

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Robert Leon Wilkins

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

United States Circuit Judge for the District of Columbia Circuit

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States District Court for the District of Columbia
333 Constitution Avenue, N.W.
Washington, D.C. 20001

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

1963; Muncie, Indiana

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.

1986 – 1989, Harvard Law School; J.D., 1989
1982 – 1986, Rose-Hulman Institute of Technology; B.S. (*cum laude*), 1986

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.

2011 – present
United States District Court for the District of Columbia
333 Constitution Avenue, N.W.
Washington, D.C. 20001
United States District Judge

2002 – 2011
Venable LLP
575 Seventh Street, N.W.
Washington, D.C. 20004
Partner

2001 – 2002
Curry & Wilbourn
One Massachusetts Avenue, N.W., Suite 800
Washington, D.C. 20001
Contract Attorney (part-time)

1990 – 2001
Public Defender Service for the District of Columbia
633 Indiana Avenue, N.W.
Washington, D.C. 20004
Contract Attorney (part-time) (2001)
Chief, Special Litigation (1995 – 2000)
Staff Attorney (1990 – 1995)

September 1990
DeFur Voran LLP
400 South Walnut Street, Suite 200
Muncie, IN 47305
Law Clerk

1989 – 1990
United States District Court for the Southern District of California
940 Front Street
San Diego, CA 92101
Law Clerk to the Honorable Earl B. Gilliam (since deceased)

Summer 1988
Harvard Law School
Placement at Various Addresses
Republic of South Africa
C. Clyde Ferguson Human Rights Fellow

Summer 1987
ACLU National Prison Project
1616 P Street, N.W., Suite 340 (former address)
Washington, D.C. 20036
Summer Law Clerk

September 1986 – June 1987
Harvard Law School

1563 Massachusetts Avenue
Cambridge, MA 02138
Assistant at student word processing center
(Work/study program)

Summer 1986
Ball Corporation
1509 South Macedonia Avenue (former address)
Muncie, IN 47302
Summer Engineering Intern

Other Affiliations (uncompensated):

2000 – 2011
Anacostia Coordinating Council
2401 Shannon Place, S.E.
Washington, D.C. 20020
Board of Trustees

2006 – 2011
District of Columbia Access to Justice Foundation
c/o Venable LLP
575 Seventh Street, N.W.
Washington, D.C. 20004
Board of Directors

2003 – 2011
District of Columbia Bar Foundation
2000 P Street, N.W., Suite 530
Washington, D.C. 20036
Advisory Committee

2002 – 2008
Public Defender Service for the District of Columbia
633 Indiana Avenue, N.W.
Washington, D.C. 20004
Vice Chair of Board of Trustees (2007 – 2008)
Board of Trustees (2002 – 2007)

1994 – 1997, 2004 – 2007
Union Temple Baptist Church
1225 West Street, S.E.
Washington, D.C. 20020
Trustee

2004
Proud Legacy L.L.C.
(No physical address)
Managing Member

1999 – 2003
National African American Museum & Cultural Complex, Inc.
(From my private residence)
President of Board of Trustees

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

I have not served in the military. I have 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.

Professional:

“Superlawyers” Washington, D.C. (2007 – 2010)
“90 Greatest Washington Lawyers of the Last 30 years,” *Legal Times* (2008)
“Washington’s Top Lawyers: Education,” *Washingtonian* (2007)
Honor Alumni Award, Rose-Hulman Institute of Technology (2005)
“Washington’s Top Lawyers: Criminal Defense,” *Washingtonian* (2004)
“40 under 40 most successful young litigators in America,” *National Law Journal* (2002)
Henry W. Edgerton Civil Liberties Award, American Civil Liberties Union Fund of the National Capital Area (2001)
Pro Bono Attorney of the Year, American Civil Liberties Union of Maryland (2001)
“Practitioner of the Year,” University of Maryland Black Law Students Association (1999)

Academic:

Harvard Civil Rights-Civil Liberties Law Review (1986 – 1989)
Executive Editor (1988 – 1989)
Editor (1987 – 1988)
C. Clyde Ferguson Human Rights Fellow (Summer 1988)
Herman A. Moench Distinguished Senior Commendation (awarded by the faculty and professional staff to the senior in the upper half of the graduating class who has demonstrated exemplary character) (1986)
Marathon Oil Outstanding Minority Scholarship Award (1985 – 1986)
National Achievement Scholarship (1982)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association
District of Columbia Access to Justice Commission
Vice-Chair (2005 – 2008)
District of Columbia Access to Justice Foundation
Board of Directors (2006 – 2011)
District of Columbia Advisory Commission on Sentencing
District of Columbia Bar Foundation Advisory Committee
District of Columbia Juvenile Justice Advisory Group
District of Columbia Truth-In-Sentencing Commission
Judicial Council for the District of Columbia Circuit
National Association of Criminal Defense Lawyers
National Bar Association
Public Defender Service for the District of Columbia
Vice Chair of Board of Trustees (2007 – 2008)
Board of Trustees (2002 – 2007)
Standing Committee on *Pro Bono* Legal Services of the Judicial Conference of the
District of Columbia Circuit
Court Liaison (2011 – present)
Washington Bar Association

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, 1990
District of Columbia, 1991

There have been no lapses in membership.

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

Supreme Court of the United States, 1994
United States Court of Appeals for the District of Columbia Circuit, 1996
United States Court of Appeals for the Federal Circuit, 2006
United States Court of Appeals for the Second Circuit, 2010
United States District Court for the District of Columbia, 1996
United States District Court for the District of Maryland, 2002

There have been no lapses in membership.

11. **Memberships:**

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

American Civil Liberties Union (2003 – 2010)
Anacostia Coordinating Council (2000 – 2011)
Board of Trustees (2000 – 2011)
Harvard Law School Alumni Association (2005 – present)
Hillcrest Community Civic Association (2001 – present)
Lambda Chi Alpha Fraternity, Theta Kappa Chapter, Rose-Hulman
Institute of Technology (1982 – present)
Lawyers Club of Washington (2007 – present)
Minority Media & Telecommunications Council (2004)
National Museum of African American History and Culture Plan for Action
Presidential Commission (2002 – 2003)
Chair, Site and Building Committee (2002 – 2003)
Union Temple Baptist Church (1991 – present)
Trustee (1994 – 1997, 2004 – 2007)

- 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.

Lambda Chi Alpha, founded in 1909, is a social fraternity that admits only males. I took no action to change that policy. To my knowledge, none of the other organizations 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.

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

“Fix Sentencing Guidelines,” The Atlanta Journal-Constitution, December 16, 2004 (co-authored with Representative John Lewis and Karl A. Racine). Copy supplied.

“Museum Bill in Jeopardy – Action Needed,” AfriGeneas Military Research Forum Archive Post, September 24, 2003. Copy supplied.

“A Museum Much Delayed,” Washington Post, March 23, 2003. Copy supplied.

“Museum Would Advance King’s Vision,” The Atlanta Journal-Constitution, January 20, 2003. Copy supplied.

“The Forgotten Museum,” July 31, 2002. Copy supplied.

“How Much Longer Must We Wait?” Washington Post, August 5, 2001. Copy supplied.

“Actions Speak More Than Words,” The Baltimore Sun, January 29, 2001 (co-authored with Jenkins J. Odoms Jr.). Copy supplied.

“Stop Racial Profiling,” The Baltimore Sun, July 20, 2000. Copy supplied.

“Setback for D.C. Justice,” Washington Post, June 5, 2000. Copy supplied.

“Federal Influence on Sentencing Policy in the District of Columbia: An Oppressive and Dangerous Experiment,” 11 Fed. Sent. Rptr. 143-148 (Nov./Dec. 1998). Copy supplied.

“The South African Legal System: Black Lawyers’ Views,” 7 TransAfrica Forum 9 (Fall 1990). Copy supplied.

“Black Neighborhoods Becoming Black Cities: Group Empowerment, Local Control and the Implications of Being Darker than *Brown*,” 23 Harv. C.R.-C.L. L. Rev. 415 (1988) (co-authored with Ankur J. Goel, Willie J. Lovett, Jr., and Robert Patten). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

This list represents the reports, memoranda and policy statements I have identified through searches of my files and internet databases. I serve and have served on multiple bar association committees and non-profit boards that may have issued statements with or without my personal involvement. I have tried my best to list all of them here, although there may be some that I have not been able to identify or locate.

Annual Report, March 1, 2006 – February 28, 2007, District of Columbia Access to Justice Commission, Washington, D.C., April 11, 2007. Copy supplied.

Report on Racial Profiling of the Working Group of Experts on People of African Descent, United Nations, Geneva, Switzerland, March 9, 2007. Copy supplied.

“District of Columbia Access to Justice Commission’s Fiscal Year 2008 Public Funding Proposal,” District of Columbia Access to Justice Commission, Washington, D.C., 2007. Copy supplied.

Annual Report, February 28, 2005 – February 28, 2006, District of Columbia Access to Justice Commission, Washington, D.C., April 2006. Copy supplied.

“District of Columbia Access to Justice Commission Proposal for Public Funding to Ensure Justice for All in the District of Columbia,” Washington, D.C., March 14, 2006. Copy supplied.

Memorandum to Roger Sant, Chairman of the Executive Committee of the Smithsonian Board of Regents, regarding Historical Criticism of the Arts and Industries Building, National Museum of African American History and Culture Plan for Action Presidential Commission, Washington, D.C., January 18, 2006. Copy supplied.

Letter to Lawrence M. Small, Secretary, Smithsonian Institution, regarding National Museum of African American History and Culture, National Museum of African American History and Culture Plan for Action Presidential Commission, Washington, D.C., April 29, 2005. Copy supplied.

“Final Site Report,” National Museum of African American History and Culture Plan for Action Presidential Commission, Washington, D.C., September 2003. Copy supplied.

Letter to Senator Chris Dodd, regarding National Museum of African American History & Culture, S. 1157, National Museum of African American History and Culture Plan for Action Presidential Commission, Washington, D.C., June 6, 2003. Copy supplied.

“The Time Has Come,” Report to the President and to the Congress, National Museum of African American History and Culture Plan for Action Presidential Commission, Washington, D.C., April 2, 2003. Copy supplied.

“Preferred Site Analysis Report,” National Museum of African American History and Culture Plan for Action Presidential Commission, Washington, D.C., December 3, 2002. Copy supplied.

“Timeline of Efforts to Build A National Museum Dedicated to African American History and Culture,” National African American Museum & Cultural Complex, Inc., Washington, D.C., January 2002. Copy supplied.

Letter to Senators Daschle and Lott and Representatives Hastert and Gephardt regarding National Museum of African American History and Culture, National African American Museum & Cultural Complex, Inc., Washington, D.C., October 24, 2001. Copy supplied.

Memorandum to Representative John Lewis, Representative J.C. Watts, Senator Sam Brownback and Senator Max Cleland, regarding HR 1718./S829: National Museum of African American History and Culture Renovation Costs of the Arts and Industries Building, National African American Museum & Cultural Complex, Inc., Washington, D.C., September 7, 2001. Copy supplied.

Letter to Representative Don Young and Representative Robert Ney, Coalition of Supporters of Legislation to Establish the National Museum of African American History and Culture, Washington, D.C., June 18, 2001. Copy supplied.

Separate Report of the Public Defender Service for the District of Columbia to the Council of the District of Columbia Regarding the District of Columbia Advisory Commission on Sentencing, Public Defender Service for the District of Columbia, Washington, D.C., May 5, 2000. Copy supplied.

Report of the District of Columbia Advisory Commission on Sentencing, Washington, D.C., April 5, 2000. Copy supplied.

Preliminary Recommendations of the District of Columbia Advisory Commission on Sentencing, Washington, D.C., March 28, 2000. Copy supplied.

Criminal Sentencing Practices in the District of Columbia, 1993 – 1998, District of Columbia Advisory Commission on Sentencing, Washington, D.C., September 30, 1999. Copy supplied.

“The Commentary and Suggestions Report of the District of Columbia Truth In Sentencing Commission,” District of Columbia Truth-In-Sentencing Commission, Washington, D.C., March 13, 1998. Copy supplied.

“Formal Recommendations of the District of Columbia Truth In Sentencing Commission, District of Columbia Truth-In-Sentencing Commission, Washington, D.C., January 31, 1998. 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.

This list represents the testimony, official statements and other communications relating to matters of public policy or legal interpretation that I have identified through searches of my files and internet databases. I serve and have served on multiple bar association committees and non-profit boards that may have issued communications with or without my personal involvement. I have tried my best to list all of them here, although there may be some that I have not been able to identify or locate.

July 28, 2010, United States Senate, Committee on the Judiciary, Confirmation Hearing on Nomination to be a United States District Judge for the District of Columbia. Transcript and written responses to questions for the record supplied.

January 10, 2008, Public Hearing on National Museum of African American History & Culture: Environmental Impact Statement & Section 106. Transcript supplied.

April 4, 2007, Public Hearing on Mayor’s FY 2008 Budget Request for the Office of the Attorney General, Before the Council of the District of Columbia Committee on Public Safety and the Judiciary, Testimony of Peter B. Edelman, Chairman – D.C. Access to Justice Commission. Copy supplied.

January 30 – February 1, 2007, “The Problem of Impunity and Accountability Relating to Acts of Racial Profiling,” Working Group of Experts on People of African Descent, United Nations, Geneva, Switzerland. Report supplied.

July 21, 2006, Letter to the Honorable Douglas H. Ginsburg regarding the 2006 District of Columbia Circuit Judicial Conference. Copy supplied.

April 11, 2006, Public Hearing on Mayor's FY 2007 Budget Request, Before the Council of the District of Columbia Committee of the Whole, Testimony of Peter B. Edelman, Chairman – D.C. Access to Justice Commission. Copy supplied.

March 27, 2006, Public Hearing on Mayor's FY 2007 Budget Request, Before the Council of the District of Columbia Committee on the Judiciary, Testimony of Peter B. Edelman, Chairman – D.C. Access to Justice Commission. Copy supplied.

February 8, 2005, Letter to Representatives Coble and Scott regarding Federal Sentencing Guidelines. Copy supplied.

September 5, 2003, Letter to the Honorable Colin L. Powell, Secretary of State, regarding the National Museum of African American History and Culture. Copy supplied.

July 9, 2003, United States House of Representatives, Committee on House Administration, "H.R. 2205, Legislation to Establish within the Smithsonian Institution a National Museum of African American History and Culture." Testimony supplied. Video available at <http://www.c-spanvideo.org/program/177341-1>.

April 21, 2003, Memorandum to James Hayes, Staff of Senator Ted Stevens, regarding the National Museum of African American History and Culture. Copy supplied.

February 25, 2003, Letter to Representative Eleanor Holmes Norton regarding the National Museum of African American History and Culture. Copy supplied.

February 20, 2003, Meeting of the Commission of Fine Arts, National Building Museum, Washington, D.C. Minutes and Powerpoint supplied.

July 19, 2001, United States House of Representatives, Committee on Government Reform, "The Benefits of Audio-Visual Technology in Addressing Racial Profiling." Testimony supplied.

July 16, 2001, Letter to Museum Supporters, regarding the National African American Museum & Cultural Complex, Inc. Copy supplied.

May 22, 2001, Congressional Black Caucus Hearing on Racial Profiling, Rayburn House Office Building, Washington, D.C. Notes of testimony supplied.

February 13, 2001, Maryland House of Delegates, Committee on Commerce and Government Matters, Testimony concerning House Bill 303, "Law Enforcement Officers – Vehicle Laws – Race Based Traffic Stops." Testimony supplied.

July 10, 2000, Memorandum of Robert Wilkins to All Councilmembers regarding Sentencing Reform Amendment Act of 2000. Copy supplied.

May 11, 2000, Testimony on Bill 13-696, the "Sentencing Reform Amendment Act of 2000." Summary of testimony supplied.

March 30, 2000, United States Senate, Committee on the Judiciary, Subcommittee on Constitution, Federalism, and Property Rights, "Racial Profiling within Law Enforcement Agencies." Testimony and transcript supplied. Video available at <http://www.c-spanvideo.org/program/156313-1>.

From 1998 to July 2000, I served on the Advisory Commission on Sentencing, as a representative of the Public Defender Service. Although I do not have personal copies of any minutes and the meetings were not public, in searching the internet, I have recently learned that the D.C. Sentencing and Criminal Code Revision Commission has posted minutes from some of the Advisory Commission's meetings in 2000 and later. The following minutes are attached:

January 12, 2000, Meeting. Minutes supplied.

February 2, 2000, Meeting. Minutes supplied.

February 16, 2000, Meeting. Minutes supplied.

February 23, 2000, Meeting. Minutes supplied.

March 1, 2000, Meeting. Minutes supplied.

March 8, 2000, Meeting. Minutes supplied.

March 15, 2000, Meeting. Minutes supplied

July 19, 2000, Meeting. Minutes supplied

I wrote letters to or appeared before the Council of the District of Columbia, Committee on the Judiciary on numerous occasions, as Chief of Special Litigation and as a staff attorney, to present information or positions on behalf of the Public Defender Service for the District of Columbia,

February 4, 1999, "Comments of the Public Defender Service for the District of Columbia Concerning Public Roundtable on Prisons and the Incarceration of Inmates from the District of Columbia." Testimony supplied.

May 13, 1998, "Comments of the Public Defender Service for the District of Columbia Concerning the Home and Community Juvenile Probation Supervision Act of 1998, Bill 12-596." Testimony supplied.

February 27, 1998, "Comments of the Public Defender Service for the District of Columbia on Bill 12-484, The Victim's Rights Establishment Act of 1997." Testimony supplied.

February 23, 1998, "Comments of the Public Defender Service for the District of Columbia Concerning the Truth in Sentencing Amendment Act of 1998, Bill 12-523 and The Advisory Commission on Sentencing Establishment Act of 1998, Bill 12-550." Testimony supplied.

November 6, 1997, "Comments of the Public Defender Service for the District of Columbia Concerning the Evidence of Battered Spouse Syndrome Act of 1997, Bill 12-15." Testimony supplied.

June 25, 1997, "Comments of the Public Defender Service for the District of Columbia Concerning Bill 12-268: 'The Public Safety and Law Enforcement Support Amendment Act of 1997' and Bill 12-280: 'The Law Enforcement Protection Amendment Act of 1997.'" Testimony supplied.

May 7, 1997, "Comments of the Public Defender Service for the District of Columbia Concerning Bill 12-12, 'The Distribution of Marijuana Amendment Act of 1997.'" Testimony supplied.

May 6, 1997, Letter to the Honorable Jack Evans regarding Parking Meter Breaking and Entering Amendment Act of 1997 – Bill No. 12-96. Copy supplied.

March 25, 1997, Letter to the Honorable Jack Evans regarding Bill 12-139, The Felony Murder Amendment Act of 1997. Copy supplied.

March 12, 1997, "Comments of the Public Defender Service for the District of Columbia Concerning the Felony Murder Amendment Act of 1997, Bill 12-139." Testimony supplied.

June 27, 1996, "Testimony of Jo-Ann Wallace, Director, Public Defender Service for the District of Columbia Before the House Committee on the Judiciary, H.R. 3565 'Violent Youth Predator Act of 1996.'" Testimony supplied.

May 8, 1996, "Comments of the Public Defender Service for the District of Columbia Concerning Adjustment Process for Nonviolent Juvenile

Offenders and Parent Participation in Court-Ordered Proceedings Act of 1996, Bill 11-622.” Testimony supplied.

May 1, 1996, “Comments of the Public Defender Service for the District of Columbia Concerning the Sex Offender Registration Act of 1995, Bill 11-386.” Testimony supplied.

April 17, 1996, “Comments of the Public Defender Service for the District of Columbia Concerning the Drug Paraphernalia Amendment Act of 1995, Bill 11-466.” Testimony supplied.

March 14, 1996, Letter to Committee on the Judiciary in response to inquiry at the March 7, 1996 hearing on Bill 11-528, the Lorton Regulations Temporary Amendment Act of 1996. Copy supplied.

March 7, 1996, “Comments of the Public Defender Service for the District of Columbia Concerning the Lorton Regulations Approval Temporary Amendment Act of 1996, Bill 11-528.” Testimony supplied.

February 15, 1996, Letter to Chairman William Lightfoot regarding Bill 11-475, the Juvenile Detention and Speedy Trial Amendment Act of 1995. Copy supplied.

January 31, 1996, “Comments of the Public Defender Service for the District of Columbia Concerning the Drug Rehabilitation Alternative to Prison Act of 1995, Bill 11-158.” Testimony supplied.

January 3, 1996, “Comments of the Public Defender Service for the District of Columbia Concerning the Juvenile Detention and Speedy Trial Amendment Act of 1995, Bill 11-475.” Testimony supplied.

October 25, 1995, “Comments of the Public Defender Service for the District of Columbia Concerning the Safe Streets Anti-Prostitution Amendment Act of 1995, Bill 11-439.” Testimony supplied.

October 25, 1995, “Comments of the Public Defender Service for the District of Columbia Concerning Public Oversight Hearing on the Impact of the Joint Gun Initiative Conducted by the Metropolitan Police Department, the U.S. Attorney’s Office, and the Bureau of Alcohol, Tobacco and Firearms.” Testimony supplied.

October 11, 1995, “Comments of the Public Defender Service for the District of Columbia Concerning the Police Conduct Review Board Act of 1995, Bill 11-428.” Testimony supplied.

September 25, 1995, "Comments of the Public Defender Service for the District of Columbia Concerning the Drug-Related Loitering Act of 1995." Testimony supplied.

September 21, 1995, "Comments of the Public Defender Service for the District of Columbia Concerning Oversight of Misdemeanor Streamlining Provisions of D.C. Act 10-238, the Omnibus Criminal Justice Reform Amendment Act." Testimony supplied.

July 26, 1995, Letter to Councilmember Jack Evans regarding "Safe Streets Anti-Prostitution Emergency Act of 1995." Copy supplied.

September 29, 1993, "Comments of the Public Defender Service for the District of Columbia Concerning Bill No. 10-98, The Omnibus Criminal Justice Reform Amendment Act, and Bill No. 10-268, The Misdemeanor Streamlining Amendment Act." Written testimony and unofficial transcript supplied.

January 6, 1999, District of Columbia Advisory Commission on Sentencing, Presentation on District of Columbia Truth in Sentencing Study. Transcript supplied.

From 1997 to 1998, I served on the District of Columbia Truth-In-Sentencing Commission. This Commission was created by Congress in the National Capital Revitalization and Self-Government Improvement Act of 1997 to review and make recommendations regarding sentencing law in the District of Columbia. As Chief of Special Litigation, I served as the representative of the Public Defender Service for the District of Columbia on this Commission and presented the views of the agency to the body.

February 23, 1998, Letter to Eric Holder, Deputy Attorney General, regarding the Truth-in-Sentencing Commission. Copy supplied.

January 27, 1998 meeting. Transcript supplied.

January 20, 1998, Commission Meeting. Transcript supplied.

January 19, 1998, Letter to Eric Holder, Deputy Attorney General, regarding the Status of the District of Columbia "Truth-in-Sentencing Commission." Copy supplied.

January 6, 1998, Commission Meeting. Transcript supplied.

January 1998, Opening Statement of the Public Defender Service to the District of Columbia Truth-in-Sentencing Commission. Copy supplied.

December 16, 1997, Commission Meeting. Transcript supplied.

December 9, 1997, Commission Meeting. Transcript supplied.

December 9, 1997, District of Columbia Truth-in-Sentencing Commission, Materials for Public Comment. Copy supplied.

November 25, 1997, Commission Meeting. Transcript supplied.

November 6, 1997, Commission Meeting. Transcript supplied.

October 28, 1997, Commission Meeting. Transcript supplied.

October 14, 1997, Commission Meeting. Transcript supplied.

September 30, 1997, Commission Meeting. Transcript supplied.

April 12, 1996, Letter to the Honorable Eugene Hamilton, Superior Court of the District of Columbia concerning the role of counsel in pre-petition diversion programs. Copy 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.

This list represents the presentations I have identified through searches of my files and Internet databases and discussions with others to help refresh my memory. I serve and have served on multiple bar association committees and non-profit boards and in these capacities have frequently participated in public events. I have tried my best to list all of them here, although there may be some that I have not been able to identify or locate.

May 22, 2013: Speaker, Remarks to the Attorney General and staff of the Civil Litigation Unit, Office of the Attorney General of the District of Columbia, Washington, D.C. Notes supplied.

April 13, 2013: Speaker, "Following Your Faith," Men's Empowerment Conference, Calvary Missionary Baptist Church, Muncie, IN. Notes supplied.

April 9, 2013: Master of Ceremonies, Reception hosted by the Standing Committee on *Pro Bono* Legal Services of the Judicial Conference of the District of Columbia Circuit to recognize law firms for their *pro bono* service, United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

February 26, 2013: Speaker, Black History Month Program, Millennium Challenge Corporation, Washington, D.C. Remarks and Powerpoint supplied.

February 22, 2013: Speaker, Black History Month Program, White & Case LLP, Washington, D.C. Powerpoint supplied. (I gave the same remarks as those supplied for the February 26, 2013 event.)

February 8, 2013: Panelist, Effective Trial Advocacy in Employment Cases, Annual Conference of the Metropolitan Washington Employment Lawyers Association (“MWELA”), Washington, D.C. I have no notes, transcript or recording. The address of MWELA is 400 North Washington Street, Suite 300, Alexandria, VA 22314.

November 30, 2012: Speaker, Law Clerk Speaker’s Forum about my personal career path to the bench, United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

November 8, 2012: Speaker, Luncheon question and answer session with group of attorneys participating in training about effective trial advocacy, National Institute of Trial Advocacy, Washington, D.C. I have no notes, transcript or recording. The address of NITA is 1685 38th Street, Suite 200, Boulder, CO 80301.

October 26, 2012: Speaker, Remarks at the Investiture Ceremony of the Honorable Tracie M. Hunter, Hamilton County Juvenile Court, Cincinnati, OH. Remarks and press coverage supplied.

October 5, 2012: Speaker, Presentation to incoming law clerks on legal research, United States District Court for the District of Columbia, Washington, D.C. Notes supplied.

September 11, 2012: Presiding Judge, Remarks during Naturalization Ceremony, United States District Court for the District of Columbia, Washington, D.C. Notes supplied.

September 10, 2012: Presiding Judge, Remarks at Attorney Admissions Ceremony regarding the need for civility and for *pro bono* service, United States

District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

June 3, 2012: Speaker, Remarks at Social Justice Sunday church service, Sargent Memorial Presbyterian Church, Washington, D.C. I have no notes, transcript or recording, but the topics of the remarks were similar to those at the Men's Prayer Breakfast on April 10, 2011, for which remarks have been provided. The address of Sargent Memorial is 5109 Nannie Helen Burroughs Avenue, N.E., Washington, D.C. 20019.

May 18, 2012: Speaker, Remarks during Litigation Skills Training Workshop about my career and the importance of *pro bono* service, Washington Council of Lawyers, Washington, D.C. I have no notes, transcript or recording. The address of the Washington Council of Lawyers is 555 Twelfth Street, N.W., Suite 210, Washington, D.C. 20004.

April 20, 2012: Speaker, Remarks at the Investiture Ceremony of the Honorable Peter A. Krauthamer, Superior Court for the District of Columbia, Washington, D.C. Notes and press coverage supplied.

April 20, 2012: Panelist, "Two Decades of *Daubert*: Junk Science Replaced By Junk Rulings?" American Bar Association, Litigation Section Annual Conference, Washington, D.C. Notes supplied.

March 29, 2012: Master of Ceremonies, Reception hosted by the Standing Committee on *Pro Bono* Legal Services of the Judicial Conference of the District of Columbia Circuit recognizing law firms for their *pro bono* service, United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

March 21, 2012: Judge on Three-judge Panel, Ames Moot Court Semi-Final Competition, Harvard Law School, Cambridge, MA. I have no notes, transcript or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, MA.

February 10, 2012: Speaker, Law Clerk Speaker's Forum about my personal career path to the bench, United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

December 13, 2011: Presiding Judge, Remarks at Naturalization Ceremony, United States District Court for the District of Columbia, Washington, D.C. I

have no notes, transcript or recording, but the remarks would have been similar to those that I made on September 11, 2012, for which notes have been provided. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

December 6, 2011: Master of Ceremonies, Reception hosted by the Standing Committee on *Pro Bono* Legal Services of the Judicial Conference of the District of Columbia Circuit recognizing the service of *pro bono* counsel, United States District Court for the District of Columbia, Washington, D.C. Remarks and press coverage supplied.

December 5, 2011: Presiding Judge, Remarks during Attorney Admissions Ceremony regarding the need for civility and for *pro bono* service, United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

November 15, 2011: Speaker, Remarks during meeting of Sigma Delta Tau Legal Fraternity regarding my personal career path to the bench and effective litigation tactics, Sigma Delta Tau, Washington, D.C. I have no notes, transcript or recording. The address of Sigma Delta Tau is 1412 Primrose Road, N.W., Washington, D.C. 20012.

October 28, 2011: Panelist, "Sentencing Advocacy in the 21st Century," American Bar Association Criminal Justice Section 2011 Fall Conference, Washington, D.C. I have no notes, transcript or recording. The address of the American Bar Association is 321 North Clark Street, Chicago, IL 60654.

October 27, 2011: Master of Ceremonies, Reception hosted by the Standing Committee on *Pro Bono* Legal Services of the Judicial Conference of the District of Columbia Circuit recognizing federal government lawyers for their *pro bono* service, United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

October 4, 2011: Speaker, Presentation to incoming law clerks on legal research, United States District Court for the District of Columbia, Washington, D.C. (I used the same notes as those supplied for the event on October 5, 2012).

September 17, 2011: Panelist, "Road to the Robe: Mapping a Path to the Bench" panel discussion during the Celebration of Black Alumni, Harvard Law School, Cambridge, MA. I have no notes, transcript or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, MA 02138.

September 1, 2011: Speaker, Introductory meeting and question and answer session with the United States Attorney and staff of the civil and criminal divisions, United States Attorney for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States Attorney for the District of Columbia is 555 Fourth Street, N.W., Washington, D.C. 20530.

July 21, 2011: Speaker, Introductory meeting and question and answer session with the Attorney General and staff of the Civil Litigation Unit, Office of the Attorney General of the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the Office of the Attorney General of the District of Columbia is 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

July 20, 2011: Speaker, Introductory meeting and question and answer session with clerk's office staff, United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

July 19, 2011: Speaker, Introductory meeting and question and answer session with the Federal Defender and staff, Federal Public Defender for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the Federal Public Defender for the District of Columbia is 625 Indiana Avenue, N.W. #550, Washington, D.C. 20004.

June 13, 2011: Speaker, Remarks at my Investiture Ceremony, United States District Court for the District of Columbia, Washington, D.C. Transcript supplied.

April 10, 2011: Speaker, Remarks at Men's Prayer Breakfast, Sargent Memorial Presbyterian Church, Washington, D.C. Remarks supplied.

April 8, 2011: Judge, Mock Court Competition for High School Youth, Historical Society of the District of Columbia Circuit, Washington, D.C. I have no notes, transcript or recording. The address of the Historical Society of the District of Columbia Circuit is E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, NW., Room 4726, Washington, D.C. 20001.

March 25, 2011: Speaker, Remarks at Law Clerk Speaker's Forum regarding my personal career path to the bench. United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

March 1, 2011: Speaker, Remarks at my swearing-in, United States District Court for the District of Columbia, Washington, D.C. Transcript supplied.

March 25, 2010, Panelist, Patent Marking 2010: Developments Your Company Needs to Know Webinar, Venable LLP, Washington, D.C. Powerpoint supplied.

March 1, 2010: Speaker, Remarks at the Attorney Admission Ceremony, United States District Court for the District of Columbia, Washington, D.C. Remarks supplied.

September 19, 2009: Speaker, Meeting of the National Museum of the American Latino Commission, Washington, D.C. Outline and notes supplied.

April 20 – 24, 2009: Panelist, “Voices” – Sponsored by the United Nations High Commissioner for Human Rights, United Nations Durban Review Conference, Geneva, Switzerland. Remarks supplied.

March 11, 2009: Master of Ceremonies, Reception in Celebration of Mary Church Terrell Postage Stamp, Venable LLP, Washington, D.C. I have no notes, transcript or recording. The address of Venable LLP is 575 Seventh Street, N.W., Washington, D.C. 20004.

February 6, 2009: Speaker, Black History Month program, Public Defender Service for the District of Columbia, Washington, D.C. Remarks and Powerpoint supplied.

August 5, 2008: Speaker, District of Columbia Democratic Party fundraiser, Washington, D.C. Remarks supplied.

April 11, 2008: Moderator, Panel on “Building a Pipeline to a Diverse Generation of Trial Attorneys,” District of Columbia Judicial and Bar Conference, Washington, D.C. I have no notes, transcript or recording. The address of the District of Columbia Bar is 1101 K Street, N.W., Suite 200, Washington, D.C. 20005.

January 21, 2008: Speaker, Martin Luther King Day Celebration, Rose-Hulman Institute of Technology, Terre Haute, IN. Remarks, Powerpoint, and press coverage supplied.

May 11, 2007: Panelist, “Cyber Crimes and Hacking” ALI-ABA Course of Study on Internet Law for the Practical Lawyer, ALI-ABA, Washington, D.C. Outline and Powerpoint supplied.

March 14, 2007: Speaker, Guest lecture for Professor James Forman to criminal procedure class, Georgetown University Law Center, Washington, D.C. I have

no notes, transcript or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, N.W., Washington, D.C. 20001.

June 10, 2006: Speaker, Remarks at Men's Day Program, Calvary Missionary Baptist Church, Muncie, IN. Notes supplied.

April 1, 2006: Panelist, "Racial and Religious Profiling: Its Definition & Legality in a Post-September 11th World," National Association of Muslim Lawyers, George Washington University Law School, George Washington University Muslim Law Students Association, Muslim Advocates, Capital Area Muslim Bar Association, Washington, D.C. I have no notes, transcript or recording. The address of the National Association of Muslim Lawyers is 315 Montgomery Street, Eighth Floor, San Francisco, CA 94104.

February 22, 2006: Speaker, Black History Month – The Founding of the National Museum of African American History & Culture, American Academy of Physician Assistants, Alexandria, VA. I have no notes, transcript or recording. The address of the American Academy of Physician Assistants is 2318 Mill Road, Suite 1300, Alexandria, VA 22314.

November 18, 2005: Moderator, Panel on "The War on Terrorism," Criminal Practice Institute, Washington, D.C. Powerpoint supplied.

November 2, 2005: Panelist, "Sentencing in the Post-*Booker* Era," District of Columbia Bar, Washington, D.C. Powerpoint and press coverage supplied.

July 19, 2005: Speaker, Remarks at "Celebrating Diversity" program, Ameren Corporation, St. Louis, MO. Notes and Powerpoint supplied.

March 16, 2005: Speaker, Guest lecture for Professor James Forman at criminal procedure class, Georgetown University Law Center, Washington, D.C. I have no notes, transcript or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, N.W., Washington, D.C. 20001.

November 20, 2004: Panelist, "Race and Incarceration Since *Brown*," Criminal Practice Institute, Washington, D.C. Powerpoint supplied.

February 11, 2003: Panelist, Presentation at Town Hall Meeting regarding the History of Efforts to Create the National Museum of African American History and Culture, National Museum of African American History and Culture Plan for Action Presidential Commission, Washington, D.C. Handout supplied.

November 20, 2002: Panelist, "Racial Profiling: Past, Present and Future," Islamic Legal Forum, Hispanic Law Students Association ("HLSA") and Black Law Students Association ("BLSA"), American University Washington College of Law, Washington, D.C. I have no notes, transcript or recording. The address

of the HLSA and BLSA at the Washington College of Law is 4801 Massachusetts Avenue, N.W., Washington, D.C. 20016.

September 18, 2002: Speaker, Guest lecture for Professor Cynthia Jones on racial profiling issues at criminal law class, American University Washington College of Law, Washington, D.C. I have no notes, transcript or recording. The address of the American University, Washington College of Law is 4801 Massachusetts Avenue, N.W., Washington, D.C. 20016.

April 18, 2002: Panelist, Panel on Racial Profiling issues, District of Columbia Judicial Conference, Washington, D.C. I have no notes, transcript or recording. The address of the District of Columbia Court of Appeals is Historic Courthouse, 430 E Street, N.W., Washington, D.C. 20001.

October 30, 2001: Panelist, "On Paper: Appellate Briefs," District of Columbia Bar Continuing Legal Education Seminar on Appellate Litigation, Washington, D.C. Notes supplied.

April 16, 2001: Awardee, Remarks upon receiving the Henry W. Edgerton Civil Liberties Award, ACLU of the National Capital Area, Washington, D.C. Remarks supplied.

December 8, 2000: Panelist, Panel on Racial Profiling issues during "Race, Police and the Community" Conference, Harvard Law School, Cambridge, MA. I have no notes, transcript or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, MA 02138.

October/November 2000, Panelist, Proposals for the Criminal Justice Agenda of Incoming Administration, Criminal Practice Institute/Appellate Practice Institute, the Georgetown University Criminal Justice Clinic, and the Criminal Law and Individual Rights Section of the D.C. Bar, Washington, D.C. I have no notes, transcript or recording, but press coverage is supplied. The address of the Public Defender Service for the District of Columbia is 633 Indiana Avenue, N.W., Washington, D.C. 20004.

August 16, 2000: Panelist, "Restructuring Sentencing in the Nation's Capital," American Sociological Association Annual Meeting, Washington, D.C. I have no notes, transcript or recording. The address of the American Sociological Association is 1430 K Street, N.W., Suite 600, Washington, D.C. 20005.

June 20, 2000: Speaker, Criminal Defender Training Program Summer Series – The New Sentencing Laws in the District of Columbia, Public Defender Service for the District of Columbia, Washington, D.C. Notes supplied.

April 2000: Panelist, Panel on unknown legal topic, District of Columbia Judicial Conference, Washington, D.C. I have no notes, transcript or recording. The

address of the District of Columbia Court of Appeals is Historic Courthouse, 430 E Street, N.W., Washington, D.C. 20001.

March 14, 2000: Speaker, "A National African American Museum and Cultural Center," District of Columbia Public Library – Takoma Park Branch, Washington, D.C. I have no notes, transcript or recording. The address of the District of Columbia Public Library – Takoma Park Branch is 416 Cedar Street N.W., Washington, D.C. 20012.

March 3, 2000: Panelist, "Addressing Declining Rights in an Era of Declining Crime," 35th Anniversary Symposium, Harvard Civil Rights – Civil Liberties Law Review, Cambridge, MA. Transcript supplied.

Unknown date, 2000: Panelist, Panel on Racial Profiling issues, Delaware State Judicial Conference, Unknown city in Delaware. I have no notes, transcript or recording. The address of the Delaware Supreme Court is 55 The Green, Dover, DE 19901.

November 1999: Panelist, "Advanced Sentencing," District of Columbia Criminal Practice Institute, Washington, D.C. I have no notes, transcript or recording. The address of the Public Defender Service for the District of Columbia is 633 Indiana Avenue, N.W., Washington, D.C. 20004.

October 8, 1999: Panelist, "Police Brutality, Driving While Black and the New Juvenile Justice Bill: The System v. The Community," National Conference of Black Lawyers Annual Conference, Detroit, MI. I have no notes, transcript or recording. The address of the National Conference of Black Lawyers is P.O. Box 240583, Borough Hall, NY 11424.

August 8, 1999: Panelist, "Race and the Criminal Justice System," American Bar Association, Atlanta, GA. I have no notes, transcript or recording, but press coverage is supplied. The address of the American Bar Association is 321 North Clark Street, Chicago, IL 60654.

April 17, 1999: Panelist, "Driving While Black?: A Study in Search and Seizure," National Bar Association Judicial Council, Brooklyn, NY. I have no notes, transcript or recording. The address of the National Bar Association is 1225 11th Street, N.W., Washington, D.C. 20001.

March 27, 1999: Panelist, "Media Impact on Racial Stereotypes in the Criminal Justice System" at Annual Sylvania Woods Conference on African Americans and the Law, American University Washington College of Law, Washington, D.C. I have no notes, transcript or recording. The address of the American University Washington College of Law is 4801 Massachusetts Avenue, N.W., Washington, D.C. 20016.

Unknown date, 1999: Panelist, Unknown topic, National Conference of State Governments meeting, Unknown location. I have no notes, transcript or recording. I included this event based upon my vague recollection, but I have no specific recollection of the event, its location, or the sponsor.

April 1998: Panelist, Unknown topic, District of Columbia Judicial Conference, Washington, D.C. I have no notes, transcript or recording. The address of the District of Columbia Court of Appeals is Historic Courthouse, 430 E Street, N.W., Washington, D.C. 20001.

November 1997: Panelist, "Recent Developments in the Law," District of Columbia Criminal Practice Institute, Washington, D.C. I have no notes, transcript or recording. The address of the Public Defender Service for the District of Columbia is 633 Indiana Avenue, N.W., Washington, D.C. 20004.

September 12, 1997: Panelist, "African Americans and Police Brutality," Congressional Black Caucus Annual Convention, Washington, D.C. Video available at <http://www.c-spanvideo.org/program/90871-1>.

January 19, 1997: Speaker, "Civil Rights from the 1960's to the 1990's – Has Anything Really Changed?" Celebration of Martin Luther King Day, South Orange Civic Association, South Orange, NJ. Remarks supplied.

November 1996: Panelist, "Recent Developments in the Law," District of Columbia Criminal Practice Institute, Washington, D.C. I have no notes, transcript or recording. The address of the Public Defender Service for the District of Columbia is 633 Indiana Avenue, N.W., Washington, D.C. 20004.

November 1995: Panelist, "Fourth and Fifth Amendment Motions," District of Columbia Criminal Practice Institute, Washington, D.C. Notes supplied.

November 1994: Panelist, "Fourth Amendment Motions," District of Columbia Criminal Practice Institute, Washington, D.C. I have no notes, transcript or recording. The address of the Public Defender Service for the District of Columbia is 633 Indiana Avenue, N.W., Washington, D.C. 20004.

December 1, 1998, Speaker, Forum on Presence of Minority Faculty, Civil Liberties Union at Harvard and the Harvard Foundation, Cambridge, MA. I have no notes, transcript or recording, but press coverage is supplied. The address of Harvard University is Massachusetts Hall, Cambridge, MA 02138.

October 24, 1988: Speaker, Introduction of Reverend Jesse Jackson, Sr. at event, Harvard University, Cambridge, MA. Remarks supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these

interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have generally not given interviews since becoming a judge. Prior to taking the bench, I had many occasions to be interviewed by various media outlets. I have thoroughly searched my files and Internet databases in an effort to produce as complete a list of these as I could, but it is still possible there are some I was not able to identify or locate.

“America’s Story Through a Black Lens,” USA Today, February 22, 2012.

Charles J. Ogletree Jr., *THE PRESUMPTION OF GUILT* 101-114 (Palgrave McMillan 2010). Copy supplied.

“Judges Hear Request to See Police Bias Reports,” Baltimore Sun, September 30, 2009. Copy supplied.

“Full Maryland Court of Appeals Hears Racial Profiling Documents Case,” Maryland Daily Record, September 30, 2009. Copy supplied.

“Maryland Court Hearing Held on Racial Profiling Records,” Associated Press, September 29, 2009. Copy supplied.

“Maryland Morning with Sheilah Kast,” WYPR, September 29, 2009. Audio supplied.

“Maryland Court Hears Racial Profiling Case,” WAMU, September 29, 2009. Summary supplied.

“Racial Profiling Records Hearing Held,” Fox 5 D.C. News, September 29, 2009. Copy supplied.

“Bringing a Case Against Racial Profiling,” United Nations radio, May 29, 2009. Copy supplied.

“Racial Profiling Goes Before Maryland Appeals Court,” WAMU radio, May 12, 2009. Summary supplied.

“Police Records Sought,” Baltimore Sun, May 12, 2009. Copy supplied.

“A Black American Discusses Racial Discrimination in the United States at the Conference Against Racism,” United Nations Radio, April 22, 2009. Transcript supplied.

“Voices . . . that should be heard,” United Nations Television, April 6, 2009. Video supplied.

“For Ousted Juror, A Grand Fight for Answers,” Legal Times, March 2, 2009. Copy supplied.

“Venable Celebrated for JTBF Support,” Venable LLP Website, September 30, 2008. Copy supplied.

“The 90 Greatest Washington Lawyers of the Last 30 Years,” Legal Times, May 19, 2008. Copy supplied.

“Rose-Hulman Celebrates MLK Day,” WTWO TV, January 21, 2008. Copy supplied.

“Plaintiffs Urge Settlement Of Lawsuit Over Racial Profiling, MD,” Class Action Reporter, November 21, 2007. Copy supplied.

“State Police Sued Over Racial-Profilng Records,” The Gazette, October 4, 2007. Copy supplied.

“NAACP, ACLU Sue State Police Over Racial Profiling Records,” Southern Maryland Online, September 27, 2007. Copy supplied.

“ACLU Sues Maryland State Police for Withholding Public Records and Overcharging for Documents Related to ‘Driving While Black’ Lawsuit,” (press release), September 26, 2007. Copy supplied.

“And Justice For All,” Baltimore Sun, July 24, 2007. Copy supplied.

“Maryland Morning with Sheilah Kast,” WYPR, March 28, 2007. Audio supplied.

“The Front Page with Craig Thompson,” WEAA radio, February 27, 2006. Audio supplied.

“Smithsonian Picks Notable Spot for Its Museum of Black History,” New York Times, January 31, 2006. Copy supplied.

“One Step Closer: Selection of Black History Museum Director and Museum Site Expected in 2005,” Diverse: Issues In Higher Education, February 10, 2005. Copy supplied.

“Mall’s Finite Space Holds Infinite Dreams,” Washington Post, September 15, 2004. Copy supplied.

“For African-Americans, a Chance to Draft History,” New York Times, June 24, 2004. Copy supplied.

“Museum Caps Life Devoted to Rights,” St. Petersburg Times Online Tampa Bay, April 4, 2004. Copy supplied.

“Preserving His Heritage,” Echoes magazine, Spring 2004. Copy supplied.

“New Museum Sparks Battle Over Location,” Los Angeles Times, December 14, 2003. Copy supplied.

“Permanent Mary Church Terrell Exhibit Dedicated in Ceremony at Terrell Place in Downtown Washington, D.C.,” (press release), December 4, 2003. Copy supplied.

“African American Museum Bill Clears Senate,” Washington Post, November 21, 2003. Copy supplied.

“Building Controversy,” Roll Call, September 8, 2003. Copy supplied.

“African American History Museum Closer to Reality,” Crisis magazine, September 1, 2003. Copy supplied.

“Politics on Display in the Fight for a Black Museum,” Village Voice, July 9, 2003. Copy supplied.

“Long Quest, Unlikely Allies,” New York Times, June 29, 2003. Copy supplied.

“Fight Racial Profiling at Local Level, Lawmaker Says,” Chicago Tribune, June 29, 2003. Copy supplied.

“Building Memory,” Tampa Tribune, May 26, 2003. Copy supplied.

News Conference on the National Museum of African American History and Culture, Washington, D.C., May 21, 2003. Press coverage supplied.

“Black History Museum Is Moving Ahead in Congress,” Forward, May 16, 2003. Copy supplied.

“Racial Profiling Settlement Approved,” Baltimore Sun, April 11, 2003. Copy supplied.

“State Settles Bias Case,” Baltimore Sun, April 3, 2003. Copy supplied.

“Maryland Settles Decade-Old Racial Profiling Lawsuit,” Fox News, April 2, 2003. Copy supplied.

“ACLU, Civil Rights Groups and Maryland Officials Reach Landmark Racial Profiling Settlement,” (press release), April 2, 2003. Copy supplied.

“Race Profiling Advisory Panel Concern Raised,” Baltimore Sun, February 7, 2003. Copy supplied.

“Long and Winding Road,” Baltimore Sun, February 6, 2003. Copy supplied.

“Approval Urged for Settlement in Race Profiling,” Baltimore Sun, February 5, 2003. Copy supplied.

“ACLU of MD and Civil Rights Groups Decry Further Stalling on Landmark Racial Profiling Settlement,” (press release), February 5, 2003. Copy supplied.

“ACLU of Maryland and Civil Rights Groups Decry Postponement of Vote on Landmark Racial Profiling Settlement,” (press release), January 8, 2003. Copy supplied.

“Racial Profiling Settlement Up for Vote in Maryland,” Baltimore Sun, January 4, 2003. Copy supplied.

“Maryland State Police Reach Deal on Profiling,” Washington Post, January 3, 2003. Copy supplied.

“Plan for African American Museum Gains Speed,” Michigan Quarterly Review, December 21, 2002. Copy supplied.

“Time Running Out for Black Museum,” Tri-State Defender, November 20, 2002. Copy supplied.

“Robert Wilkins Joins Venable on the Heels of Presidential Commission Appointment,” New Voice of New York, June 12, 2002. Copy supplied.

“People for June 8, 2002,” National Journal, June 8, 2002. Copy supplied.

“Defensive Move: Robert Wilkins, Ex-Chief of Special Litigation in DC Public Defender's Office, Joins Venable as a Partner in Corporate Defense/White Collar Group,” PR Newswire, May 29, 2002. Copy supplied.

“Senate Names Robert Wilkins to Presidential Commission Planning the National Museum of African American History and Culture,” (press release), May 19, 2002. Copy supplied.

“Commission Considers Black History Museum,” USA Today, February 4, 2002. Copy supplied.

“Panel to Plan Black History Museum,” Associated Press, February 3, 2002. Copy supplied.

David A. Harris, *PROFILES IN INJUSTICE* 8-10 (The New Press 2002). Copy supplied.

“D.C. Sex Offender Law Struck Down,” Washington Post, September 23, 2001. Copy supplied.

“Backlash Feared Over Racial Profiling Law,” Las Vegas Sun, August 29, 2001. Copy supplied.

“Putting the Brakes on Racial Profiling,” BET News, July 19, 2001. Video supplied.

“D.C. ACLU Chapters Honor Wilkins for Racial Profiling Work,” Muncie Times, July 19, 2001. Copy supplied.

News Conference on Introduction of Legislation to End Racial Profiling, United States Capitol, Washington, D.C., June 6, 2001. Transcript supplied.

“Racial Profiling in Maryland Defies Definition—or Solution,” Washington Post, May 16, 2001. Copy supplied.

“Who Killed Bonny Bakley?” CNN Burden of Proof, May 15, 2001. Transcript supplied.

“Racial Profiling,” PBS Newshour with Jim Lehrer, March 13, 2001. Transcript supplied.

“Can School Violence Be Stopped?” CNN Burden of Proof, March 8, 2001. Transcript supplied.

“Rally Plans to Refocus the Dream of King,” Washington Post, August 24, 2000. Copy supplied.

“Boxer Rebellion,” Washington City Paper, August 4, 2000. Copy supplied.

“Stop D.C. Sentencing Bill, Keep Parole,” EIR Volume 27, June 30, 2000. Transcript supplied.

“Evening Exchange with Kojo Nnamdi,” WHUT-TV, June 9, 2000, Washington, D.C. Audio supplied.

“D.C. Plan Would Lift Limits on Sentences,” Washington Post, June 6, 2000. Copy supplied.

“Policing the Police,” Black Enterprise, June 1, 2000. Copy supplied.

“Views Invited on Sentencing in D.C.,” Washington Post, May 11, 2000. Copy supplied.

“Children Learn the Importance of Positive Self-Image and Cultural Awareness As They Display Their Ideas for the Planned National African American Museum & Cultural Complex,” (press release), April 12, 2000. Copy supplied.

“Deep Freeze?” Legal Times, April 3, 2000. Copy supplied.

“Senate Panel Probes Cops’ Racial Profiling,” Chicago Sun-Times, March 31, 2000. Copy supplied.

“U.S. Senators of Both Parties Condemn Racial Profiling,” (press release), March 31, 2000. Copy supplied.

“Sentencing Shake-Up Looms,” Legal Times, March 20, 2000. Copy supplied.

“Sentencing Shake-Up Proposed In District,” Washington Post, March 18, 2000. Copy supplied.

“U.S. Law Enforcement Coming Under Fire For Racial Profiling,” CNN Worldview, March 5, 2000. Transcript supplied.

“Black History Museum Has Artifacts but No Building,” Washington Post, January 9, 2000. Copy supplied.

Kenneth Meeks, DRIVING WHILE BLACK 21-29 (Broadway Books 2000). Copy supplied.

“Group Seeks African American Museum,” Washington Post, December 16, 1999. Copy supplied.

“Reformed School,” Washington Post, October 12, 1999. Copy supplied.

“D.C. Commission Nearing Overhaul of Sentencing System,” Legal Times, October 4, 1999. Copy supplied.

“Health Care at Oak Hill Still Found Inadequate,” Washington Post, September 17, 1999. Copy supplied.

“DWB Driving While Black,” Ebony magazine, September 1, 1999. Copy supplied.

“Racial Profiling is Common, Rights Chief Tells Lawyers,” St. Louis Post-Dispatch, August 9, 1999. Copy supplied.

“Racism in Criminal Justice Debated,” Associated Press, August 8, 1999. Copy supplied.

“In Maryland, A Lot of People Say Their Crime Isn’t Speed, It’s Race—Are the Rules of the Road Written in Black and White,” CTV National News, July 18, 1999. Transcript supplied.

“Sexual Offender Registration,” Sodomy Laws website, June 30, 1999.

“The Bottom Line with Kweisi Mfume,” WBAL-TV, Baltimore, MD, June 1999. I have been unable to obtain a copy of the recording.

“Traffic Violation: Racial Profiling Is a Reality for Black Drivers, but Momentum Is Building to Put on the Brakes,” Emerge magazine, June 1999. Copy supplied.

“At Youth Center, Senators Seek Ideas,” Washington Post, April 27, 1999. Copy supplied.

“Driving While Black,” Esquire magazine, April 1, 1999. Copy supplied.

“Both Sides with Jesse Jackson,” CNN, March 21, 1999. Transcript supplied.

“DWB: Driving While Black,” U.S. News & World Report, March 15, 1999. Copy supplied.

“‘Driving While Black’ No Crime, but . . . Race Plays Role in Stops by Police, Study Suggests,” The San Diego Union-Tribune, March 14, 1999. Copy supplied.

“Use of Racial Profiling on Drivers Meets More Legal Challenges,” The Philadelphia Inquirer, March 7, 1999. Copy supplied.

“Fox News Now,” Fox News, March 5, 1999. Video supplied.

“Firing of N.J. Police Superintendent Adds Fuel to Racial-Profilng Debate,” Knight-Ridder/Tribune News Service, March 2, 1999. Copy supplied.

“Power – The Usual Suspects,” Vibe magazine, September 1998. Copy supplied.

“Judge Appoints 2 Receivers for Oak Hill’s Prison School,” Washington Post, September 17, 1998. Copy supplied.

“Receivership Sought for D.C. Youth Prison,” Washington Post, September 11, 1998. Copy supplied.

“Driving While Black,” Court TV, August 18, 1998. Video supplied.

“Delinquent Oversight,” Washington City Paper, July 17, 1998. Copy supplied.

“Prime Time Justice,” Court TV, April 2, 1998. Video supplied.

“Inevitable Impasse,” Orlando magazine, April 1998. Copy supplied.

“America in Black and White – Fitting the Profile,” ABC News Nightline, March 31, 1998. Transcript supplied.

“Robert Wilkins Votes Against Longer Prison Terms for D.C. Offenders,” Washington Informer, February 11, 1998. Copy supplied.

“Panel Delivers Recommendations on Sentencing City’s Violent Offenders,” Washington Post, February 1, 1998. Copy supplied.

“D.C. Council Urged to Bar Parole for Violent Felons,” Washington Times, February 1, 1998. Copy supplied.

“Nightline: Racial Profiling,” Newsnight Maryland, Unknown 1998. Video supplied.

“Sentencing Battle Looms,” Legal Times, October 1997. Copy supplied.

“O’Reilly Report,” Fox News, June 2, 1997. Video supplied.

In-Person with Maureen O’Boyle, May 20, 1997. Video supplied.

“ACLU Says MD Police Stop Too Many Blacks,” National Public Radio – All Things Considered, May 7, 1997. Transcript supplied.

“Rev. Wilson Makes a Believer of Congregation in Inner-City Washington,” Ohio Today Online, Summer 1997. Copy supplied.

“ACLU Moves to Have Maryland State Police Held in Contempt,” (press release), November 14, 1996.

“Black Pride and Politics from a Southeast Pulpit,” Washington Post, July 7, 1996. Copy supplied.

“Police Appear to Target Minorities in Effort to Catch Criminals,” CBS News, May 22, 1996. Transcript supplied.

“Officials Say D.C. Anti-Gun Program Seems to Be Working” Washington Post, October 26, 1995. Copy supplied.

“Maryland State Police Settle Lawsuit Over Racial Profiles,” Jet magazine, January 23, 1995. Copy supplied.

“Race-Based Searches Prohibited,” Baltimore Sun, January 5, 1995. Copy supplied.

“Md. Settles Lawsuit Over Racial Profiles,” Washington Post, January 5, 1995. Copy supplied.

“Lawsuit Alleges Bias in Md. Traffic Stops,” Washington Post, February 13, 1993. Copy supplied.

“Pride Swells at Festival in Anacostia,” Washington Post, June 2, 1991. Copy supplied.

“Doctor, U.S. Government Settle Over Border Beating,” Los Angeles Times, March 15, 1990. Copy supplied.

“THE LAW; Departing Dean Looks Back at Dream and Reality,” New York Times, June 23, 1989. Copy supplied.

“Sitting In and Speaking Out in a Search for Change,” Harvard Crimson, June 8, 1989.

“Students Claim Success, End Harvard Protest,” Washington Post, May 12, 1988. Copy supplied.

“Students End Occupation at Harvard Law School,” Associated Press, May 12, 1988. Copy supplied.

“Harvard Law Dean Agrees to 7 of 12 Minority Demands as Sit-In Ends,” Boston Globe, May 12, 1988. Copy supplied.

“Black Law Students End Dean’s Office Sit-In,” Harvard Crimson, May 12, 1988. Copy supplied.

“Harvard Law Students Demand Minority Hiring,” Boston Globe, May 11, 1988. Copy supplied.

“Students End Occupation at Harvard Law School Dean’s Office,” Associated Press, May 11, 1988. Copy supplied.

“Students Protest Minority Hiring at Harvard,” Associated Press, May 10, 1988. Copy supplied.

“Students Occupy Dean’s Office at Harvard Law School,” WGBH-TV, May 10, 1988. Video available at <http://openvault.wgbh.org/catalog/toen-mla000572-students-occupy-dean-s-office-at-harvard-law-school>.

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.

Since March 1, 2011, I have served as a United States District Judge for the United States District Court for the District of Columbia. I was nominated by President Obama on May 20, 2010, and confirmed by the United States Senate on December 22, 2010. The United States District Court is the trial court within the federal court system that hears nearly all categories of civil and criminal matters over which there is federal subject-matter jurisdiction.

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

In the past two years as a United States District Judge, I have presided over hundreds of civil and criminal cases, including ten civil cases that went to judgment following a trial. One case was tried twice because of a hung jury during the first trial, and one case required a jury trial on some claims and a bench trial on other claims.

- i. Of these, approximately what percent were:

jury trials:	75%
bench trials:	25%
civil proceedings:	100%
criminal proceedings:	0%

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

Please 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).

The cases are listed in alphabetical order.

1. *3M Co. v. Boulter*, 842 F. Supp. 2d 85 (D.D.C. 2012), *appeal dismissed* 2012 WL 5897085 (D.C. Cir. Oct. 19, 2012).

The Plaintiff in this matter, 3M Company, filed an eight-count complaint against Defendants Davis, Davis & Associates, PLLC and Davis-Block LLC (collectively, the “Davis Defendants”); Porton Capital Technology Funds and Porton Capital, Inc. (collectively the “Porton Defendants”); and Boulter, asserting a number of claims, including commercial defamation, tortious interference with contract and prospective business relations, and civil

conspiracy. Thereafter, all Defendants (except Boulter, who had not been served) filed motions to dismiss pursuant to either Rule 12(b)(2) or 12(b)(6) of the Federal Rules of Civil Procedure. In addition, those Defendants also filed a “special motion to dismiss pursuant to the District of Columbia Anti-SLAPP Act of 2010.” After those motions were filed, the District of Columbia was permitted to intervene “solely for the limited purpose of presenting argument to defend the validity of the Anti-SLAPP Act.” Following extensive briefing and argument, I granted the Porton Defendants’ motion to dismiss for lack of personal jurisdiction and the Davis Defendants’ motion to dismiss for failure to state a claim, for all claims except the commercial defamation claim. I also held that the special motion to dismiss procedure mandated by the D.C. Anti-SLAPP Act conflicts in several fundamental respects with the Federal Rules of Civil Procedure, and, accordingly, I held that the Act cannot apply to a federal court sitting in diversity pursuant to *Hanna v. Plumer*, 380 U.S. 460 (1965), and its progeny. The Davis Defendants and the District noted interlocutory appeals from the order denying the special motion to dismiss pursuant to the Anti-SLAPP Act, but those appeals were later dismissed following a settlement between the Plaintiff and the Davis Defendants. Boulter was eventually served and, like the defendants before him, filed a motion to dismiss pursuant to Federal Rules 12(b)(2) and 12(b)(6) and a “special motion to dismiss” pursuant to the D.C. Anti-SLAPP Act. I granted the motion to dismiss for lack of personal jurisdiction, and once again, denied the special motion to dismiss. None of the parties (including the District as intervenor) appealed any of the rulings relating to claims against the Porton Defendants, and the entire case is therefore terminated.

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2. *Grunewald v. Jarvis*, --- F. Supp. 2d ----, 2013 WL 987770 (D.D.C. Mar. 14, 2013).

Plaintiffs—five Washington, D.C. residents and an animal rights organization—sued the National Park Service and Department of the Interior over a plan to reduce the deer population in Washington, D.C.'s Rock Creek Park ("Park") that would likely involve shooting and killing deer either with guns or with bows and arrows. Plaintiffs claimed that the government, in developing its plan, failed to comply with the laws establishing the Park itself and the National Park Service, as well as the National Environmental Policy Act. The action was brought pursuant to the Administrative Procedure Act. Both parties moved for summary judgment. Following extensive briefing and argument, I found that plaintiffs had not met their burden of showing that the deer management plan was arbitrary, capricious or an abuse of discretion, given the abundant evidence in the administrative record showing that the deer population in the Park is above what scientists have concluded is healthy for the long-term management of the Park and the reasoned consideration of various alternative plans. I therefore granted the defendants' motion for summary judgment and denied the plaintiffs' motion for summary judgment. The matter is pending before the Court of Appeals.

Plaintiffs' counsel:

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Defendants' counsel:

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3. *International Swaps and Derivatives Ass'n v. United States Commodity Futures Trading Comm'n*, 887 F. Supp. 2d 259 (D.D.C. 2012).

Plaintiffs International Swaps and Derivatives Association and Securities Industry and Financial Markets Association (collectively "Plaintiffs") challenged a recent rulemaking by Defendant United States Commodity Futures Trading Commission ("CFTC") setting position limits on derivatives tied to 28 physical commodities. The CFTC promulgated the Position Limits Rule pursuant to the Dodd–Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank"). The central question for the Court was whether the CFTC promulgated the Position Limits Rule based on a correct and permissible interpretation of the statute at issue. I held that the relevant Dodd–Frank amendments to the Commodity Exchange Act of 1936 lent themselves to more than one plausible interpretation, and therefore the CFTC was required to interpret the ambiguities in the statute before promulgating the regulation. Accordingly, I granted the Plaintiffs' motion for summary judgment. The matter is pending before the Court of Appeals.

Plaintiffs' counsel:

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Defendant's counsel:

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4. *Libertarian National Committee, Inc. v. Federal Election Comm'n*, --- F. Supp. 2d ----, 2013 WL 1097792 (D.D.C. Mar. 18, 2013). Additional opinion denying motion to alter or amend judgment at *Libertarian Nat'l Comm. v. FEC*, --- F. Supp. 2d ----, No. 11-cv-562 (RLW), 2013 WL 2948171 (D.D.C. June 17, 2013).

Plaintiff Libertarian National Committee, Inc. ("LNC") has been left a bequest that it is unable to take in one lump sum payment because Defendant Federal Election Commission ("FEC") believes that because Plaintiff is a political party and due to the large amount of the bequest, to do so would violate the Federal Election Campaign Act ("FECA"). The FEC instead required that the LNC receive annual payments from the bequest at the maximum contribution amount a living individual could donate. Thus the LNC would receive the full bequest, but over a number of years. The LNC is challenging the constitutionality of FECA as applied to bequests under the theory that bequests should be immediately available in full. The LNC sought to enjoin the FEC from enforcing FECA with respect to bequests and also requested certification of one question to the en banc United States Court of Appeals for the District of Columbia. The motion for certification was granted in part and denied in part, and the question of whether the FEC's restriction violated the First Amendment rights of the LNC was certified to the en banc Court of Appeals for its consideration. The matter is pending before the Court of Appeals.

Plaintiff's counsel:

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Defendant's counsel:

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5. *McCutcheon v. Federal Election Comm'n*, --- F. Supp. 2d ----, 2012 WL 4466482 (D.D.C. Sept. 28, 2012) (3 Judge Panel), *probable jurisdiction noted* 133 S. Ct. 1242 (2013).

Plaintiffs McCutcheon and the Republican National Committee challenged the aggregate campaign contribution limits Congress enacted in the Federal Elections Campaign Act of 1971 ("FECA") as unconstitutional. FECA currently imposes contribution limits stratified to track both the identity of the contributor and the identity of the receiver. Individuals, however, cannot necessarily contribute as much as they might wish within these limits; they must also comply with a second regulatory tier: a set of aggregate contribution limits. In an opinion written by Circuit Judge Janice Rogers Brown and joined by all members of the three-judge panel, the challenge was dismissed. Plaintiffs appealed the matter to the Supreme Court, and the Supreme Court noted probable jurisdiction on February 19, 2013.

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6. *McKinney v. United States Postal Service*, 2013 WL 164283 (D.D.C. Jan 16, 2013), and *McKinney v. United States Postal Service*, 2013 WL 2367798 (D.D.C. May 31, 2013)

This is a class action lawsuit brought by Plaintiff McKinney on behalf of herself and all other similarly situated beneficiaries, seeking to recover unpaid interest on additional death benefit amounts that were paid, or that should have been paid, by the United States Postal Service pursuant to an Annuity Protection Program. Pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3), I found that the proposed class satisfied numerosity, commonality, typicality, and adequacy prerequisites for class certification as well as predominance requirement for maintainability, but deferred full ruling on the certification

motion pending limited discovery efforts aimed at the manageability aspect of the Rule's "superiority" prong. After this limited discovery was completed, I concluded that the proposed class action satisfied the "superiority" prong of Rule 23(b)(3), and I granted the motion for class certification and appointed class counsel. The case is currently in the discovery phase and still pending.

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Defendant's counsel:

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7. *In Re: Science Applications International Corp. Backup Tape Data Theft Litigation*, MDL No. 2360 and 12-mc-347.

A total of eight related class action lawsuits were brought in four different jurisdictions, arising out of the September 2011 theft of computer tapes containing personally identifiable and protected health information of approximately 4.9 million active duty and retired service members and their families. The Defendants in the actions are Science Applications International Corporation (SAIC), TRICARE Management Activity, the U.S. Department of Defense and the Secretary of Defense. SAIC, a common defendant in each of the eight lawsuits, succeeded in having this matter assigned by the Judicial Panel on Multidistrict Litigation (JPML) for coordinated pretrial proceedings pursuant to 28 U.S.C. 1407. The JPML assigned the matter to me, and I have therefore consolidated all eight cases for pretrial proceedings and discovery, entered a preliminary scheduling order, appointed interim lead and liaison counsel for the putative plaintiff class, ordered the plaintiffs to file an amended consolidated complaint, and set a briefing schedule on motions to dismiss. The case is currently pending.

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8. *Securities and Exchange Commission v. Securities Investor Protection Corporation*, 842 F. Supp. 2d 321 (D.D.C. 2012); 872 F. Supp. 2d 1 (D.D.C. 2012). Additional opinion denying motion to intervene at *SEC v. Securities Investor Protection Corp.*, Civil Action No. 11-mc-678 (RLW), Dkt. No. 43 (D.D.C. Sept. 4, 2012) (copy supplied), *aff'd per curiam*, No. 12-5304, 2013 WL 1164306 (D.C. Cir. Mar. 12, 2013).

This case is an outgrowth of the 2009 collapse of a group of companies owned or controlled by Robert Allen Stanford. Stanford allegedly sold more than \$7 billion worth of certificates of deposit (“CDs”) that were issued by the Stanford International Bank, Ltd. (“SIBL”), an Antiguan bank. The CDs were marketed by the Stanford Group Company, a now-defunct broker-dealer that was registered with the SEC and that was a member of the Securities Investor Protection Corporation (“SIPC”). The Securities and Exchange Commission (“SEC”) contends that Stanford actually misappropriated billions of dollars and operated a fraudulent “Ponzi scheme” in which obligations of the CDs were paid using the proceeds from the sale of new CDs rather than from earnings, liquid assets or reserves. The SEC brought an action seeking an order compelling the SIPC to file application under the Securities Investor Protection Act (“SIPA”) for a protective decree with the United States District

Court for the Northern District of Texas. If filed, the SIPC application would have sought to commence a liquidation proceeding in the Texas federal court pursuant to Section 5(a)(3) of SIPA, but the SIPC refused to file. This was the first instance in the 42 years since SIPA was enacted that the SEC had ever filed such an application; thus there were several issues of first impression. In the first opinion, I ruled that the action could be prosecuted as a summary proceeding, rather than by a full court trial at common law. In the second opinion, I denied the application because the SEC failed to meet its burden, by a preponderance of the evidence, of proving that SIPC has “refus[ed] . . . to commit its funds or otherwise to act for the protection of customers of any member of SIPC.” The matter is pending before the Court of Appeals.

Plaintiff’s counsel:

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Defendant’s counsel:

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9. *State of Texas v. Holder*, 888 F. Supp. 2d 113 (D.D.C. 2012) (3 Judge Panel).

Pursuant to Section 5 of the Voting Rights Act of 1965, Texas sought a declaratory judgment that Senate Bill 14 (“SB 14”), a newly-enacted law requiring in-person voters to present a photo ID, “neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race[,] color,” or “member[ship] [in] a language minority group.” 42 U.S.C. §§ 1973c(a), 1973b(f)(2). To satisfy Section 5’s effect requirement, Texas was required to demonstrate that SB 14 will not “lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise.” *Beer v. United States*, 425 U.S. 130, 141 (1976). In an opinion written by Circuit Judge David S. Tatel and joined by all members of

the three-judge panel, the Court found that Texas had failed to meet its burden of proof and that, if implemented, SB 14 would likely have a retrogressive effect. Accordingly, Texas's request for a declaratory judgment was denied. The issue of whether Section 5 of the Voting Rights Act is unconstitutional is still pending in our court, but Texas has also appealed the matter to the Supreme Court.

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Intervenors' counsel (principal ones):

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10. *United States v. Talbott and Ransom*, Criminal No. 11-cr-357.

Defendants Talbott and Ransom pled guilty to conspiracy to commit bank fraud, conspiracy to commit mail fraud, and conspiracy to defraud the government. From 2004 to 2011, the defendants engaged in three distinct fraudulent schemes, resulting in millions of dollars in losses to their victims. While operating a property management company, the defendants stole the rental payments and security deposits from their clients, and they issued numerous fraudulent bills for services that were not rendered or that were inflated. The defendants also engaged in mortgage fraud schemes in which they twice refinanced their home and provided forged lien release documents to the settlement company so that they could fraudulently take possession of the loan proceeds. The defendants also filed false federal and D.C. tax returns. The total amount of the fraud was nearly \$3 million. After the defendants pled guilty, I sentenced them to lengthy terms of incarceration. Both defendants have appealed the length of their sentences, and both matters are pending before the Court of Appeals.

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- 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.

The cases are listed in alphabetical order.

1. *3M Co. v. Boulter*, 842 F. Supp. 2d 85 (D.D.C. 2012), *appeal dismissed* 2012 WL 5897085 (D.C. Cir. Oct. 19, 2012).

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2. *Alec L. v. Jackson*, 863 F. Supp. 2d 11 (D.D.C. 2012).

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3. *Grunewald v. Jarvis*, --- F. Supp. 2d ----, 2013 WL 987770 (D.D.C. Mar. 14, 2013).

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4. *Hardy v. District of Columbia*, 283 F.R.D. 20 (D.D.C. 2012).

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5. *International Swaps and Derivatives Ass'n v. United States Commodity Futures Trading Comm'n*, 887 F. Supp. 2d 259 (D.D.C. 2012).

Plaintiffs' counsel:

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6. *Ivy Sports Medicine, LLC v. Sebelius*, 2013 WL 1455271 (D.D.C. Apr. 10, 2013)

Plaintiffs' counsel:

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7. *Libertarian National Committee, Inc. v. FEC*, --- F. Supp. 2d ----, 2013 WL 1097792 (D.D.C. Mar. 18, 2013).

Plaintiff's counsel:

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Defendant's counsel:

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8. *Nu Image, Inc. v. Does 1-23,322*, 799 F. Supp. 2d 34 (D.D.C. 2011).

Counsel for Plaintiffs:

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[Note that the defendants were never served and never made an appearance.]

9. *Securities and Exchange Commission v. Securities Investor Protection Corporation*, 842 F. Supp. 2d 321 (D.D.C. 2012).

Plaintiff's counsel:

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10. *Securities and Exchange Commission v. Securities Investor Protection Corporation*, 872 F. Supp. 2d 1 (D.D.C. 2012), *aff'd*, 2013 WL 1164306 (D.C. Cir. Mar. 12, 2013).

Plaintiff's counsel:

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

McCutcheon v. FEC, --- F. Supp. 2d ----, 2012 WL 4466482 (D.D.C. Sept. 28, 2012) (3 Judge Panel). Appeal to U.S. Supreme Court filed Oct. 26, 2012, as No. 12-536. Probable jurisdiction noted on Feb. 19, 2013, *see* 133 S. Ct. 1242 (2013).

James v. FEC, --- F. Supp. 2d ----, 2012 WL 5353565 (D.D.C. Oct. 31, 2012) (3 Judge Panel). Appeal to U.S. Supreme Court filed Nov. 30, 2012, as No. 12-683, *see* 81 USLW 3329 (Nov. 30, 2012).

Stanton v. District of Columbia Court of Appeals, Dkt. No. 11-cv-613, Case No. 23, U.S.C.A. D.C. Cir. Case No. 12-7027, affirmed July 18, 2012. Petition for writ of certiorari filed on Jan. 8, 2013, as No. 12-921. Certiorari denied, 133 S. Ct. 1726 (Apr. 1, 2013).

State of Texas v. Holder, 888 F. Supp. 2d 113 (D.D.C. 2012) (3 Judge Panel). Appeal to U.S. Supreme Court filed on Feb. 19, 2013, as No. 12-1028.

- 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.

Lesesne v. Doe, --- F.3d ----, 2013 WL 1405763 (D.C. Cir. Apr 09, 2013). In this case, a former inmate at the District of Columbia jail brought a *pro se* action against the District of Columbia, the Department of Corrections and corrections officials alleging constitutional claims based on deliberate indifference to his medical needs and common law claims of intentional infliction of emotional distress. I granted the defendant's motion to dismiss, finding that the federal constitutional claims should be dismissed for failure to exhaust administrative remedies pursuant to the Prison Litigation Reform Act (PLRA), and that the common law claims failed to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) (copy supplied). The Court of Appeals partially reversed my order, holding that the exhaustion requirements of the PLRA did not apply to this plaintiff because he was not incarcerated at the time he filed the lawsuit, an argument that was made for the first time on appeal by counsel appointed as *amicus*. The Court of Appeals affirmed the dismissal of the common law claims.

- 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.

As a district court judge, I have filed all of my memorandum opinions using the federal judiciary's electronic filing system, which automatically publishes each opinion on the court website. In addition, Westlaw, Lexis and other publishers gather those opinions from the court website to include in their electronic databases. Therefore, I believe that I have no unpublished opinions.

- 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.

Libertarian Nat'l Comm. v. FEC, --- F. Supp. 2d ----, No. 11-cv-562 (RLW), 2013 WL 2948171 (D.D.C. June 17, 2013)

Libertarian National Committee, Inc. v. FEC, --- F. Supp. 2d ----, 2013 WL 1097792 (D.D.C. Mar. 18, 2013)

Motley-Ivey v. District of Columbia, --- F. Supp. 2d ----, 2013 WL 543877 (D.D.C. Feb. 14, 2013)

Teton Historic Aviation Foundation v. United States, --- F. Supp. 2d ----, 2013 WL 208951 (D.D.C. Jan. 18, 2013)

Wellington v. Fulwood, 2013 WL 140254 (D.D.C. Jan. 11, 2013)

Neighborhood Assistance Corp. of America v. Consumer Financial Protection Board, --- F. Supp. 2d ----, 2012 WL 5995739 (D.D.C. Dec. 3, 2012)

McCutcheon v. Federal Election Comm'n, --- F.Supp.2d ----, 2012 WL 4466482 (D.D.C. Sept. 28, 2012) (3 Judge Panel), *probable jurisdiction noted* 133 S. Ct. 1242 (2013)

Dearth v. Holder, --- F. Supp. 2d ----, 2012 WL 4458447 (D.D.C. Sept. 27, 2012)

Whitehead v. District of Columbia Child Support Services Division,--- F. Supp. 2d ----, 2012 WL 4373472 (D.D.C. Sept. 26, 2012)

Hardy v. District of Columbia, 283 F.R.D. 20 (D.D.C. 2012)

Esposito v. Dep't of Treasury, 2012 WL 1076155 (D.D.C. Mar. 30, 2012)

Wesby v. District of Columbia, 841 F. Supp. 2d 20 (D.D.C. 2012)

Colbert v. Cincinnati Police Dep't, 867 F. Supp. 2d 34 (D.D.C. 2011)

Moffett v. Prudential Life Insurance Company of America, 2011 U.S. Dist. LEXIS 107063 (D.D.C. Sept. 21, 2011)

Kvech v. Holder, 2011 WL 4369452 (D.D.C. Sept. 19, 2011)

National Tobacco Co., L.P. v. District of Columbia, 2011 WL 4442771 (D.D.C. Sept. 14, 2011)

Pai v. United States Citizenship and Immigration Services, 810 F. Supp. 2d 102 (D.D.C. 2011)

Vardon v. Federal Reserve System, 2011 WL 3847168 (D.D.C. Aug. 31, 2011), *aff'd*, 448 Fed. Appx. 77 (D.C. Cir. Jan. 11, 2012)

Moten v. Hatch, 2011 WL 3847437 (D.D.C. Aug. 30, 2011)

Nu Image, Inc. v. Does 1-23, 322, 799 F. Supp. 2d 34 (D.D.C. 2011)

Okpala v. District of Columbia, 775 F. Supp. 2d 135 (D.D.C. 2011), *amended*, 819 F. Supp. 2d 13 (D.D.C. 2011)

- 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 a federal court of appeals.

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.

The District Court uses an automated conflict check system. I maintain a list of persons, parties and law firms who cannot appear before me due to an actual conflict of interest or the appearance of such a conflict, and the system automatically flags any such matters. Due to my recent former partnership with Venable LLP, I still recuse myself from all matters where Venable LLP is counsel or a party. In addition, I recuse myself from any matter that was pending in the Public Defender Service for the District of Columbia during my time of service in that office. No party has ever asked me to recuse from a case.

Sher v. SAF Financial, Inc., 1:11-mc-00088-JDB. I recused sua sponte. Venable represented an interested party in the underlying dispute.

Popal et al. v. Fiore et al., 1:11-cv-00801-JEB. I recused sua sponte. Venable represented a party.

Goodman et al. v. Merck Sharp & Dohme Corp. et al., 1:11-cv-00954-HHK. I recused sua sponte. Venable represented a party.

Brown v. United States, 1:11-cv-01734-RWR. I recused sua sponte. The petitioner was challenging his conviction, and at the time of his conviction, he was represented by the Public Defender Service for the District of Columbia while I was employed there.

Fanning v. Interstate Brands Corp., 1:11-cv-01764-RJL. I recused sua sponte. Venable represented a party.

Najmah Rashad v. Washington Metropolitan Area Transit Authority, 12-cv-00863-RMC. I recused sua sponte. Venable represented a party.

Douglas v. District of Columbia Housing Authority et al., 1:12-cv-01418-ESH. I recused sua sponte. Venable represented a party.

United States v. Torres, et al., 1:11-cr-00219-ABJ. I recused sua sponte. I approved wiretap requests that were used to procure evidence during the grand jury investigation; therefore a different judge should be assigned to handle the case after an indictment is returned, in case a motion to suppress that evidence is filed and the wiretap authorization must be reviewed.

Bishop et al v. Merck Sharp & Dohme Corp. et al., 1:12-cv-00281-RBW. I recused sua sponte. Venable represented a party.

Sibley v. Obama, 1:12-cv-01832-JDB. I recused sua sponte. Because plaintiff's lawsuit challenged President Obama's qualifications to serve as President, I recused due to volunteer work for the 2008 Obama for President campaign prior to taking the bench.

United States v. Sears, Roebuck & Co. et al., 1:13-cv-00005-RBW. I recused sua sponte. Venable represented a party.

Delta Sigma Theta Sorority, Inc. v. Bivins et al., 1:13-cv-00252-BAH. I recused sua sponte. Plaintiff was represented by close personal friend and former employer.

United States v. Jesse Jackson, Jr., Criminal No. 13-cr-58 and *United States v. Sandra Stevens Jackson*, Criminal No. 13-cr-59. On February 15, 2013, these cases were assigned to me. On February 19, 2013, I offered to recuse sua sponte; disqualification was waived by all parties on that same date. The Defendants are the son and daughter-in-law of Reverend Jesse Jackson, Sr. During law school, I served as a co-chair of Harvard Law School Students for Jackson, supporting Reverend Jackson's 1988 presidential campaign, and I introduced him at a campus event that year. On March 21, 1999, while an attorney, I appeared as a guest on a show hosted by Reverend Jackson on the CNN network entitled "Both Sides with Jesse Jackson" to discuss my *Wilkins v. State of Maryland* civil rights lawsuit. Because of that prior relationship, I offered to recuse from the cases, but the prosecution and both Defendants agreed to waive any potential disqualification and asked that I stay on the case. Subsequently, on April 12, 2013, Harvard Law School Professor Charles Ogletree entered an appearance as counsel for Jesse Jackson, Jr. Because of my close professional and personal relationship with Professor Ogletree, I recused from both cases on April 16, 2013.

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.

2005 – 2008

District of Columbia Access to Justice Commission

Appointed by the District of Columbia Court of Appeals

2002 – 2003

National Museum of African American History and Culture Plan for Action
Presidential Commission

Appointed by the United States Senate

1998 – 2000

District of Columbia Advisory Commission on Sentencing (now known as the
District of Columbia Sentencing and Criminal Code Revision Commission)

Pursuant to D.C. Law 12-167, one member of the commission was required to be a representative of the Public Defender Service of the District of Columbia, and Jo-Ann Wallace, the Director of the agency, appointed me to serve as that representative.

1998 – 2000 (approximate)

District of Columbia Juvenile Justice Advisory Group

Pursuant to administrative order of the Mayor of the District of Columbia, one member of the Advisory Group was required to be a representative of the Public Defender Service of the District of Columbia, and Jo-Ann Wallace, the Director of the agency, appointed me to serve as that representative.

1997 – 1998

District of Columbia Truth-In-Sentencing Commission

Pursuant to Public Law 105-33, one member of the commission was required to be a representative of the Public Defender Service of the District of Columbia, and Jo-Ann Wallace, the Director of the agency, appointed me to serve as that representative.

I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

Jackson for President (1988), Co-chair of Harvard Law School Students for Jackson, provided voluntary assistance with voter registration and canvassing.

Obama for President (2008), Member of Committee of Lawyers for Obama, provided voluntary assistance with fundraising, canvassing and vetting.

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 1989 to 1990. I served as a law clerk to the Honorable Earl B. Gilliam (now deceased), District Judge on the United States District Court for the Southern District of California.

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

From August 2000 to May 2002, I primarily did non-legal volunteer work advocating for the creation of a national museum dedicated to African American history and culture. I also practiced alone as a contract attorney out of my home during that time for the Public Defender Service for the District of Columbia and for Curry & Wilbourn.

- 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.

September 1990
DeFur Voran LLP
400 South Walnut Street, Suite 200
Muncie, IN 47305
Law Clerk

1990 – 2002
Public Defender Service for the District of Columbia
633 Indiana Avenue, N.W.
Washington, D.C. 20004
Staff Attorney (1990 – 1996)
Chief, Special Litigation (1996 – 2000)
Contract Attorney (part-time) (2000 – 2002)

2001 – 2002
Curry & Wilbourn
One Massachusetts Avenue, N.W., Suite 800
Washington, D.C. 20001

Contract Attorney (part-time)

2002 – 2011

Venable LLP

575 Seventh Street, N.W.

Washington, D.C. 20004

Partner

- 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 never served as a mediator or arbitrator.

b. Describe:

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

When I started practicing law in 1990 following my clerkship, my practice consisted exclusively of criminal appellate and trial work.

I served in the Public Defender Service for the District of Columbia from 1990 to 2000. From 1990 to 1995, I was principal counsel in several appeals to the District of Columbia Court of Appeals, including interlocutory appeals involving complex issues, such as collateral estoppel and preventive detention, and appeals following convictions for serious offenses such as murder, armed robbery and mayhem. In addition, I was lead trial counsel in hundreds of cases before the Superior Court of the District of Columbia, beginning with juvenile matters, then misdemeanors and concluding with serious felonies such as rape, kidnapping, armed robbery and murder. Around 1995, my practice began to include some civil work, primarily in consent decree enforcement, but it remained primarily a criminal practice.

From August 2000 to May 2002, my practice was as a part-time contract attorney for Curry & Wilbourn and the Public Defender Service, and I worked almost exclusively on civil matters. For Curry & Wilbourn, I worked on civil rights, commercial law, real property and trust and estate litigation matters. For the Public Defender Service, I served as lead counsel in the constitutional challenge to the newly enacted District of Columbia sex offender registration statute in the district court and in the United States Court of Appeals for the District of Columbia Circuit.

While at Venable from 2002 to 2011, my practice consisted of white collar criminal defense, intellectual property litigation and complex commercial

litigation arising from business disputes, primarily in federal courts around the country. I was first or second chair in numerous litigation matters in a variety of subject areas, including patents, trademarks, bankruptcy, products liability, corporations and civil rights at the trial court level. In addition, I managed or assisted with appellate matters in the District of Columbia Court of Appeals, the United States Court of Appeals for the Federal Circuit and the United States Court of Appeals for the Second Circuit.

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

From 1990 to 2002, my typical clients were indigent individuals who were facing charges or had been convicted or adjudicated in either the juvenile delinquency or adult criminal justice systems. During that time, I specialized in criminal law, and to a lesser degree, civil rights law. From 2002 to 2011, my typical clients were individuals and companies facing investigation or charges in white collar criminal matters or companies, both large and small, involved in intellectual property or commercial disputes. During that time, I maintained my specialties in criminal and civil rights law and began to develop a specialty in patent litigation.

- 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.

From 1990 to 1996, my practice was 100% litigation, and I appeared in court very frequently. From 1996 to 2002, my practice was approximately 50% litigation and 50% public policy, though I still appeared in court fairly frequently. From 2002 to 2011, nearly 100% of my practice was in litigation, and I appeared in court frequently.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 30%
- 2. state courts of record: >65%
- 3. other courts:
- 4. administrative agencies: <5%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 30%
- 2. criminal proceedings: 70%

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

I have tried approximately 25 to 30 cases to verdict or final decision over my entire career, the vast majority during my tenure with Public Defender Service for the District of Columbia. I estimate that of those trials, I was sole counsel in approximately 70% of those cases, chief counsel in approximately 15% and associate counsel in approximately 15%.

i. What percentage of these trials were:

- | | |
|-------------|-----|
| 1. jury: | 80% |
| 2. non-jury | 20% |

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

I have represented parties seeking certiorari review in the following matters, serving as the primary author of each petition for writ of certiorari:

District of Columbia v. Jerry M., 738 A.2d 1206 (D.C. 1999), *cert. denied*, 529 U.S. 1118 (2000). Copy of petition available at 1999 WL 35127016.

United States v. Smith, 685 A.2d 380 (D.C. 1996), *cert. denied*, 522 U.S. 856 (1997). Copy of petition supplied.

In re M.E.B., 638 A.2d 1123 (D.C. 1993), *cert. denied*, 513 U.S. 883 (1994). Copy of petition supplied.

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

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

1. *Robert L. Wilkins, et al. v. State of Maryland*, Docket No. 93-cv-00468-CCB (D. Md.) and *NAACP, et al. v. Maryland State Police*, Docket No. 98-cv-1098-FPS (D. Md.). Reported at *Maryland State Conference of NAACP Branches v. Maryland*

State Police, 2007 WL 2914913 (D. Md., Oct. 3, 2007); *Maryland State Conference of NAACP Branches v. Maryland State Police*, 454 F. Supp. 2d 339 (D. Md. 2006); *Maryland State Conference of NAACP Branches v. Maryland Dep't of State Police*, 72 F. Supp. 2d 560 (D. Md. 1999). Judge Catherine Blake and Magistrate Judge Paul Grimm handled the case initially, and then it was transferred to Magistrate Judge James Bredar and Judge Frederick Stamp (sitting by designation from the Northern District of West Virginia); 1993 – 2008.

The *Wilkins* case was a “racial profiling” civil rights lawsuit that arose out of an incident in which I and three family members were stopped and detained for a search by a drug-sniffing dog by the Maryland State Police while returning from a funeral in Chicago. In 1995, we reached a landmark settlement that required systematic statewide compilation and publication of highway traffic stop and search data by race. In 1998, we filed a new lawsuit on behalf of the Maryland NAACP and several individuals as a putative class action, alleging that the Maryland State Police engaged in “racial profiling” in traffic stops and searches along I-95 in Maryland, and litigation to enforce the settlement agreement in the *Wilkins* case was consolidated with the *NAACP* case. In 2003, the parties agreed to resolve the demands for equitable relief in the *Wilkins* case and the *NAACP* case by entering into another landmark consent decree that required that the Maryland State Police take a number of further actions, including hiring an independent consultant, installing video cameras in its vehicles, requiring an internal investigation of all citizen complaints of racial profiling, assigning a senior officer to review all racial profiling complaints and data, and providing the Maryland NAACP with quarterly reports containing detailed information on the number, nature, location and disposition of racial profiling complaints. The portion of the *NAACP* case involving the requests for damages by individual motorists was settled in April 2008. These cases and the data have been examined and described in thousands of books, scholarly articles and popular media publications and inspired an Executive Order by President Bill Clinton, legislation in the House and Senate, and legislation in at least twenty-eight states prohibiting racial profiling and/or requiring data collection. I was the lead plaintiff in the *Wilkins* case, but I also participated in the *Wilkins* and *NAACP* cases as co-counsel, assisting the lead lawyers in the case with legal research, litigation strategy, drafting pleadings and settlement negotiations.

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2. *Kimberly-Clark Worldwide, Inc. v. Tyco Healthcare Group LP*, 635 F. Supp. 2d 870 (E.D. Wis. 2009). This matter was before Judge William Griesbach; 2009 – 2010.

I represented Kimberly-Clark, which owns a patent for endotracheal tubes with an innovative feature that helps prevent fluid from leaking past the tube's cuff and aspirating into the lungs of intubated patients, thereby helping to prevent those patients from contracting pneumonia. Kimberly-Clark sought a preliminary injunction against Tyco Healthcare, which had recently begun marketing an endotracheal tube in the United States that copied the patented feature. The parties engaged in expedited fact and expert discovery in advance of an evidentiary hearing on the request for a preliminary injunction. Following the hearing, the court ruled that Kimberly-Clark had established a likelihood of success on the merits with its showing that the patent was valid and was being infringed, but the court ruled that

Kimberly-Clark would not suffer irreparable harm pending trial and that the public interest would not be served by a preliminary injunction. Subsequently, the case was resolved by settlement, with Tyco agreeing to license Kimberly-Clark's patented technology. I served as lead counsel for Kimberly-Clark.

Co-counsel:

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Opposing counsel:

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3. *Janssen Pharmaceutica N.V., et al., v. Eon Labs Manufacturing Inc.*, Docket No. 01-CV-2322 (NG) (MDG), 374 F. Supp. 2d 263 (E.D.N.Y. 2004), *aff'd*, 134 Fed. Appx. 425 (Fed. Cir. June 13, 2005); *see also Janssen Pharmaceutica N.V. v. Eon Labs Mfg., Inc.*, 2003 WL 25819555 (E.D.N.Y. Nov. 25, 2003). This matter was before Judge Nina Gershon; 2002 – 2005.

I represented the plaintiff, Janssen Pharmaceutica, the owner of a patent for pharmaceutical beads used in an innovative antifungal medication in a lawsuit against Eon Labs. Eon had received FDA approval to manufacture and market a generic version of the antifungal medication, and Janssen brought suit pursuant to the federal Hatch-Waxman Act to obtain injunctive relief against Eon. Following a bench trial, the court reached a split verdict, rejecting Eon's challenges to the validity of the patent, but also finding that Eon's formulation of the medication did not infringe Janssen's patent. The case was appealed to the Federal Circuit, and the trial court ruling was affirmed. I acted as second chair in the case and assisted with all aspects of the case from discovery, through motions practice, trial and appeal.

Co-counsel:

Vicki Margolis

Vice President and Chief Counsel, Intellectual Property and Global Marketing,
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Opposing Counsel:

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4. *Doe No. 1 v. Williams*, 167 F.Supp.2d 45 (D.D.C. 2001), *rev'd in part*, 2003 WL 21466903 (D.C. Cir. 2003). This matter was before Judge Ellen Segal Huvelle; 2001 – 2003.

I acted as lead counsel for plaintiffs in a class action lawsuit challenging the District of Columbia Sex Offender Registration Act on constitutional and Privacy Act grounds, obtaining temporary, preliminary and permanent injunctive relief in the District Court. While the case was on appeal, the Supreme Court of the United States upheld the sex offender registration statutes of Connecticut and Alaska, and based on those rulings, the U.S. Court of Appeals for the D.C. Circuit reversed the injunctions in part.

Co-counsel:

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5. *Newman v. Borders, Inc.*, 257 F.R.D. 1 (D.D.C. 2009); *Newman v. Borders, Inc.*, 530 F. Supp. 2d 346 (D.D.C. 2008). This case was before Judge Richard Roberts; 2007 – 2010.

This case was brought pursuant to 42 U.S.C. § 1981, alleging that Newman was discriminated against while shopping at a Borders bookstore in Washington. Borders filed a motion to dismiss, which was granted in part and denied in part, and the matter proceeded through discovery. The parties reached a confidential settlement of the matter. I represented Borders, serving as co-lead counsel in the case.

Co-counsel:

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Opposing counsel:

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6. *Chase v. Public Defender Service*, 956 A.2d 67, 28 IER Cases 967 (D.C. 2008); 2003 – 2008.

In this case, I represented the Public Defender Service for the District of Columbia in various challenges brought by Chase to his termination from the agency. In a case of first impression, the D.C. Court of Appeals was asked to construe the impact of the passage by Congress of the National Capital Revitalization and Self-Government Improvement Act of 1997 upon the status of the Public Defender Service. The court held that Revitalization Act altered the charter of the Public Defender Service such that its employees were not subject to the same personnel procedures as employees of the District of Columbia government, upholding the agency's right to terminate Mr. Chase. I served as lead counsel in the matter, overseeing the briefing and strategy on appeal and in prior proceedings before an administrative law judge and the District of Columbia Superior Court.

Co-counsel:

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Opposing counsel:

Michael Lasley
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7. *Martin v. United States*, 647 A.2d 1135 (D.C. 1994); *Martin v. United States*, 614 A.2d 51 (D.C. 1992); *Martin v. United States*, 606 A.2d 120 (D.C. 1991); 1990 - 1994.

Mr. Martin was convicted of first-degree murder in the D.C. Superior Court, and I represented him in the appeal of the conviction and in subsequent proceedings. This was my very first case with the Public Defender Service, and I wrote the brief and argued the appeal. The D.C. Court of Appeals reversed the conviction, holding that the trial court erred by refusing to grant a mistrial when Mr. Martin's co-defendant pled guilty in the middle of trial and made statements during his guilty plea that were exculpatory as to Mr. Martin. Following the reversal, I was junior counsel in the trial court, where we actively litigated bond review and collateral estoppel motions leading up to his retrial, and I played a lead role in the briefing and argument of the appeals of those issues. Mr. Martin eventually entered an *Alford* plea to voluntary manslaughter.

Co-counsel:

Elizabeth Taylor
Principal Deputy Associate Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-3310

Jamie Gardner,
Patton Boggs LLP
2550 M Street, N.W.
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Roy Conn III
United States Department of Justice, Civil Rights Division
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Opposing counsel:

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Stacey Sovereign
1620 Davidson Road
McLean, VA 22101
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8. *District of Columbia v. Jerry M.*, 738 A.2d 1206 (D.C. 1999), *cert. denied*, 529 U.S. 1118 (2000). The case was before then-judge Richard A. Levie; 1995 – 2000.

This matter involved a consent decree entered in the District of Columbia Superior Court in 1986 on behalf of juveniles detained in secure facilities pending trial or following adjudication. I served as co-lead counsel for the plaintiffs, litigating the violation of various consent decree provisions due to overcrowding and inadequate medical care, housing conditions, food and education. I tried two contested civil contempt proceedings to verdict, including a landmark motion to place the school of the Oak Hill detention center school in receivership due to repeated educational failures, particularly violations of federal special education requirements. The Court of Appeals reversed the receivership order.

Co-counsel:

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(202) 724-6635

9. *United States v. Smith*, 685 A.2d 380 (D.C. 1996), *cert. denied*, 522 U.S. 856 (1997). The matter was before Judge Henry Greene; 1995 – 2002.

I represented Ms. Smith in a series of cases, including a case in the Superior Court of the District of Columbia charging her with two counts of stalking, two counts of blackmail and three counts of felony threats. This was a landmark prosecution for at least two reasons. First, the case was unique because it was the first blackmail case to be tried in the District of Columbia in at least 20 years. Secondly, the case was unique because it was one of the first prosecutions under the District of Columbia's new stalking statute. Following extensive motions practice and lengthy hearings, Judge Henry Greene granted the defense motions to dismiss the stalking counts on constitutional grounds. Following a trial on the remaining charges, Ms. Smith obtained not guilty verdicts on all counts except one blackmail count, on which there was a hung jury. The government appealed the dismissal of the stalking charges, and the Court of Appeals reversed and reinstated those charges. Ms. Smith eventually pled guilty to a misdemeanor charge. I was co-lead counsel in the case.

Co-counsel:

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Opposing counsel:

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Michael N. Levy
Bingham McCutchen LLP
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10. *United States v. Gibson*, 1995 FEL 001293. This case was before Judge Frederick Weisberg in the Superior Court of the District of Columbia; 1995 – 1996.

I was appointed to represent Mr. Gibson following an incident in which he and another man attempted to rob a taxi driver using an inoperable BB gun. The taxi driver stopped his car in a busy intersection, resisted, disarmed Mr. Gibson, and was fighting with Mr. Gibson when an off-duty police officer in his street clothes came upon the scene. The off-duty officer approached the men, pulled his gun and was pointing it at the men when a police squad car came upon the scene. After exiting the squad car, one of those officers shot the off-duty officer, killing him. Mr. Gibson was arrested at the scene and charged with armed robbery of the taxi driver and felony murder of the off-duty police officer. The case and the incident received a great deal of media attention and scrutiny due to the death of the police officer and the circumstances of the shooting. Following vigorous advocacy, the felony murder charges were dismissed and Mr. Gibson was permitted to plead guilty to armed robbery. I acted as lead counsel in the case, though I was assisted and supervised by co-counsel.

Co-counsel:

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Opposing counsel:

Thomas Connolly
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Washington, D.C. 20036
(202) 730-1300

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.)

I spent a substantial amount of time from 2003 to 2011 on a litigation matter in which I represented Enron Creditors Recovery Corp. in an adversary proceeding that was originally filed in the United States Bankruptcy Court for the Southern District of New York, seeking to recover \$1.1 billion in payments made on commercial paper notes prior to maturity and just six weeks prior to Enron's bankruptcy filing. Enron alleged that, after its financial difficulties became public, the market for its commercial paper collapsed and its commercial paper dealers and note-holders pressured Enron to draw on its \$3 billion revolver and to prepay the notes at their accrued par value, which was substantially in excess of their market value. Enron sought to recover the \$1.1 billion in prepayments as voidable preferences under the Bankruptcy Code from approximately 200 defendants. Enron recovered the equivalent of approximately \$500 million in settlements, and three defendants who did not settle were awarded summary judgment by the United States District Court for the Southern District of New York, and that ruling was affirmed by the U.S. Court of Appeals for the Second Circuit.

In addition, I was involved in several significant non-litigation legal activities. First, I was involved with the District of Columbia Truth-in-Sentencing Commission and the District of Columbia Advisory Commission on Sentencing, serving as the representative of the Public Defender Service for the District of Columbia on those bodies, which were tasked with making legislative and policy recommendations to the Council for the District of Columbia. Secondly, I was appointed by the United States Senate to serve on the National Museum of African American History and Culture Plan for Action Presidential Commission, and I chaired its Site and Building Committee. In addition to studying various policy and administrative issues, this Presidential Commission addressed legal issues relating to subjects such as governance of federal agencies and the Smithsonian, appropriations and fundraising, and building on the National Mall. The Presidential Commission also drafted proposed legislation and made recommendations to Congress. Finally, I was invited to provide testimony or participate in panel discussions in numerous meetings on the subject of racial profiling, including before the United States Senate, the United States House of Representatives, the United Nations, the American Bar Association, and various other organizations.

I have not engaged in lobbying activities or registered as a lobbyist.

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

I have not taught any courses. I occasionally have spoken to a class as a guest lecturer, and I have helped supervise and teach at trial advocacy workshops.

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

None.

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

I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during my time with the court.

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.

Due to my recent former partnership with Venable LLP, I still recuse myself from all matters where Venable LLP is counsel or a party. At some point in the next few years, I plan to stop recusing from all Venable matters, and I would instead recuse myself only from 1) cases in which Venable LLP is either a party or counsel for a party and the litigation involves events that occurred prior to my departure from the firm, 2) cases involving matters in which I may have played some role in the past, and 3) cases involving a former client with whom I had a long-standing relationship or about whom I gained confidential information or knowledge that may be potentially relevant to the litigation. In addition, I would

consider and disclose, as appropriate, any other relationships with the parties or counsel in all matters and recuse myself as appropriate. Parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest during my initial service in the position to which I have been nominated would include family members, relatives, close friends, former clients, former partners, or matters pending in any law firm in which I was formerly associated. In addition, I would recuse myself from any matter that was pending in the Public Defender Service for the District of Columbia during my time of service in that office.

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

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

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have actively served the disadvantaged throughout my entire legal career. I currently serve as the Court liaison to The Standing Committee on *Pro Bono* Legal Services of the Judicial Conference of the District of Columbia Circuit. During my ten-year tenure with the Public Defender Service for the District of Columbia, I served the disadvantaged virtually full-time. From 1992 prior to my joining Venable in 2002, I donated thousands of hours of my time to the *Wilkins v. State of Maryland* and *NAACP et al. v. Maryland State Police* cases. During my time with Venable from 2002 to 2011, I continued my work on those two cases, and I also represented clients in other pro bono matters involving child custody, social security disability, asylum, public information act requests and other matters, for a total of more than 1500 hours from 2002 to 2011.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On March 15, 2013, an official from the White House Counsel's Office spoke to me about my potential interest in serving on the United States Court of Appeals for the District of Columbia Circuit. After that day, I was in contact with officials from the Office of Legal Policy at the Department of Justice and the White House Counsel's Office. On May 2, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On May 17, 2013, I met with the White House Counsel in Washington, D.C. On June 4, 2013, President Obama submitted my nomination to the United States 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, Robert L. Wilkins, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

6/24/2013
(DATE)

Robert L. Wilkins
(NAME)



Patricia K. Michalowski
(NOTARY)

District of Columbia: SS

Subscribed and sworn to before me, in my presence,

this 24th day of June, 2013

Patricia K. Michalowski
Patricia K. Michalowski, Notary Public, D.C.

My commission expires May 31, 2018.