a family member held a financial interest, as that term is defined in Title 28, in Microsoft)

Marchant v. Mass. Dep't of Corr., No. 05-cv-12446-RGS (this case was related to consent decree litigation in which I represented the Commonwealth defendants both in the District Court and in the First Circuit, see King v. Greenblatt, 127 F.3d 190 (1st Cir. 1997))

Bastien v. Wal-Mart Stores, Inc., No. 05-cv-11468-RBC (a family member held a financial interest, as that term is defined in Title 28, in Wal-Mart)

Portela v. Wal-Mart Stores E., LP, No. 05-cv-10844-MBB (a family member held a financial interest, as that term is defined in Title 28, in Wal-Mart)

United States v. Catron, No. 04-cr-10108-MEL (this defendant was represented by the Federal Public Defender Office during my service in that office)

Jaynes v. Mitchell, No. 03-cv-11582-JLT (the petitioner was represented by the Federal Public Defender Office during my service in that office)

United States v. Leone, No. 03-cr-10045-RWZ (I appeared as counsel of record in this action)

United States v. Holliday, No. 02-cr-10343-GAO (this defendant was my client)

United States v. Jones, No. 02-cr-10110-RGS (this defendant was represented by the Federal Public Defender Office during my service in that office and I had some involvement in his case)

United States v. Barry, No. 02-cr-10069-GAO (this defendant was my client)

United States v. De La Cruz, No. 01-cr-10118-JLT (I appeared in this case as a counsel of record)

United States v. Neves, No. 01-cr-10093-GAO (this defendant was represented by the Federal Public Defender Office during my service in that office)

United States v. Wilkerson, No. 00-cr-10426-MLW (this defendant was represented by the Federal Public Defender Office during my service in that office)

15. Public Office, Political Activities and Affiliations:

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

I have not held public office other than judicial offices.

- 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.

From 1977 to 1984, I served as an intermittent political consultant for Connecticut State Representative Richard Tulisano's campaign activities. This was primarily an unpaid volunteer position, except for a few periods between the fall of 1983 and the spring of 1985, when I held the position as a part-time, paid position. From May to September 1983, I was a paid field coordinator for Bob Kiley's campaign to be mayor of Boston. From May to November 1980, I was a volunteer field coordinator for Chris Dodd's campaign for U.S. Senate. While in high school, I volunteered with the West Hartford Democratic Party in get-out-the-vote efforts, voter registration activities, phone calling, and leafleting.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From September 1991 to August 1992, I clerked for the Honorable Rya W. Zobel, District Judge of the United States District Court for the District of Massachusetts.

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

I have never practiced alone.

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

1992 – 1994
Mintz Levin
One Financial Center
Boston, Massachusetts 02111
Associate

1994 – 1997
Office of the Attorney General, Commonwealth of Massachusetts
One Ashburton Place

Boston, Massachusetts 02108
Assistant Attorney General and Opinions Coordinator (1996 – 1997)
Assistant Attorney General (1994 – 1996)

1997 – 2005
Federal Public Defender Office
51 Sleeper Street, Number Five
Boston, Massachusetts 02210
Assistant Federal Defender

- 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 formally served as a mediator or arbitrator in any alternative dispute resolution.

b. Describe:

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

Following my graduation from law school, and until my appointment as a Magistrate Judge, my law practice focused exclusively on litigation and trial of civil and criminal matters.

After completing my clerkship, I practiced at Mintz Levin from 1992 to 1994, where I handled, with other counsel, a variety of commercial litigation matters pending in both state and federal court. In addition, as part of a pro bono program, I represented victims of domestic violence seeking restraining orders.

While at the Office of the Attorney General from 1994 to 1997, I defended the Commonwealth in lawsuits. These included challenges to state statutes or programs for alleged violations of the Constitution or federal or state laws, appeals from agency decisions, and allegations of employment discrimination or civil rights violations by state employees. In each of my cases, I was responsible for all aspects of the Commonwealth's defense, from the answer through the conclusion of any appeals. I handled many preliminary injunction hearings and litigated numerous dispositive motions. My clients included the Governor's Legal Counsel Office, in cases with a larger impact, and, more typically, the Commissioner or General Counsel of a defendant agency.

During my almost eight years as an Assistant Federal Defender from 1997 to 2005, I represented indigent defendants indicted in federal court for

criminal violations of federal laws. I represented my clients from initial appearance through the conclusion of all appeals. The cases I handled represented the full spectrum of federal criminal prosecutions. I defended numerous clients charged with fraud, ranging from individuals accused of passing altered or stolen checks, to a real estate developer accused of committing securities fraud in the course of selling shares for an overseas development to American investors. I regularly represented people charged with violations of federal criminal laws governing immigration, firearms, controlled substances, and the United States mail, as well as possession or distribution of child pornography. The cases ranged from small single-defendant cases, such as a letter carrier accused of throwing away mail rather than delivering it, to complicated multi-defendant drug or fraud prosecutions.

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

From 1992 to 1994, I represented commercial entities. In addition, as part of a pro bono Domestic Violence Project, I represented victims of domestic violence seeking state-court restraining orders.

From 1994 to 1997, I represented the Commonwealth of Massachusetts and its agencies in civil litigation.

From 1997 to 2005, my typical client was an indigent individual facing criminal charges in federal court.

- 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.

Before becoming a Magistrate Judge, 100% of my practice was in litigation. I appeared in court daily during my time at the Federal Public Defender Office (1997 to 2005), frequently during my time at the Office of the Attorney General (1994 to 1997), and occasionally during my time at Mintz Levin (1992 to 1994).

- i. Indicate the percentage of your practice in:

- 1. federal courts: 67%
- 2. state courts of record: 33%
- 3. other courts: >1%
- 4. administrative agencies: 0 %

- ii. Indicate the percentage of your practice in:

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

- 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.

While at the Federal Public Defender Office, I tried between ten and 15 federal criminal felony cases to verdict before juries. In each case, I was lead counsel; in approximately half of these cases, I was sole counsel. Before becoming an Assistant Federal Defender, I had tried two or three civil non-jury trials to verdict. In each case, I was lead counsel.

- i. What percentage of these trials were:
- | | |
|--------------|-----|
| 1. jury: | 83% |
| 2. non-jury: | 17% |

- 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.

City of Edmonds v. Washington State Building Code Council, No. 94-23 (amicus brief on behalf of the Attorney General of Massachusetts, et al., supporting the circuit's ruling that the federal Fair Housing Act's exemption for reasonable restrictions in local zoning ordinances on the maximum number of persons who may occupy a dwelling did not apply. 1995 U.S. S. Ct. Briefs LEXIS 31).

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. Martin, No. 04-cr-10200 (D. Mass.); Judge William Young. July 2004 indictment, February 2005 trial.

A grand jury indicted Martin for one count of distribution of cocaine base arising out of an alleged hand-to-hand sale of crack cocaine to an undercover informant.

The Court appointed me to represent Martin. Subsequently, Martin invoked his constitutional right to proceed pro se, at which point the Court (with Martin's consent) appointed me to serve as standby counsel to assist him with his defense at trial. Mr. Martin faced a mandatory minimum sentence of ten years, with an even longer range recommended under the United States Sentencing Guidelines. With my assistance, Mr. Martin defended himself at trial and the jury acquitted him.

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(formerly Assistant United States Attorney
for the District of Massachusetts)
Law Offices of William H. Connolly
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Boston, MA 02210
(617) 542-0200

- (2) United States v. Lewis, 375 F. Supp. 2d 1 (D. Mass. 2005), aff'd in part, vacated and remanded in part, 406 F.3d 11 (1st Cir. 2005); Judge Edward Harrington, and Judges Sandra Lynch, Kermit Lipez, and Pierre Leval. September 2002 entry of appearance, April 2003 trial, April 2005 decision on appeal.

I served as lead counsel for the defendant, Lewis, who was charged with the masked armed robbery of the restaurant. The government's evidence consisted primarily of jailhouse phone calls in which Lewis revealed substantial knowledge of the robbery in discussions with a co-defendant. Later the co-defendant pled guilty. At Lewis' trial, I introduced a novel theory of defense that he was the co-defendant's drug dealer and that after the robbery the co-defendant purchased drugs from Lewis and boasted of the robbery. This defense was based, in part, on physical evidence, not presented by the government, that Lewis had sold drugs. In addition, this case raised important questions regarding the authority of law enforcement officers generally to listen to the routine recordings made of pretrial detainees' telephone calls. The jury convicted Lewis and he was sentenced to 319 months imprisonment. On appeal, the defendant's sentence was vacated, and the matter remanded for resentencing, pursuant to United States v. Booker, 543 U.S. 220 (2005), which was decided after Lewis' sentencing.

Lead Prosecutor: Donald Cabell
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(617) 748-3100

Co-Counsel: Hon. Catherine K. Byrne
Administrative Office of the District Court
(formerly Assistant Federal Public Defender,

District of Massachusetts)
Edward W. Brooke Courthouse
24 New Chardon Street
Boston, MA 02114
(978) 532-3100

- (3) United States v. Gomes, No. 00-cr-10327 (D. Mass.); Judge Douglas Woodlock. September 2000 indictment, January 2001 dismissal.

I served as lead counsel for the defendant, Eduardo Gomes. The state police stopped Gomes for driving a car with excessively tinted windows. During the stop, they discovered evidence of fraudulent immigration documents in the car. He was arrested for and charged with these offenses. My work revealed that the Massachusetts tinted window law does not apply to cars registered out of state, and, therefore, the stop of my client's car was without legal authority. This resulted in the outright dismissal of all charges against Gomes.

Lead Prosecutor: John Capin
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- (4) United States v. Daway, No. 98-cr-10241 (D. Mass.); Judge Richard Stearns. August 1998 indictment, February 1999 plea, October 2000 sentencing.

A grand jury indicted Daway for conspiracy to distribute cocaine base and three counts of distribution of cocaine base. The charges arose from three sales of narcotics Daway made to an undercover agent recorded on video. Although Daway had no criminal record, she faced a mandatory minimum sentence of ten years and a maximum punishment of life in prison. The Court appointed me to represent Daway at her initial appearance. Sometime after graduating from college, Daway had become an addict who used and sold crack cocaine. My advocacy helped Daway obtain pretrial release to an in-patient drug treatment program. She seized this opportunity, became sober, returned home, and reestablished a law-abiding life. Ultimately, she pled guilty. As a result of her safety-valve interview and cooperation, the government recommended a sentence of three years in prison. At the sentencing hearing, however, I persuaded the Court to impose only a period of probation, which Daway completed successfully.

Lead Prosecutor: Theodore Heinrich
Assistant United States Attorney
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Boston, MA 02210
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- (5) United States v. Leviner, 31 F. Supp. 2d 23 (D. Mass. 1998), Judge Nancy Gertner. October 1997 indictment, December 1998 plea and sentencing.

Leviner was indicted for being a felon in possession of a firearm. The charges arose out of a traffic stop during which the police found a firearm. Leviner pled guilty. At his sentencing, I highlighted for the Court the effect certain motor vehicle violations had on Leviner's sentencing range under the United States Sentencing Guidelines and sought a downward departure. In response to this argument, Judge Gertner concluded that police stopped cars driven by African Americans in disproportionate numbers, as compared to stops of cars driven by non-African Americans. The media coverage spurred further efforts to study the problem and reconsider law enforcement practices regarding the treatment of African Americans. In the end, Judge Gertner imposed a sentence below the applicable Guidelines range. Although the government filed an appeal of Judge Gertner's ruling, it ultimately withdrew the appeal.

Lead Prosecutor: Hon. Marianne C. Hinkle
(formerly Assistant United States Attorney
for the District of Massachusetts)
First Justice, Woburn District Court
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(781) 935-4000

Co-Defendant's Counsel: Roger Witkin
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Boston, MA 02108
(617) 523-0027

- (6) United States v. Meade, 986 F. Supp. 66 (D. Mass. 1997), aff'd, 175 F.3d 215 (1st Cir. 1999); Judge Edward Harrington, and Judges Bruce Selya, Norman Stahl, and Michael Boudin. July 1997 indictment, May 1998 trial, May 1999 decision on appeal.

I represented the defendant. A grand jury indicted him for possession of a firearm by one who has a prior misdemeanor conviction for domestic violence, in violation of 18 U.S.C. § 922(g)(9), and by one who was subject to a judicial anti-harassment or anti-stalking order, in violation of 18 U.S.C. § 922(g)(8). The case raised questions of first impression concerning whether the underlying misdemeanor conviction must contain, as an element, the domestic relationship specified in the federal statute, whether the statutes violated the Tenth Amendment to the United States Constitution and whether the restraining order statute violated the Due Process Clause by failing to require the state court to

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(formerly Assistant United States Attorney
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The grand jury charged Daboul and a co-defendant with fraud arising out of statements they made in the course of seeking investments for the financing of a time-share development in Anguilla. I, along with co-counsel, developed substantial evidence from officials in Anguilla that these officials had supported or encouraged the project, which was contrary to the government's assertion that time shares were not permitted in Anguilla. As a result, the prosecutors dismissed all fraud charges, and the two defendants pleaded guilty only to the Indictment's obstruction charge. Daboul was sentenced to 12 months of probation, rather than jail time.

Lead Prosecutors: William Stimson
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for the District of Massachusetts)
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Co-Defendant's Counsel: A. John Pappalardo
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Co-Counsel: Owen S. Walker
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- (8) Morton Bldgs., Inc. v. Comm'r of Revenue, 683 N.E.2d 720 (Mass. App. Ct. 1997); Judges Perretta, Gillerman, and Kass. 1996 – 1997.

I was lead counsel for the Department of Revenue in its appeal from a Tax Board decision rejecting the Department's imposition of a use tax on prefabricated building parts. On behalf of the Department, I argued that Morton's transformation of raw lumber into trusses and other parts for its prefabricated buildings did not remove the raw materials from the reach of the use tax. The Appeals Court ultimately ruled in favor of the taxpayer, concluding that the principles governing application of the tax laws requiring the resolution of doubts in the favor of taxpayers precluded the court from closing the loophole found by the taxpayer.

Appellee's Counsel: Abraham M. Stanger (deceased)

Richard Brunell
68 Adella Avenue
West Newton, MA 02465
(617) 435-6464

- (9) Bombardieri v. Gnazzo, Civil No. 96-6833, 1996 WL 735242 (Mass. Super. Ct. Dec. 19, 1996), and Nat'l Assoc. of Gov't Emps. v. Gnazzo, Civil No. 97-0280 (Mass. Super. Ct.); Suffolk County Superior Court Judges Fremont-Smith and Hinkle. 1996 – 1997.

In 1996, the Massachusetts Registry of Motor Vehicles ("RMV") made a major change to promote efficient service by allowing new car dealers to register, online, the cars they sold. A Massachusetts business specializing in waiting in line at the RMV, on behalf of new car dealers and others, sued the Commonwealth claiming that the new system violated both a 1972 Massachusetts law prohibiting private companies from using the RMV's computers or databases, and Massachusetts privacy laws. The union representing many RMV employees quickly filed a similar lawsuit. The cases received extensive media coverage. I argued that the dealer's access to the system did not violate individual privacy,

that neither the union nor the company had standing to sue under the 1972 law and that the 1972 law precluded a different type of private use of RMV computers not at issue in this lawsuit. I made these arguments both in opposition to a motion for a preliminary injunction and regarding all parties' competing motions for summary judgment. The Superior Court rejected the plaintiffs' requests for a preliminary injunction, and entered summary judgment for the RMV (in an unreported decision by Judge Hinkle). After I left the Attorney General's Office, the Supreme Judicial Court affirmed the Superior Court's entry of summary judgment in favor of the RMV.

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- (10) Provencal v. Police Dep't of Worcester, 670 N.E.2d 171 (Mass. 1996); Justices Liacos, Abrams, O'Connor, Greaney, and Fried. 1994 – 1996.

In the course of layoffs, a local police department provided a disabled veteran with preference over other more senior officers in determining which officers to layoff, but in the course of the layoffs demoted him from sergeant to patrolman. The police officer challenged the demotion under a state law providing disabled veterans with a preference in employment. The Civil Service Commission upheld the department's application of the preference and the officer appealed to court. In a brief order, the superior court upheld this decision. On further appeal by the officer, the case went directly to the Supreme Judicial Court. The case presented a question of first impression regarding the interpretation of this preference statute and the meaning of the phrase "retained in employment." I served as lead counsel for the Civil Service Commission in the proceedings before the Supreme Judicial Court. The Supreme Judicial Court followed my analysis that the terms "position," "employment" and "retained in employment" in the preference statute should be construed in the same fashion as those terms in other statutes governing public employment. The Court upheld the Civil Service Commission's ruling that the statutory employment preference the plaintiff enjoyed as a disabled veteran protected his employment with the police department, even during layoffs, but did not entitle him to a specific position within the department.

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Court Assisted Recovery Effort: In 2006, at my suggestion, the District of Massachusetts formed the Court Assisted Recovery Effort ("CARE"), a reentry court over which I preside. CARE is aimed at helping federal offenders returning to Massachusetts from prison to create and maintain sober, employed, and law-abiding lives. Defendants participating in CARE face more frequent drug testing, closer supervision, ongoing judicial oversight, and the imposition of swift sanctions including jailing upon a positive drug test or other non-compliance. They also receive treatment, referral to resources provided by local bar associations or in the community, the Court's encouragement, and hope. CARE was one of the first reentry courts in the federal system; now, it is a model for such programs in other federal courts. United States Attorney General Eric Holder, Director of National Drug Control Policy Gil Kierlikowske, Massachusetts Governor Deval Patrick, and Boston Police Commissioner Edward Davis each have endorsed CARE and spoken to CARE graduates.

Since June 2012, at my suggestion, the Federal Bureau of Prisons ("BOP") and the Court have been working to create a unique pilot program integrating the BOP's substance abuse treatment and reentry efforts with the Court's reentry programs. The proposed program will offer the prospect of reducing recidivism, improving public safety, and rehabilitating offenders without increased spending or changes to the law.

Assignment of Civil Cases to Magistrate Judges: Magistrate Judge Neiman and I spearheaded a proposal to assign a percentage of civil cases, upon filing in the District Court, directly to the Magistrate Judges in Boston and Worcester. The District Court approved the proposal as a pilot in 2008, then made the program permanent in 2010 due to its success.

Training, Education, and Administrative Activities: I have participated in numerous education and training programs, both as a practicing attorney and a Magistrate Judge, for groups including judges, lawyers, students, and public school teachers.

While an Assistant Federal Defender, I started a listserve email group so that attorneys representing indigent defendants in federal court could easily share information. I also led the Federal Defender Office's successful effort to provide indigent defendants with counsel at, rather than after, the initial appearance.

Lobbying: I have neither performed nor engaged in lobbying activities during my legal career.

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 currently teach a section of trial advocacy at Boston University School of Law. I received an adjunct appointment to teach this class starting in the Spring 2013 academic semester. The class teaches law students how to conduct the various parts of a trial – opening statement, examination of witnesses and closing argument – and culminates in the students conducting a mock trial. Spring 2013 and Spring 2014 syllabi 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.

To the best of my knowledge, I expect to receive no such income or benefits.

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

If confirmed, my only future commitment is to teach trial advocacy at Boston University School of Law again during the Spring 2014 semester.

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.

I am aware of no such persons, parties, categories of litigation, or financial arrangements, and anticipate no likely 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.

I would continue to follow the federal recusal statute and the Code of Conduct for Federal Judges. I also would continue to use the District Court's Judge Conflict/Exclusion List. This system sends me an alert if a listed person or entity is named as a party or counsel in any of my cases. I would continue to personally review each case assigned or referred to me for potential conflicts and, if necessary, I would seek advice from the Code of Conduct Committee of the Judicial Conference. I have erred, and always will err, on the side of caution.

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.

Each summer, I participate in the District Court's David Nelson Fellows Program, which is a mentoring program for disadvantaged high school students from Boston. One of the fellows is assigned to me from late June until mid-August. The fellows take classes arranged by the Court, meet with public officials, and become a part of chambers staff for the summer. In addition, I continue to mentor my former fellows.

Since 2005, I have volunteered with Discovering Justice, a non-profit organization dedicated to promoting civic education for young people in Massachusetts. The program brings teachers to the Courthouse for training in a civic curriculum it has developed; I regularly speak with these teachers. I also preside over a mock trial as part of Discovering Justice's annual mock trial program.

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.

In 2013, Senator Warren formed a selection committee to consider applicants for the vacancies on the United States District Court for the District of Massachusetts. I applied to the selection committee and was interviewed in May 2013 in Boston, Massachusetts. I met with Senator Warren and her staff on September 16, 2013, and then with Senator Markey and his staff on September 26, 2013 in Washington, D.C. Since September 30, 2013, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On December 3, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On December 19, 2013, the President submitted my nomination to the Senate. On January 6, 2014, the President re-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.

AFFIDAVIT

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

January 3, 2014
(DATE)

[Signature]
(NAME) Leo T. Sorokin

[Signature]
(NOTARY)

DANIEL P. LYONS

MY COMMISSION EXPIRES
10/29/2015