

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Ronnie Abrams

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

United States District Judge for the Southern District of New York

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.

Davis Polk & Wardwell LLP
450 Lexington Avenue
New York, New York 10017

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

1968; New York, New York

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.

1991 – 1993, Yale Law School; J.D., 1993

1990 – 1991, Duke Law School and Graduate School; no degree due to transfer to Yale Law School

1986 – 1990, Cornell University; B.A. (*cum laude*), 1990

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.

2008 – Present
Davis Polk & Wardwell LLP
450 Lexington Avenue
New York, New York 10017
Special Counsel for Pro Bono

2008 – Present
Columbia University School of Law
435 West 116th Street
New York, New York 10027
Lecturer-in-Law

1998 – 2008
United States Attorney's Office for the Southern District of New York
One Saint Andrew's Plaza
New York, New York 10007
Deputy Chief, Criminal Division (2007 – 2008)
Chief, General Crimes Unit (2005 – 2007)
Acting Chief, General Crimes Unit (2004 – 2005)
Assistant United States Attorney (1998 – 2008)

1994 – 1998
Davis Polk & Wardwell LLP
450 Lexington Avenue
New York, New York 10017
Associate

1993 – 1994
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007
Law Clerk to the Honorable Thomas P. Griesa

Summer 1992
Shearman & Sterling LLP
599 Lexington Avenue
New York, New York 10022
Summer Associate

Summer 1991
New York County District Attorney's Office
One Hogan Place
New York, New York 10013
Summer Law Intern

Other Affiliations (uncompensated):

2008 – 2009
The Exoneration Initiative
350 Broadway
Suite 1207
New York, New York 10013
Board Member

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

I have not served in the military. I have not registered for selective service.

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

Commendations in recognition of outstanding performance, dedicated service and/or successful prosecutions from numerous law enforcement and government agencies, including the following:

Bureau of Alcohol, Tobacco, Firearms and Explosives (2008)
Triggerlock Unit, New York City Police Department (2008)
U.S. Immigration and Customs Enforcement (2008)
U.S. Marshals Service (2008)
Social Security Administration (2004)
U.S. Immigration and Naturalization Service (2000, 2003)
Bronx Homicide Task Force, New York City Police Department (2002)
Bronx Gang Squad, New York City Police Department (2002)
U.S. Drug Enforcement Administration/Drug Enforcement Task Force (2001, 2002)
Federal Bureau of Investigation (2000, 2002)

Department of Justice Director's Award For Superior Performance as an Assistant United States Attorney (2003) (for two cases)

Federal Law Enforcement Officers Association Group Achievement Award (2003)

Editor, Yale Law & Policy Review (1992)

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
Federal Bar Council
Public Service Committee (2008 – Present)
New York City Bar Association (formerly Association of the Bar of the City of New York)
Pro Bono and Legal Services Committee (2008 – 2011)
Government Ethics Committee (2004 – 2005)
New York State 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.

New York, 1994

There has been no lapse in membership.

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

United States Court of Appeals for the Second Circuit, 2001
United States District Court for the Southern District of New York, 1996
United States District Court for the Eastern District of New York, 1998

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.

Local Preschool Parents Association
Chair/Co-Chair, New Parent Committee (2006 – 2008)

The Dalton School Alumni Council (2005 – Present)
Vice-President for Career Services (2006 – 2010)

The Exoneration Initiative
Board Member (2008 – 2009)

New York State Justice Task Force
Counsel (2009 – Present)

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

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

12. Published Writings and Public Statements:

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

The only item that I can recall having written or edited for publication is a piece on my 20th year high school reunion for Connections, a Dalton Alumni Magazine (Fall 2006). 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.

New York State Justice Task Force: As Counsel to the New York State Justice Task Force, I have contributed to the preparation of the following reports on behalf of the Task Force, both of which were issued in February 2011:

Recommendations for Improving Eyewitness Identifications (Feb. 2011).
Copy supplied.

Recommendations Regarding Forensics and Expansion of the New York State DNA Database (Feb. 2011). Copy supplied.

During my service on the Pro Bono and Legal Services Committee of the New York City Bar Association, the Committee issued the following reports and/or public statements. The only ones that I recall personally contributing in the preparation of are the ones on International Pro Bono Representations.

Response to the November 2010 Report of the Task Force to Expand Access to Civil Legal Services in the Areas of ADR/Mediation and Simplification of Forms and Processes (June 2011). Copy Supplied.

Recommendations from the Committee on Pro Bono and Legal Services Regarding the RFP Process for Judiciary Funding for the Provision of Legal Services to Low-Income New Yorkers (Apr. 2011). Copy supplied.

Top 10 Best Practices for Integrating Law Firm Fellows (Mar. 2011). Copy supplied.

Report in Support of the Judiciary's 2011-2012 Budget Request (Jan. 2011). Copy supplied.

International Pro Bono Representations: Tips for Clearinghouses and Intermediaries Working with NGOs and Other Organizational Clients (2009). Copy supplied.

International Pro Bono Representations: Tips for Volunteer Lawyers (2009). Copy supplied.

International Pro Bono Representations: Tips for Organizational Pro Bono Clients (2009). Copy supplied.

Pro Bono Representations: Tips for Volunteer Lawyers (revised Mar. 26, 2009). 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.

The following letters were sent by the Pro Bono and Legal Services Committee of the New York City Bar Association during my service on the Committee. I do not recall personally contributing to the preparation of either letter.

Letter to IOLA Regarding Proposed Amendment to Section 7000.9(b)(1) of Title 21, NYCRR (Jan. 8, 2010). Copy supplied.

Letter to the New York State Senate and Assembly Regarding Funding of Interest on Lawyer Account Fund of the State of New York (Oct. 30, 2009). 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.

March 29, 2011 – Panelist at Columbia Law School Externship Expo, at which I described the nature of the Columbia Law School Prosecution Externship for which I co-teach the seminar. I have no notes, transcript or recording. The address of the Columbia Law School is 435 West 116th Street, New York, New York 10027.

March 3, 2011 – Speaker at the 2011 Pro Bono Institute Annual Seminar/Forum on In-House Pro Bono, entitled “Maintaining Momentum.” The topic of the panel for which I was a co-facilitator was entitled “Lifelong Pro Bono: Shaping Opportunities for Every Stage of Legal Careers.” I have no notes, transcript or recording. The address of the Institute is 1025 Connecticut Avenue, NW, Suite 205, Washington, D.C. 20036.

March 18, 2010 – Speaker at the 2010 Pro Bono Institute Annual Seminar. The session for which I was a co-facilitator was entitled “Peer to Peer P2P: Pro Bono Counsel/Special Counsel.” I have no notes, transcript or recording. The address of the Institute is 1025 Connecticut Avenue, NW, Suite 205, Washington, D.C. 20036.

March 25, 2009 – Panelist at Columbia Law School Externship Expo, at which I described the nature of the Columbia Law School Prosecution Externship for which I co-teach the seminar. I have no notes, transcript or recording. The address of the Columbia Law School is 435 West 116th Street, New York, New York 10027.

February 20, 2009 – Panelist at the Third Annual Women’s Law Association Conference at Harvard Law School. The conference was entitled “From Public Office to Office Politics, Women Lawyers Navigating a Political World,” and my panel was entitled “Tapped On the Shoulder: the Politics of Public Service.” I have no notes, transcript or recording. The address of the Association is Harvard Law School, Cambridge, Massachusetts 02138.

January 30, 2009 – Panelist on Law Firm/Public Interest Panel at the New York State Bar Association Pro Bono Coordinators' Network Meeting. The topic was "Pro Bono in Challenging Times." I have no notes, transcript or recording. The address of the Association is One Elk Street, Albany, New York 12207.

April 6, 2008 – Introduction of my father Floyd Abrams and brother Dan Abrams at the Dalton School Conversation Series. I have no notes, transcript or recording. The address of Dalton School is 53 East 91st Street, New York, New York 10128.

I have spoken at in-house events not open to the public, including orientations to incoming Davis Polk associates on the firm's pro bono program. I have no notes, transcripts or recordings of these events. The address of Davis Polk is 450 Lexington Avenue, New York, New York 10017. My records indicate that I spoke at in-house orientations on the following dates:

Pro Bono Overview, 11/23/10
Pro Bono Overview, 10/27/10
Pro Bono Overview, 9/22/10
Pro Bono Overview, 11/18/09
Pro Bono Overview, 9/16/09
Pro Bono Overview, 11/10/08
Pro Bono Overview, 10/8/08
Pro Bono Overview, 9/10/08

While I was a student at Yale Law School, I taught aspects of law to high school students as part of a "Street Law" program. I cannot recall the precise dates of my participation in this program. I have no notes, transcripts or recordings of any of the classes. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

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

The following is a list of articles I have compiled that followed from all the interviews that I gave to newspapers, magazines or other publications. Although I have attempted to create a list that is as complete as possible, there may be other interviews that I have been unable to recall or identify.

City Bar Justice Center, "Davis Polk & Wardwell LLP Partners with the CBJC to Help Disabled Veterans," City Bar Justice Center Winter Newsletter (Mar. 2011). Copy supplied.

Michael Virtanen, "NY Lawyers Log Thousands of Pro Bono Hours," Associated Press (Jan. 16, 2011) [re-printed in multiple outlets]. Copy Supplied.

Peter Stevenson, "The Dan and Dave Show," The New York Times (Dec. 10, 2010). Copy supplied.

Julie Friedman, "The Am Law Pro Bono 100: Davis Polk & Wardwell," American Lawyer (July 1, 2009). Copy supplied.

The only television or radio interview I can recall giving was a brief interview on the street in New York with CNN's Susan Candiotti and my daughters about a snow storm on March 2, 2009. Although I am not in possession of the clip, I have supplied a copy of a description of the piece, "Never a Snow Day in News," from TV Newser.

Q & A on Pro Bono with Ronnie Abrams, Davis Polk Website at <http://www.davispolk.com/meet-ronnie-pro-bono-web-pages/>. I gave this interview in or about late 2008 or early 2009. Copy supplied.

Thomas Adcock, "Pro Bono Team Wins \$4.6 Million for Aggrieved Food Deliveryman," New York Law Journal (Oct. 31, 2008). Copy supplied.

Press release, "Davis Polk Wins \$4.6 Million Judgment for Delivery Workers at Popular Restaurant," Davis Polk & Wardwell (Oct. 21, 2008) [re-printed in multiple outlets]. Copy Supplied.

Anthony Lin, "Davis Polk Hires Ex-Prosecutor as Pro Bono Coordinator," New York Law Journal (May 8, 2008). Copy supplied.

Press release, "Federal Prosecutor Ronnie Abrams Joins Davis Polk – Will Lead Firm's Pro Bono Campaign," Davis Polk & Wardwell (May 5, 2008) [re-printed in multiple outlets]. Copy supplied.

Karen Donovan, "From Making the Cases to Challenging Them," The New York Times (May 2, 2008). Copy supplied.

Stevenson Swanson, "Floyd Abrams: From the Pentagon Papers to the CIA Leak Case, the Nation's Top 1st Amendment Lawyer Has Championed Freedom of the Press," Chicago Tribune (July 13, 2005). Copy supplied.

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

I have not held a judicial office.

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

i. Of these, approximately what percent were:

jury trials:	_____ %
bench trials:	_____ % [total 100%]
civil proceedings:	_____ %
criminal proceedings:	_____ % [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have

come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have never been a judge.

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

15. Public Office, Political Activities and Affiliations:

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

I have not held public office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

In 2010, I served as one of many co-hosts for a fundraising breakfast for U.S. Senator Michael Bennet of Colorado.

In 2009, I was a member of the Women for Cy Committee of the Cy Vance for Manhattan District Attorney Campaign. I served as one of many co-hosts for a fundraiser.

I was one of many co-hosts for two fundraisers for U.S. Senator Kirsten Gillibrand of New York in 2009.

In 1992, when I was in law school, I did limited volunteer campaign work for then presidential candidate Bill Clinton but had no title or official responsibilities.

I do not have a recollection of playing a role in any other political campaign or election committee, although it is possible that I did limited volunteer campaign work in either high school or college.

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 1993 to 1994, I served as a law clerk to the Honorable Thomas P. Griesa, (then Chief) Judge of the United States District Court for the Southern District of New York.

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

I have never practiced alone.

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

1994 –1998
Davis Polk & Wardwell LLP
450 Lexington Avenue
New York, New York 10017
Associate

1998 – 2008
United States Attorney's Office for the Southern District of New York
One Saint Andrew's Plaza
New York, New York 10007
Deputy Chief, Criminal Division (2007 – 2008)
Chief, General Crimes Unit (2005 – 2007)
Acting Chief, General Crimes Unit (2004 – 2005)
Assistant United States Attorney (1998 – 2008)

2008 – Present
Davis Polk & Wardwell LLP
450 Lexington Avenue
New York, New York 10017
Special Counsel for Pro Bono

- 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.

As an associate in Davis Polk's Litigation Department from 1994 to 1998, I worked on civil matters including ones involving copyright, trademark, false advertising, libel, contract, securities fraud and antitrust claims, as well as criminal matters, in which I assisted in the representation of clients in investigations, at trial and on appeal.

I joined the United States Attorney's Office for the Southern District of New York as an Assistant United States Attorney in the Office's Criminal Division in fall 1998. In that capacity, I represented the United States in a wide range of criminal prosecutions during the investigatory stage, at trial and on appeal. I spent my first year in the General Crimes Unit, where I handled a variety of cases, including ones involving sexual exploitation of children, bank robbery, alien smuggling, immigration, identity theft and money laundering. I then served in the Narcotics, Violent Crime and Public Corruption Units, prosecuting complex cases involving narcotics trafficking organizations, violent gangs and public officials.

Between 2004 and my departure in 2008, I served in a supervisory role at the United States Attorney's Office, as either a Deputy Chief of the Criminal Division or as a Chief (and before that, Acting Chief) of the General Crimes Unit. In overseeing the General Crimes Unit, I (along with a co-chief) was responsible for the supervision and training of all new federal prosecutors and oversaw hundreds of investigations and prosecutions. As a Deputy Chief of the Criminal Division, I participated in policy-making and management of the Office, and was involved in the oversight of various units. I also served as the Department of Justice and New York City Police Department liaison and supervisor for various initiatives, including ones involving crimes against children.

In 2008, I returned to Davis Polk in the newly created position of Special Counsel for Pro Bono. In this role, I litigate and supervise civil and criminal pro bono matters, in addition to overseeing the firm's pro bono program. Among other things, I am a member of the Criminal Justice Act Panel in the Southern District of New York, through which I represent indigent defendants in federal criminal actions. I have also worked on a variety of civil matters, ranging from Fair Labor Standards Act and other federal litigations to family court proceedings. In addition to actively participating in particular matters, I also assist in supervising many more, by, among other things, editing briefs and other court documents, mooted lawyers for upcoming arguments and helping prepare witnesses and lawyers for hearings or trial.

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

As an associate at Davis Polk & Wardwell, my clients were primarily large financial institutions, media and other corporate entities. In addition to working on civil matters, I helped represent various entities that were being investigated by U.S. Attorneys' Offices.

As an Assistant United States Attorney and supervisor in the U.S. Attorney's Office, I represented the federal government exclusively in criminal prosecutions. In so doing, I worked with various federal law enforcement agencies such as the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States Marshals Service, the United States Secret Service and United States Immigration and Customs Enforcement, as well as various state and local law enforcement agencies, including the New York City Police Department. At times, I specialized in violent crime, crimes against children, public corruption and narcotics prosecutions and at other times, my caseload was more varied.

In my capacity as Special Counsel for Pro Bono, my clients have included workers seeking to enforce the minimum wage laws, battered women seeking orders of protection, veterans seeking benefits, wrongfully convicted individuals, criminal defendants and others without the means to represent themselves in federal and state actions, in addition to charitable, civic and governmental organizations, including but not limited to non-profit organizations and local District Attorneys' Offices.

- 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.

The vast majority of my practice has been in litigation. As a litigation associate, I was in court on occasion; I tried a murder case in state court, argued an appeal in the appellate division, handled proceedings in family court and either handled or assisted others in handling civil proceedings in federal court, including a hearing in a trademark case and motion to dismiss a libel case.

Over the course of my tenure at the United States Attorney's Office, I appeared in district court frequently, often ranging from once to several times a week, handling arraignments, pre-trial conferences, pleas, sentencing proceedings and hearings. During my trials there (all of which lasted between one and ten weeks), I appeared in court on a daily basis. I also argued appeals in the Court of Appeals for the Second Circuit. After I became a supervisor at the U.S. Attorney's Office in 2004, I appeared in court as the attorney of record less frequently, although I was regularly in court advising the more junior lawyers I supervised.

Since I became Special Counsel for Pro Bono in 2008, I have appeared in court from time to time. Among others things, I am now on the Criminal Justice Act Panel for the Southern District of New York and assigned clients in federal criminal actions. I have also overseen two trials – one civil case in the Southern District of New York and another in Bronx Family Court – as well as numerous appeals in state court.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 75% |
| 2. state courts of record: | 20% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 25% |
| 2. criminal proceedings: | 75% |

- 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 thirteen cases to verdict. In an additional trial (my fourteenth), the defendant pleaded guilty just prior to summations. Of those trials, one lasted two and a half months and another a month and a half. In nine of those cases, I fully shared all responsibilities preparing for and putting the case before the jury with my trial partner(s), including addressing the jury, examining witnesses and arguing motions. On five occasions, I served as a "second seat," closely supervising more junior attorneys at trial.

- i. What percentage of these trials were:
 - 1. jury: 85%
 - 2. non-jury: 15%

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

I have not practiced before the Supreme Court of the United States.

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

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

- 1. United States v. Restrepo, 99 Cr. 1113 (SAS), 05 Civ. 2680 (SAS), and Related Cases

These cases involved the investigation and prosecution of a Colombian racketeering organization that engaged in robbery, murder and narcotics trafficking in New York, New Jersey and elsewhere. The organization, which included gang leader Restrepo and more than 10 others, targeted jewelers and other legitimate businesses as well as drug dealers for robberies. The defendants committed approximately 100 armed robberies. They also committed numerous murders and among their victims was Donald Pagani, a retired detective from the New York City Police Department who was killed during the course of a robbery of a meat company in the Bronx.

After Pagani's murder, Restrepo and numerous co-conspirators fled from the United States. Restrepo and others were later arrested in Colombia and extradited. After most of his co-defendants pleaded guilty, Restrepo proceeded to trial in February 2002. At trial, the government proved Restrepo's guilt through voluminous evidence, including the testimony of more than 75 witnesses and more than 400 items of physical evidence. At the conclusion of the jury trial before the Honorable Shira A. Scheindlin in the

United States District Court for the Southern District of New York, Restrepo was convicted on March 25, 2002 of all counts. He was sentenced to life imprisonment. His conviction was affirmed in United States v. Baez, 349 F.3d 90 (2d Cir. 2003) and a subsequent motion to vacate his sentence was denied in Restrepo v. United States, 533 F. Supp. 2d 359 (S.D.N.Y. Jan. 22, 2008).

I prosecuted this case and related cases on behalf of the government and was involved in the investigation and all phases of the prosecution from motions to trial, sentencing, appeal and collateral review. I received the Department of Justice Director's Award For Superior Performance as an Assistant United States Attorney for my work on this matter.

Co-counsel:

Vernon S. Broderick, Esq. (then Assistant United States Attorney)
Weil Gotshal & Manges LLP
767 Fifth Avenue
New York, New York 10153
(212) 310-8730

Helen V. Cantwell, Esq. (then Assistant United States Attorney)
Debevoise & Plimpton LLP
919 Third Avenue
New York, New York 10022
(212) 909-6312

Marc L. Mukasey, Esq. (then Assistant United States Attorney)
Bracewell & Giuliani
1177 Avenue of the Americas, 19th Floor
New York, New York 10036
(212) 508-6134

Dan Himmelfarb, Esq. (then Assistant United States Attorney)
Mayer Brown LLP
1999 K Street, N.W.
Washington, DC 20006
(202) 263-3035

Defendant's Counsel:

Gregory G. Smith, Esq.
I have been unable to locate current contact information for Gregory G. Smith.

Anthony L. Ricco, Esq.
20 Vesey Street, Suite 400
New York, New York 10007
(212) 791-3919

2. United States v. Portee, 01 Cr. 450 (NRB) and Related Cases

This matter involved the investigation and prosecution of the leadership of the United Blood Nation, a violent street gang based on the East Coast of the United States and commonly known as the “Bloods.” The investigation, which began in 1999, resulted in a multi-defendant racketeering prosecution, as well as other related federal and state prosecutions, and ended with convictions of the Bloods’ founder, top lieutenants and other gang members. This investigation and prosecution solved hundreds of crimes committed along the Eastern seaboard, including attempted murders, assaults, firearms violations, prostitution-related offenses, narcotics trafficking, credit card fraud and identity theft.

After over a dozen defendants pleaded guilty, four defendants, including the Bloods leader and founder Portee and three high-ranking gang members (Jackson, Andrews and Foster) proceeded to trial before the Honorable Naomi Reice Buchwald in the United States District Court for the Southern District of New York. Each of the defendants was charged in various counts of a 39 count indictment. The evidence at trial included the testimony of six cooperating witnesses (five of them former members of the Bloods gang), recorded conversations capturing defendants discussing their respective roles in the Bloods and various crimes, the testimony of numerous victims, law enforcement officers and other witnesses, as well as a host of physical and documentary evidence. Trial commenced on June 19, 2002 and ended on August 27 and 28, 2002, when the jury returned guilty verdicts against Portee, Jackson and Andrews on multiple (but not all) counts. Portee was convicted of, among other things, racketeering, assault, violations of the narcotics and firearms laws and identity theft. (The jury was deadlocked as to Foster but he was ultimately convicted in a subsequent trial.) The convictions of the three defendants were affirmed in United States v. Portee, 123 Fed. Appx. 432 (2d Cir. 2005). Portee was sentenced to 50 years’ imprisonment, Jackson to 28 years and Andrews to 29 years.

I represented the government throughout this matter, investigating, charging, litigating motions and trying the case, as well as working on the post-trial litigation and appeal. I received the Department of Justice Director’s Award For Superior Performance as an Assistant United States Attorney for my work on this matter.

Co-counsel:

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Defendants' Counsel:

Robert S. Dunn (for Defendant Portee)
(now deceased)

Phillip R. Edelbaum (for Defendant Foster)
(now deceased)

David Cooper, Esq. (for Defendant Jackson)
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Robert Koppelman, Esq. (for Defendant Andrews)
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3. United States v. Griffith, 99 Cr. 786 (HB)

This was a criminal case involving two brothers who recruited underage girls and young women from schools in the Bronx and elsewhere into prostitution. They also videotaped the minors and adult women engaging in a host of sexual acts. Following a jury trial, at which numerous underage girls testified, the Griffiths were convicted on September 22, 2000 of transporting an individual in interstate commerce with the intent that she engage in prostitution, of using a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and of conspiracy to violate each of the aforementioned laws. The Honorable Harold Baer, United

States District Judge for the Southern District of New York, sentenced the brothers to 126 and 120 months' imprisonment, respectively.

On appeal, the Court of Appeals for the Second Circuit upheld the Griffiths' convictions and ruled for the first time that under 18 U.S.C. § 2423(a), a person who "knowingly" transports a minor in interstate commerce for the purpose of prostitution is guilty of a crime, even if he does not have knowledge that the victim was a minor. The Court also rejected a host of other defense claims including various constitutional challenges to their convictions. United States v. Griffith, 284 F.3d 338 (2d Cir. 2002). The District Court opinion can be found at United States v. Griffith, 2000 WL 1253265 (S.D.N.Y. Sept. 5, 2000).

I handled this case on behalf of the government from beginning to end, investigating, charging, litigating motions and trying the case, as well as briefing and arguing the appeal before the Court of Appeals for the Second Circuit and handling the extensive post-trial litigation.

Co-counsel:

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Defendants' Counsel:

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4. People v. Roche, Ind. No. 14851/91

The defendant in this case was charged and convicted of second degree murder in Supreme Court, New York County before the Honorable Richard Lowe. While an associate at Davis Polk, I handled Mr. Roche's appeal, pro bono, together with the Office of the Appellate Defender. My representation of Mr. Roche began in November 1995 and ended in October 1998. I

appeared before the Appellate Division, First Department, and argued that the *Allen* charge that the trial court gave during jury deliberations violated the Due Process Clauses of both the New York and United States Constitutions. The Appellate Division agreed, reversed the conviction and remanded for a new trial. People v. Roche, 239 A.D.2d 270, 658 N.Y.S.2d 16 (1st Div., May 22, 1997).

With colleagues from Davis Polk, I then tried the case in Supreme Court, New York County before the Honorable Renee White in October 1998. The defendant was again convicted after trial. Although I left Davis Polk shortly after Mr. Roche's trial and did not handle his subsequent appeal, the Appellate Division reversed Mr. Roche's conviction for a second time due to the trial court's refusal to charge the jury on the affirmative defense of extreme emotional distress, as we had requested. People v. Roche, 286 A.D.2d 290, 729 N.Y.S.2d 722 (1st Dept. Aug. 30, 2001). The New York Court of Appeals ultimately reversed the order of the Appellate Division and reinstated the conviction. People v. Roche, 98 N.Y.2d 70 (2002).

Appellate Co-counsel:

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Trial Co-counsel:

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Gretchen A. Wagner, Esq.
General Counsel, Secretary and Director of Administration
ARTstor
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Government's Counsel:

The principal counsel for the New York County District Attorney's Office was then Assistant District Attorney Alberto Roig. I have been unable to obtain current contact information for him.

5. Ke v. Saigon Grill, Inc., 07 Civ. 2329 (MHD)

This case involved a lawsuit brought by 36 restaurant workers at the Saigon Grill, a popular Vietnamese restaurant with two Manhattan locations, for failure to pay minimum wage and overtime under the Fair Labor Standards Act (FLSA) and New York labor law. The defendants paid their delivery workers well below the minimum wage, in some cases less than two dollars an hour, and further failed to pay overtime compensation for work weeks that lasted as long as 80 hours. The plaintiffs were unaware of their rights to be paid the minimum wage and overtime for years as a direct result of the Saigon Grill ignoring its legal obligation to provide its employees with notice of the labor laws.

After a bench trial held in June 2008, the Honorable Michael H. Dolinger, United States Magistrate Judge in the Southern District of New York, awarded the 36 plaintiffs approximately \$4.6 million in compensatory and liquidated damages. Ke v. Saigon Grill, Inc., 595 F. Supp. 2d 240 (S.D.N.Y. 2008). The Court found that defendants violated the FLSA and New York labor law by failing to pay plaintiffs the minimum wage and overtime compensation, and that defendants unlawfully reduced plaintiffs' wages by fining plaintiffs for perceived infractions of restaurant rules and by requiring plaintiffs to pay for expenses associated with the purchase and maintenance of bicycles and motor scooters. The Court also found that twenty-two of the plaintiffs were fired in March 2007 in retaliation for planning to bring suit.

I joined the Saigon Grill team upon my return to Davis Polk approximately two months prior to trial, and actively supervised four associates in representing plaintiffs prior to and at trial. I oversaw everything from witness preparation and trial strategy to pre- and post-trial briefing.

Co-counsel:

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6. United States v. Li, 99 Cr. 846 (SAS)

This case stemmed from the investigation and prosecution of alien smugglers – or “snakeheads” – involved in a scheme to smuggle Chinese aliens into the United States through Canada and hold them hostage until their smuggling fees were paid. In June 1999, approximately 100 of these aliens were hidden in an old fishing boat that sailed from the People’s Republic of China to Western Canada. Prior to boarding the vessel, the aliens were held in various locations by individuals with sticks and guns. In Canada, the snakeheads took custody of the aliens, eventually transporting them to New York City, beating some along the way. The aliens were released upon paying their smuggling fees; aliens who did not have the money to pay the smuggling fees were held in various locations throughout the city and beaten. Defendant Li was the snakehead responsible for guarding the aliens once they arrived in New York City.

Co-defendant Zhang pleaded guilty prior to trial and testified as a cooperating witness in defendant Li’s trial; ultimately, Li pleaded guilty prior to summations and entered into a cooperation agreement pursuant to which he provided evidence against other defendants in subsequent hostage taking and alien smuggling cases, including one involving the New York boss of the smuggling scheme.

I handled this case on behalf of the government from the beginning, investigating, charging, litigating motions and trying the case before the Honorable Shira A. Scheindlin in the United States District Court for the

Southern District of New York in December 1999. There were no reported decisions in this case.

Co-counsel:

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Defendant's Counsel:

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7. United States v. Danson, 02 Cr. 1052 (CPS)

This case involves the investigation and prosecution of a defendant for using a fraudulent passport, making false statements to the Immigration and Naturalization Service (“INS”) and committing perjury in an INS proceeding as part of a successful effort to obtain asylum in the United States. To support her fraudulent asylum claim, Danson claimed: (1) that her name was Adelaide Abankwah; (2) that her mother was the Queen of her village in Ghana and that she was to succeed her in that role; (3) that in the course of becoming Queen Mother, she would be subject to female genital mutilation (“FGM”); (4) that if she declined to serve as Queen Mother, she would be subject to FGM or killed; and (5) that if she returned to her village, she would be killed.

Through an investigation that spanned from New York to the village in Ghana that Danson said she came from, the government proved Danson's story false at trial. Numerous witnesses from Ghana, among others, testified at a trial before the Honorable Charles P. Sifton in the United States District Court for the Eastern District of New York in January 2003. These witnesses included: (1) an employer for whom the defendant worked for five years under the name Danson; (2) the chief of the defendant's village who testified that neither Danson nor her mother ever were or were supposed to be Queen Mother and that FGM was not practiced by members of their tribe; and (3) an expert on FGM in Ghana who testified that members of Danson's tribe did not practice FGM and that those who do practice FGM in Ghana do not use it as punishment, as Danson had claimed. The defendant was convicted of all

counts after trial, and the convictions were affirmed on appeal. United States v. Danson, 115 Fed. Appx. 486 (2d Cir. 2004).

I handled this case on behalf of the government as a Special Assistant United States Attorney for the United States Attorney's Office for the Eastern District of New York from beginning to end, investigating, charging, litigating motions and trying the case, as well as handling the sentencing and arguing the appeal.

Co-counsel:

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Defendant's Counsel:

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8. United States v. Marte, 99 Cr. 868 (MBM)

This case involved seven defendants charged with conspiracy to distribute and possess with intent to distribute five or more kilograms of cocaine. All defendants pleaded guilty prior to trial except for defendant Minaya. At trial before the Honorable Michael B. Mukasey in the United States District Court for the Southern District of New York in August 2000, the government proved Minaya's participation in the attempted delivery of approximately 242 kilograms of cocaine to Minaya's place of business, where it was scheduled to be off-loaded and transported for distribution. Minaya's conviction was affirmed in United States v. Marte, 52 Fed. Appx. 531 (2d Cir. 2002).

I represented the government in this matter in pre-trial litigation, at trial and at sentencing.

Co-counsel:

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Defendant's Counsel:

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9. United States v. Ahmed, S4 99 Cr. 395 (TPG)

This case involved five defendants charged with conspiracy to import and distribute heroin from Pakistan. Four defendants pleaded guilty prior to trial and the fifth, Ahmed, was convicted in August 2001 of all counts after trial before the Honorable Thomas P. Griesa in the United States District Court for the Southern District of New York. Ahmed's conviction was affirmed in United States v. Ahmed, 67 Fed. Appx. 648, 2003 WL 21369261 (2d Cir. 2003).

I represented the government in this matter in pre-trial litigation, at trial and on the appeal.

Co-counsel:

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Clinical Associate Professor of Law
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Defendant's Counsel:

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10. United States v. Percan, 00 Cr. 1232 (AGS)

This matter involved a conspiracy to steal thousands of airbags from automobiles parked on the streets of New York and resell them to customers throughout the country. Four defendants pleaded guilty prior to trial, but defendant Percan, the owner of All in One Auto, proceeded to trial before the Honorable Allen G. Schwartz in the United States District Court for the Southern District of New York. Percan was convicted on September 24, 1999 on each of the seventeen counts with which he was charged. The evidence at trial demonstrated that Percan purchased over one million dollars worth of automobile airbags from four co-defendants who stole them directly from cars and resold the airbags to customers in each of the fifty states. The evidence also showed that Percan laundered the proceeds of his sales through bank accounts of All in One Auto and that the money from the airbag sales was used to promote the ongoing conspiracy. Percan's conviction was affirmed in United States v. Kalust, 249 F.3d 106 (2d Cir. 2001).

I represented the government in this matter at trial and on the appeal.

Co-counsel:

Mylan L. Denerstein, Esq. (then Assistant United States Attorney)
Counsel to the Governor
State Capitol
Albany, New York, 12224
(518) 474-8343

Defendant's Counsel:

Joseph Tacopina, Esq.
Tacopina Seigel & Turano, P.C.
275 Madison Avenue, 35th Floor
New York, New York 10016
(212) 227-8877

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.)

United States Attorney's Office: During my nine and a half years at the U.S. Attorney's Office, I investigated and prosecuted numerous cases that never proceeded to trial or that are otherwise not detailed above, including ones involving public corruption, bribery,

extortion, white-collar crime, perjury, violent crime, bank robbery, kidnapping, racketeering, crimes against children, identity theft and immigration. Among many other cases that resulted in dispositions, I worked extensively on the investigation of a former New York State Assemblyman and labor organization leader who pleaded guilty in March 2008 to racketeering charges that included using embezzlement, fraud and bribes to take money from taxpayers, labor unions and contractors. I stopped working on the matter after I had full-time supervisory duties and prior to the time that he was formally charged.

My most significant legal activities as Chief of the General Crimes Unit entailed supervising and training the Assistant United States Attorneys in the Unit, all of whom were fairly new to the Office. In so doing, I, together with my co-chief, oversaw hundreds of investigations and prosecutions, including grand jury proceedings, trial advocacy, brief writing, discovery practices, plea negotiations, sentencing and pre-trial and post-conviction litigation. As Deputy Chief of the Criminal Division, in addition to helping oversee the work of numerous units, I participated in policy-making and management of the Office, while also serving as Department of Justice and New York City Police Department liaison and supervisor for various initiatives.

Davis Polk: Although the vast majority of my practice is in litigation, as Special Counsel for Pro Bono, I also oversee the pro bono program as a whole and am responsible for particular initiatives and certain relationships that the firm maintains with legal services organizations. As an associate at Davis Polk, I was also involved in representing clients of the firm – generally financial institutions and other large corporations – in various potential criminal and civil matters that did not proceed to litigation or trial.

The New York State Justice Task Force: I presently serve as Counsel to the New York State Justice Task Force, one of the first permanent task forces on wrongful convictions in the United States. The Justice Task Force was created by New York State Chief Judge Jonathan Lippman in May 2009 and its mission is to eradicate the systemic and individual harms caused by wrongful convictions and to promote public safety by examining the causes of wrongful convictions and recommending reforms to safeguard against them in the future. The Task Force's members include judges, district attorneys, police chiefs, defense attorneys, academics, legislators, forensic laboratory directors and victims' advocates from around the state. As Counsel, I run weekly or bi-weekly meetings of various subcommittees on issues ranging from forensics to false confessions and identification procedures. I also help draft the Task Force reports, as well as establish meeting agendas, identify speakers and review cases, academic studies and a host of other materials.

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

Columbia Law School (Fall 2008 – Present): In 2008, I created a Prosecution Externship at the United States Attorney's Office for the Southern District of New York and related seminar for Columbia Law School. The externship offers students the opportunity to learn about investigating and prosecuting federal criminal cases in United States District Court. In light of the fact that I left the United States Attorney's Office before the course began, I never oversaw the externship aspect of the course but have been co-teaching the seminar since its inception in September 2008. The seminar provides an overview of the federal criminal justice system, from the investigation and decision to charge a case through trial and sentencing. Bonnie Jonas, Senior Litigation Counsel in the U.S. Attorney's Office, co-taught the course with me in 2008 and Elizabeth Maringer, Deputy Chief of the Criminal Division in the U.S. Attorney's Office, has done so since 2009. A copy of the course syllabus is provided.

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.

I will receive payments, upon retirement, from the Federal Employees Retirement System.

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.

No.

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 Statement of Net Worth.

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.

Cases in which my current law firm, Davis Polk & Wardwell LLP, represented a party or appeared would present a potential conflict of interest. To avoid such a conflict or the appearance of one, I would recuse myself for a period of time from cases in which Davis Polk represented a party or appeared.

My husband is a Deputy Assistant Attorney General in the Criminal Division of the Department of Justice and my father is a partner in the law firm of Cahill Gordon & Reindel LLP. If confirmed, I would recuse myself from matters involving those entities where appropriate, in a manner consistent with the recusal statutes and the Code of Conduct for United States Judges.

At the present time, I cannot think of any category of litigation which, by its nature, would present a conflict of interest for me.

- 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 would handle all matters involving actual or potential conflicts of interest through careful application of the Code of Conduct for United States Judges, as well as other relevant canons and statutory provisions. I would consult my judicial colleagues on these issues as appropriate as well.

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

As Davis Polk's Special Counsel for Pro Bono, virtually all of the work I do is designed to serve the disadvantaged. I not only work on and supervise particular pro bono matters but I oversee the program as a whole. Included among the many pro bono matters I have participated in or supervised are ones involving criminal matters in federal and state court; litigations brought by workers seeking to enforce the Fair Labor Standards Act; family court actions, primarily involving battered women; disability claims for veterans; and wrongful conviction cases. Among other things, in 2008, I supervised a trial in the Southern District of New York in which 36 delivery workers were awarded over \$4.6 million from a restaurant for violations of the minimum wage and overtime laws and last year, I supervised a trial in which we represented a battered woman seeking an order of protection from her abuser in Bronx Family Court. As an associate at Davis Polk, I also did a substantial amount of pro bono work, including representing indigent defendants in criminal cases and battered women in family court.

26. Selection Process:

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

In the fall of 2009, I had a conversation with Senator Kirsten Gillibrand, in which she encouraged me to apply for a federal judgeship. In November 2009, I submitted materials to Senator Gillibrand's office, including a resume. In December 2009, I submitted a completed questionnaire to Senator Charles E. Schumer's judicial selection committee and was interviewed by that committee on March 1, 2010. In March 2011, I was asked by a member of Senator Gillibrand's staff to forward the questionnaire I submitted to Senator Schumer's committee and some more recent information to her office, which I did. I was informed in April 2011 that Senator Gillibrand intended to recommend to the President that I be nominated for a judgeship in the Southern District of New York. Since April 8, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On May 9, 2011, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, DC. On July 28, 2011, the President submitted my nomination to the Senate.

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

No.

AFFIDAVIT

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

July 26, 2011
(DATE)

[Signature]
(NAME)

Margaret M. Kratochvil
(NOTARY)

MARGARET M. KRATOCHVIL
NOTARY PUBLIC, State of New York
No. 01KR4687007
Qualified in Nassau County
Certificate Filed in New York County
Commission Expires Dec. 31, 2013