

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Stephanie Dawn Thacker (since 1990)  
Stephanie Dawn Young

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

United States Circuit Judge for the Fourth 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.

500 Lee Street, East  
Suite 800  
Charleston, West Virginia 25301

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

1965; Huntington, West Virginia

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1987 – 1990, West Virginia University College of Law; J.D., with honors, 1990

1983 – 1987, Marshall University; B.A., *magna cum laude*, 1987

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2006 – present

Guthrie & Thomas (formerly known as Allen, Guthrie, McHugh & Thomas and Allen, Guthrie & Thomas)

500 Lee Street, East

Suite 800

Charleston, West Virginia 25301

Member

1999 – 2006

United States Department of Justice

Child Exploitation and Obscenity Section

1400 New York Avenue, Sixth Floor

Washington, D.C. 20530

Principal Deputy Chief (2004 – 2006)

Deputy Chief for Litigation (2002 – 2004)

Trial Attorney (1999 – 2002)

1994 – 1999

United States Attorney's Office for the Southern District of West Virginia

Robert C. Byrd United States Courthouse

300 Virginia Street, East

Suite 4000

Charleston, West Virginia 25301

Assistant United States Attorney

1992 – 1994

King, Betts & Allen (now Guthrie & Thomas)

1300 Bank One Center (now the Chase Building)

Charleston, West Virginia 25301

Associate

1992

West Virginia Office of the Attorney General

Environmental Division

West Virginia State Capitol Building 1

Room 26-E

Charleston, West Virginia 25305

Assistant Attorney General

1990 – 1992

Kirkpatrick & Lockhart (now K&L Gates)

K&L Gates Center

210 Sixth Avenue

Pittsburgh, Pennsylvania 15222

Associate

Summers 1988 & 1989  
Goodwin & Goodwin  
300 Summers Street  
Suite 1500  
Charleston, West Virginia 25301  
Summer Law Clerk

Summer 1987  
US Food Service (formerly Standard Food Service)  
2575 Virginia Avenue  
Hurricane, West Virginia 25526  
Summer Office Clerk

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

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

West Virginia University College of Law Women's Law Caucus Outstanding Female Attorney, Law Firm Division (2011)  
Assistant Attorney General's Award for Special Initiative (2005)  
United States Department of Justice Special Achievement Award (2005)  
Assistant Attorney General's Award for Outstanding Victim/Witness Service (2004)  
The Attorney General's Award for Distinguished Service (2004)  
United States Department of Justice Meritorious Award (2004)  
United States Department of Justice Special Achievement Award (2003)  
United States Department of Justice Meritorious Award (2002)  
United States Department of Justice Meritorious Award (2001)  
United States Department of Justice Meritorious Award (2000)  
Nomination for the Younger Federal Lawyer Award (2000)

Law School

Order of the Coif  
West Virginia Law Review (Volume 92 Coal Issue Editor)  
Robert L. Griffin Memorial Scholarship

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

Defense Research Institute

Governor's Family Violence Coordinating Council of West Virginia

Judge John A. Field, Jr. American Inn of Court

West Virginia Domestic Violence Protocol Review Committee

West Virginia 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.

Pennsylvania, 1990 (inactive since 1994)

West Virginia, 1992

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.

United States Court of Appeals for the Fourth Circuit, 1994

United States District Court for the Northern District of West Virginia, 2010

United States District Court for the Southern District of West Virginia, 1994

United States District Court for the Western District of Pennsylvania, 1990

Pennsylvania Supreme Court, 1990

West Virginia Supreme Court, 1992

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.

Charleston Tennis Club (2008 – present)

Keep a Child in School Program (1997 – 1999)

Marshall University Alumni Association (2000 – 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.

As far as I am aware, 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.

*Sexual Molestation Within America's Parishes and Congregations; Should the Church Be "Thy Priest's Keeper?"* 91 W. Va. L. Rev. 1097 (1989). 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.

Ann P. Dooley, Janis H. Kockritz & Stephanie D. Thacker, *Federal Child Support Prosecution Handbook*, United States Department of Justice. This Handbook constitutes attorney work product and is not 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.

To the best of my recollection, I have not given any such testimony, official statements or other communications.

- 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 17, 2011: West Virginia University College of Law, Child Protection and the Law course (Morgantown, WV). I gave a lecture on federal criminal statutes and case law applicable to child protection issues. Outline supplied.

March 14, 2011: West Virginia University College of Law Women's Law Caucus (Morgantown, WV). When accepting the Outstanding Female Attorney, Law Firm Division Award, I spoke about women in the law and the path of my legal career. I have no notes, transcripts or recordings. The address of the school is One Law Center Drive, Morgantown, West Virginia 26506.

February 28, 2011: I participated at a town hall meeting and answered questions from the public about the settlement in the Spelter smelter lawsuit that I handled. I have no notes, transcript or recording, but press coverage is supplied.

March 18, 2010: West Virginia University College of Law, Child Protection and the Law course (Morgantown, WV). I gave a lecture on federal criminal statutes and case law applicable to child protection issues. I used the same outline for this presentation as I supplied for the March 17, 2011 presentation.

November 2005: Department of Justice Overseas Prosecutorial Development Assistance and Training Section (Calverton, MD). I gave a presentation to a delegation of Russian government officials, law enforcement officials and prosecutors regarding the prosecution of federal child exploitation cases, including the various federal criminal statutes that can be brought to bear in such cases with an emphasis on international initiatives and cooperation. I have no notes, transcripts or recordings. The address of the organization is 1331 F Street, NW, 4th Floor, Washington, D.C. 20004.

September 13-15, 2005: Mountain State Victim Assistance Symposium sponsored by the United States Attorney's Office for the Southern District of

West Virginia (Charleston, WV). I gave a presentation entitled "Federal Tools to Combat Child Sexual Exploitation." I have no notes, transcripts or recordings. The address of the United States Attorney's Office is 300 Virginia Street, Suite 4000, Charleston, West Virginia 25301.

May 16-20, 2005: Bureau of Immigration and Customs Enforcement Cybercrimes Conference (Cluj, Romania). I gave a presentation entitled "Child Sexual Exploitation: An International Perspective." I have no notes, transcripts or recordings. The address of the Bureau of Immigration and Customs Enforcement, Child Exploitation Investigations Center is 11320 Random Hills Road, Suite 400, Fairfax, Virginia 22030.

October 18-21, 2004: Department of Justice Asset Forfeiture and Money Laundering Section Conference on Forfeiting the Proceeds of Human Trafficking (Prague, Czech Republic). I gave a presentation entitled "Sex Trafficking: A Discussion of International Efforts." I have no notes, transcripts or recordings. The address of the Department of Justice Asset Forfeiture and Money Laundering Section is 1400 New York Avenue, NW, Washington, D.C. 20005.

August 27, 2004: United States Postal Inspectors' In-Service Training (Dallas, TX). I gave a presentation entitled "Legal Issues in Child Exploitation and Obscenity Investigations," discussing the considerations and steps that should be taken during an investigation to assure evidence is properly obtained in order to avoid potential defenses that may be raised in child exploitation and obscenity cases. I have no notes, transcripts or recordings. The address of the organization is 14800 Trinity Boulevard, Suite 600, Fort Worth, Texas 76155.

August 26, 2004: National Crimes Against Children Conference (Dallas, TX). I spoke about the investigation and prosecution of Dwight York for various child exploitation and money laundering crimes in the Middle District of Georgia. I have no notes, transcripts or recordings. The address of the Dallas Children's Advocacy Center is P.O. Box 720338, Dallas, Texas 75372.

August 25, 2004: National Crimes Against Children Conference (Dallas, TX). I gave a presentation entitled "National Child Prostitution Initiative: Innocence Lost," discussing the statistical backdrop for commercial child exploitation crimes and the national initiative of the Department of Justice, the Federal Bureau of Investigation, and the National Center for Missing and Exploited Children, which I helped to develop and coordinate. I have no notes, transcripts or recordings. The address of the Dallas Children's Advocacy Center is P.O. Box 720338, Dallas, Texas 75372.

June 2-5, 2004: Kentucky Internet Crimes Against Children Conference, Eastern Kentucky University (Richmond, KY). I gave a presentation entitled "Child Exploitation and Obscenity: National Strategy." I have no notes, transcripts or

recordings. The address of the Kentucky Internet Crimes Against Children Task Force is 919 Versailles Road, Frankfurt, Kentucky 40601.

March 31, 2004: Federal Bureau of Investigation Advanced Crimes Against Children Course (Arlington, VA). I gave a presentation entitled "Overview of Child Exploitation Investigation and Prosecution Strategies." I have no notes, transcripts or recordings. The address of the FBI Violent Crime and Major Offenders Section, Crimes Against Children Unit is 935 Pennsylvania Avenue, NW, Room 11163, Washington, D.C. 20535.

March 15-19, 2004: Department of Justice Child Exploitation and Obscenity Section Advanced Child Exploitation Seminar, National Advocacy Center (Charleston, SC). I gave a presentation entitled "Dynamics of Child Prostitution and Sex Tourism." I have no notes, transcripts or recordings. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

October 28, 2003: Atlanta United States Secret Service Electronic Crimes Task Force (Atlanta, GA). I gave a presentation entitled "Investigative Techniques, Potential Defenses, and Relevant Case Law in Child Exploitation Investigations," discussing considerations and steps that should be taken during an investigation to assure evidence is properly obtained in order to avoid potential defenses that may be raised in child exploitation cases. I have no notes, transcripts or recordings. The address of the United States Secret Service Electronic Crimes Task Force is 401 West Peachtree Street, NW #2906, Atlanta, Georgia 30308.

July 14-18, 2003: Department of Justice Child Exploitation and Obscenity Section Advanced Child Exploitation Seminar, National Advocacy Center (Charleston, SC). I gave a presentation entitled "Overview of Federal Criminal Child Exploitation Statutes" and participated in a panel discussion on "Proof of 'Minor' Post-*Free Speech Coalition v. Ashcroft*." I discussed the various federal criminal statutes relevant to child sexual exploitation cases and the various methods of proving the 'minor' element in those cases following the Supreme Court's decision in *Free Speech Coalition v. Ashcroft*. I have no notes, transcripts or recordings. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

March 3-8, 2003: Department of Justice Criminal Trial Advocacy Course, National Advocacy Center (Charleston, SC). I served as an instructor during mock courtroom exercises. I have no notes, transcripts or recordings. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

February 21-23, 2003: California Independent Cities Association 15th Annual Winter Seminar (Santa Barbara, CA). I gave a keynote speech entitled "Security and Safety of Our Children" that discussed statistics regarding crimes against



children as well as various state, local, and federal law enforcement resources and tips for protecting children from sexual exploitation. I have no notes, transcripts or recordings. The address of the Association is 335-B Center Street, El Segundo, California 90245.

December 19, 2002: United States Customs Service Cybercrimes Investigation Course, Federal Law Enforcement Training Center (Glynco, GA). I gave a presentation entitled "Meeting Defenses in Child Exploitation Prosecutions." I have no notes, transcripts or recordings. The address of the Training Center is 1131 Chapel Crossing Road, Glynco, Georgia 31524.

December 6-10, 2002: International Law Society for the Reform of Criminal Law, 16th International Conference (Charleston, SC). I gave a presentation entitled "Criminal Responsibility for Child Pornography" discussing the various federal criminal child pornography statutes and sentencing schemes in the United States. I have no notes, transcripts or recordings. The address of the Society is 840 Howe Street, Suite 1000, Vancouver, British Columbia, Canada V6Z 2M1.

July 25, 2002: United States Secret Service Electronic Crimes Task Force Training (Miami, FL). I gave a presentation entitled "Meeting Defenses in Child Exploitation Prosecutions." I have no notes, transcripts or recordings. The address of the Task Force is 10350 NW 112th Avenue, Miami, Florida 33178.

July 8-12, 2002: Department of Justice Child Exploitation and Obscenity Section Advanced Child Exploitation Seminar, National Advocacy Center (Charleston, SC). I gave a presentation entitled "Sentencing Issues" that discussed sentencing guideline calculations with respect to child exploitation cases. I have no notes, transcripts or recordings. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

June 27, 2002: Department of Justice Computer Crimes and Intellectual Property Section Cybercrimes Seminar, National Advocacy Center (Charleston, SC). I gave a presentation entitled "Travel Statutes: Elements and Legal Issues" that discussed the prosecution of federal child exploitation cases in which the offender used the Internet to engage in travel to commit crimes against children. I have no notes, transcripts or recordings. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

June 12, 2002: United States Department of Health and Human Services and Department of Justice Project Save Our Children Task Force Kickoff (Boston, MA). I gave a presentation entitled "The Role of the Department of Justice in Federal Child Support Prosecutions." I have no notes, transcripts or recordings. The address of the United States Department of Health and Human Services, Office of Child Support Enforcement, Administration of Children and Families is 370 L'Enfant Promenade, SW, Washington, D.C. 20447.

May 20-23, 2002: Army Trial Counsel Assistance Program Conference (West Point, NY). I gave a presentation entitled "Investigation and Prosecution of Child Sexual Exploitation Cases." I have no notes, transcripts or recordings. The address of the Army Trial Counsel Assistance Program is 901 North Stuart Street, Suite 300, Arlington, Virginia 22203.

March 18-22, 2002: Federal Bureau of Investigation Crimes Against Children In-Service Agent Training (Alexandria, VA). I gave a presentation entitled "Legal Considerations in the Investigation of Child Pornography and Child Sexual Exploitation Cases." I have no notes, transcripts or recordings. The address of the FBI Violent Crime and Major Offenders Section, Crimes Against Children Unit is 935 Pennsylvania Avenue, NW, Room 11163, Washington, D.C. 20535.

March 11-14, 2002: Army Trial Counsel Assistance Program Conference (Chiemsee, Germany). I gave a presentation entitled "Investigation and Prosecution of Child Sexual Exploitation Cases." I have no notes, transcripts or recordings. The address of the Army Trial Counsel Assistance Program is 901 North Stuart Street, Suite 300, Arlington, Virginia 22203.

December 3-7, 2001: Armed Forces European Circuit Workshop (Chiemsee, Germany). I gave a presentation entitled "Investigation and Prosecution of Child Sexual Exploitation Cases." I have no notes, transcripts or recordings. The address of the United States Air Force Legal Operations, Government Trial and Appellate Counsel is 1500 West Perimeter Road, Suite 1190, Joint Base Andrews, Maryland 20762.

July 16-20, 2001: Department of Justice Child Exploitation and Obscenity Section Seminar, National Advocacy Center (Charleston, SC). I gave a presentation entitled "Travel Statutes: Elements, Legal Issues, and Proving the Case." I have no notes, transcripts or recordings. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

June 13-15, 2001: Department of Justice and United States Department of Health and Human Services Federal Child Support Enforcement Seminar, National Advocacy Center (Columbia, SC). I gave a presentation entitled "Federal Child Support Recovery Act: Elements and Legal Issues." I have no notes, transcripts or recordings. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

June 7, 2001: Department of Justice Computer Crimes and Intellectual Property Section Cybercrimes Seminar, National Advocacy Center (Columbia, SC). I gave a presentation entitled "Travel Statutes: Elements and Legal Issues" and participated in a panel discussion regarding evidentiary issues in computer crime cases. I have no notes, transcripts or recordings. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

February 12-15, 2001: Federal Bureau of Investigation Crimes Against Children Conference (Manila, Philippines). I gave a presentation entitled "Federal Statutes Used to Combat Child Pornography and Exploitation: Elements and Legal Issues." I have no notes, transcripts or recordings. The address of the FBI Violent Crime and Major Offenders Section, Crimes Against Children Unit is 935 Pennsylvania Avenue, NW, Room 11163, Washington, D.C. 20535.

October 24, 2000: United States Attorney's Office, Western District of Oklahoma, Internet Crimes Conference (Oklahoma City, OK). I gave a presentation entitled "Federal Criminal Child Pornography and Exploitation Statutes: Elements and Legal Issues." I have no notes, transcripts or recordings. The address of the United States Attorney's Office is 210 Park Avenue, Suite 400, Oklahoma City, Oklahoma 73102.

October 10-12, 2000: United States Attorney's Office, Western District of Kentucky Crimes Against Children Seminar (Louisville, KY). I gave a presentation entitled "Federal Criminal Child Pornography and Exploitation Statutes and Investigations: Elements and Legal Issues." I have no notes, transcripts or recordings. The address of the United States Attorney's Office is 510 West & Broadway, Louisville, Kentucky 40202.

September 13-15, 2000: West Virginia Division of Criminal Justice and United States Attorney's Offices, Northern and Southern Districts of West Virginia, Juvenile Justice Conference (Charleston, WV). I gave a presentation entitled "Federal Investigation and Prosecution of Crimes Against Children." I have no notes, transcripts or recordings. The address of the United States Attorney's Office is 300 Virginia Street, Suite 4000, Charleston, West Virginia 25301.

May 31 – June 2, 2000: Department of Justice and United States Department of Health and Human Services Federal Child Support Enforcement Seminar, National Advocacy Center (Columbia, SC). I gave a presentation entitled "Federal Child Support Recovery Act: Elements and Legal Issues." I have no notes, transcripts or recordings. The address of the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

May 3, 2000: United States Department of Health and Human Services Child Support Enforcement Best Practices Conference (San Antonio, TX). I gave a presentation entitled "Federal Child Support Recovery Act: Department of Justice Perspective." I have no notes, transcripts or recordings. The address of the Office of Child Support Enforcement, Administration of Children and Families is 370 L'Enfant Promenade, SW, Washington, D.C. 20447.

April 19-20, 2000: Federal Bureau of Investigation Internet Exploitation of Children Seminar (San Antonio, TX). I gave a presentation entitled "Federal Criminal Child Pornography and Exploitation Statutes and Investigations: Elements and Legal Issues." I have no notes, transcripts or recordings. The

address of the FBI office is 5740 University Heights Boulevard, San Antonio, Texas 78249.

March 13-15, 2000: Department of Justice Child Exploitation and Obscenity Section and United States Attorney's Office, Southern District of Georgia Crimes Against Children Seminar (Savannah, GA). I gave a presentation entitled "Federal Child Support Recovery Act: Elements and Legal Issues." I have no notes, transcripts or recordings. The address of the United States Attorney's Office for the Southern District of Georgia is 100 Bull Street, Second Floor, Savannah, Georgia 31401.

October 28-29, 1999: United States Department of Health and Human Services New England Child Support Enforcement Training Conference (Hyannis, MA). I gave a presentation entitled "Elements of Federal Child Support Recovery Act Prosecutions." I have no notes, transcripts or recordings. The address of the Office of Child Support Enforcement, Administration of Children and Families is 370 L'Enfant Promenade, SW, Washington, D.C. 20447.

October 13, 1999: West Virginia Department of Health and Human Services Statewide Videoconference (Charleston, WV). I gave a presentation entitled "Referral of Child Support Cases for Federal Prosecution." I have no notes, transcripts or recordings. The address of the West Virginia Department of Health and Human Services, Bureau for Child Support Enforcement is 231 Capitol Street, Suite 111, Charleston, West Virginia 25301.

September 15, 1999: United States Department of Health and Human Services Child Support Enforcement Conference (Arlington, VA). I gave a presentation entitled "Elements of Federal Child Support Recovery Act Prosecutions." I have no notes, transcripts or recordings. The address of the Office of Child Support Enforcement, Administration of Children and Families is 370 L'Enfant Promenade, SW, Washington, D.C. 20447.

May 19, 1999: United States Department of Health and Human Services Child Support Enforcement Conference (Ft. Lauderdale, FL). I gave a presentation entitled "Elements of Federal Child Support Recovery Act Prosecutions." I have no notes, transcripts or recordings. The address of the Office of Child Support Enforcement, Administration of Children and Families is 370 L'Enfant Promenade, SW, Washington, D.C. 20447.

May 13-14, 1999: West Virginia Coalition Against Domestic Violence Seminar, (Charleston, WV). I gave a presentation entitled "Federal Criminal Statutes Available to Combat Domestic Violence." I have no notes, transcripts or recordings. The address of the West Virginia Coalition Against Domestic Violence is 5004 Elk River Road, South, Elkview, West Virginia 25071.

October 21, 1998: United States Attorney's Office, Northern District of West Virginia, "An Interdisciplinary Approach to Domestic Violence" Conference (Wheeling, WV). I gave a presentation entitled "Federal Criminal Statutes Available to Combat Domestic Violence." I have no notes, transcripts or recordings. The address of the United States Attorney's Office is 1125 Chapline Street, Suite 3000, Wheeling, West Virginia 26003.

October 8, 1998: Mine Safety and Health Administration Special Investigators Seminar, National Mine Health & Safety Academy (Beckley, WV). I gave a presentation discussing the grand jury process and discovery. I have no notes, transcripts or recordings. The address of the National Mine Health & Safety Academy is 1301 Airport Road, Beaver, West Virginia 25813.

June 17, 1998: Department of Justice Violence Against Women Act Points of Contact Videoconference. I gave a presentation entitled "Issues Involved in Violence Against Women Act Prosecutions." I have no notes, transcripts or recordings. The address of the Office on Violence Against Women is 145 N Street, NE, Washington, D.C. 20530.

November 14, 1997: United States Attorney's Office, District of Maryland, "Fighting Domestic Violence: Federal, State, and Local Partnerships" Conference (Greenbelt, MD). I gave a presentation entitled "Violence Against Women Act Case Examples." I have no notes, transcripts or recordings. The address of the United States Attorney's Office is 36 South Charles Street, Fourth Floor, Baltimore, Maryland 21201.

Fall 1996: Department of Justice Violence Against Women Act Points of Contact Conference (Washington, D.C.). I gave a presentation discussing the Violence Against Women Act and the prosecution in *United States v. Bailey*. I have no notes, transcripts or recordings. The address of the Office on Violence Against Women is 145 N Street, NE, Washington, D.C. 20530.

July 22, 1996: Department of Justice Criminal Federal Practice Seminar (Salt Lake City, UT). I gave a presentation discussing the Violence Against Women Act and the prosecution in *United States v. Bailey*. I have no notes, transcripts or recordings. The address of the Department of Justice Office of Legal Education is 1620 Pendleton Street, Columbia, South Carolina 29201.

April 10-11, 1996: United States Attorney's Office, Southern District of West Virginia, Environmental Crimes Seminar (Charleston, WV). I gave a presentation entitled "The Consideration of Other Criminal Statutes in the Environmental Crimes Investigation." I have no notes, transcripts or recordings. The address of the United States Attorney's Office is 300 Virginia Street, Suite 4000, Charleston, West Virginia 25301.

- 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.

Matt Harvey, *Town Hall Brings Together DuPont, Spelter Residents*, Exponent Telegram, Mar. 2, 2011. Copy supplied.

Sara Busse, *Let's Go Out to the Movies*, Charleston Gazette, Aug. 1, 2010. Copy supplied.

Kevin DeMarrais, *Advice for N.J.'s Consumer Protector*, The Record (Bergen County, NJ), Feb. 3, 2008. Copy supplied.

Rosalie Earle, *House in the Hills*, Charleston Gazette, July 8, 2007. Copy supplied.

Cheryl Caswell, *Feds Now Hunting Deadbeat Parents*, Charleston Daily Mail, July 28, 1997. Copy supplied.

Patricia Lowry, *Architect Opposes Historic Designation for '84 House*, Pittsburgh Post-Gazette, Oct. 5, 1991. 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 any 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: \_\_\_\_\_%

civil proceedings: \_\_\_\_\_%

criminal proceedings: \_\_\_\_\_%

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the

case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

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

I have not served as 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, either elected or appointed, nor have I ever been an unsuccessful candidate or nominee.

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

I have not held membership or office in any political party or election committee nor have I played a role in any political campaign.

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

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

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

I have not served as a clerk to a judge.

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

I have not practiced law alone.



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

1990 – 1992

Kirkpatrick & Lockhart (now K&L Gates)  
K&L Gates Center  
210 Sixth Avenue  
Pittsburgh, Pennsylvania 15222  
Associate

1992

West Virginia Office of the Attorney General, Environmental Division  
West Virginia State Capitol Building 1  
Room 26-E  
Charleston, West Virginia 25305  
Assistant Attorney General

1992 – 1994

King, Betts & Allen (now Guthrie & Thomas)  
1300 Bank One Center (now the Chase Building)  
Charleston, West Virginia, 25301  
Associate

1994 – 1999

United States Attorney's Office for the Southern District of West Virginia  
Robert C. Byrd United States Courthouse  
300 Virginia Street, East  
Suite 4000  
Charleston, West Virginia 25301  
Assistant United States Attorney

1999 – 2006

United States Department of Justice  
Child Exploitation and Obscenity Section  
1400 New York Avenue, Sixth Floor  
Washington, D.C. 20530  
Principal Deputy Chief (2004 – 2006)  
Deputy Chief for Litigation (2002 – 2004)  
Trial Attorney (1999 – 2002)

2006 – present

Guthrie & Thomas (formerly Allen, Guthrie, McHugh & Thomas and  
Allen, Guthrie & Thomas)

500 Lee Street, East

Suite 800

Charleston, West Virginia 25301

Member

- 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.

In July, 2009, I was selected to serve as one of three arbitrators in Logan & Kanawha Coal Company v. South Carolina Electric & Gas (Case No. 31 198 Y 00294 09), which involved a UCC dispute over coal deliveries. The parties resolved the case prior to arbitration and without any substantive involvement on my part. I do not know how the case was resolved.

I have not otherwise served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

I began my legal career in 1990 in the Pittsburgh office of Kirkpatrick & Lockhart (now K&L Gates). From 1990 to 1992, I had a litigation practice that consisted of complex commercial and asbestos litigation. In that capacity, I conducted legal research, drafted memoranda of law, reviewed voluminous documents for relevance and privilege, and represented clients at depositions.

In 1992, I worked briefly as an Assistant Attorney General in the Environmental Division of the Office of the West Virginia Attorney General. My work there included representing the State of West Virginia on environmental issues involving permitting and compliance.

From 1992 through 1994, while with King, Betts & Allen (which changed its name to King, Allen & Arnold during my time there), I worked on cases involving commercial litigation defense, white collar criminal defense, and legal malpractice and professional responsibility defense. In this regard, I conducted research, drafted memoranda of law and pleadings, met with clients, and assisted with trial preparation and development.

In 1994, I joined the United States Attorney's Office for the Southern District of West Virginia and spent the next twelve years of my career as a federal prosecutor. I spent the first five years of this period as an Assistant United States Attorney in the General Criminal Division of the United States Attorney's Office. Eventually, I developed a niche in three areas: domestic violence, child support enforcement, and coal mine safety. For all cases I handled, I had responsibility from the investigation stage through trial and appeal.

In 1999, I joined the Department of Justice Child Exploitation and Obscenity Section as a Trial Attorney, where my work focused on prosecution and training in connection with child pornography, child sexual exploitation, sex trafficking, sex tourism, obscenity, and criminal non-support offenses. In 2002, I was promoted to Deputy Chief for Litigation and was responsible for supervision of approximately half of the Trial Attorneys in the Section and assisted in the development of programmatic activities and initiatives. In 2004, I became Principal Deputy Chief of the Section. In that role, I had primary responsibility for the entirety of the litigation work of the Section, including supervision of all Trial Attorneys. I oversaw the development and implementation of a nationwide program of significant prosecutions and developed policy and litigation strategies and initiatives to ensure that the Section was effectively keeping pace with the technologies employed in child exploitation and obscenity offenses.

In 2006, I became a partner at the law firm of Allen, Guthrie, McHugh & Thomas (now Guthrie & Thomas). For the past five years, I have specialized in complex litigation, environmental and toxic tort litigation, and criminal defense.

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

The general character of my 21 year law practice is one of litigation and trial work, the vast majority spent either as a federal prosecutor or as a defense attorney. My work has involved both civil and criminal matters.

From 1990 to 1994, my practice consisted of civil defense of corporate clients in complex commercial litigation as well as individuals in defense of legal malpractice claims or before the West Virginia State bar. I also had the opportunity to represent individuals in criminal matters during this time.

In 1994, I joined the Office of the United States Attorney for the Southern District of West Virginia and then spent the next twelve years of my

career as a federal prosecutor. I spent the first five years of this period as an Assistant United States Attorney in the General Criminal Division of the United States Attorney's Office. In this capacity, I was afforded the opportunity to gain comprehensive criminal prosecution experience. I prosecuted cases involving fraud, tax evasion, money laundering, gun violations, environmental crimes, coal mine safety violations, domestic violence, and child support enforcement. Eventually, I developed a niche in three areas: domestic violence, child support enforcement, and coal mine safety. I was charged with the responsibility for such prosecutions in the office, and, as a result of the work I did, I was regularly called upon by the Department of Justice, the Department of Health and Human Services, the West Virginia Coalition Against Domestic Violence, the Mine Safety and Health Administration, and Assistant United States Attorneys around the country to provide advice and guidance.

From 1999 to 2006, while in the Department of Justice Child Exploitation and Obscenity Section as a Trial Attorney, I prosecuted cases around the country involving child pornography, child sexual exploitation, sex trafficking, and obscenity. As Deputy Chief for Litigation and as Principal Deputy Chief, I was responsible for the management and professional development of the Section Trial Attorneys. Additionally, the Section is responsible for developing nationwide programmatic initiatives as well as for having input into legislation that impacts the subject matter expertise of the Section.

In 2006, I became a partner in the Allen, Guthrie, McHugh & Thomas (formerly King, Betts & Allen, Allen, Guthrie & Thomas, and now Guthrie & Thomas) law firm where I had begun my career years prior. Although Guthrie & Thomas is regularly called upon to represent some of the country's largest companies in high profile cases involving complex litigation, environmental and toxic tort litigation, the firm and I also represent individuals and white collar criminal defendants.

- 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.

Since 1994, I have been in court on a frequent and regular basis.

- i. Indicate the percentage of your practice in:
1. federal courts: 60%
  2. state courts of record: 40%
  3. other courts:
  4. administrative agencies:

ii. Indicate the percentage of your practice in:

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

- 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 estimate that I have tried approximately 23 cases to verdict, judgment, or final decision (other than settlement). Of these, I was sole counsel on three, chief counsel on eight and associate counsel on twelve.

i. What percentage of these trials were:

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

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

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

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

- 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. Bailey*, 112 F.3d 758 (4th Cir.), *cert. denied*, 522 U.S. 896 (1997) (on appeal from United States Chief District Judge Charles H. Haden of the Southern District of West Virginia (deceased))

This was the first case in the country prosecuted under the Violence Against Women Act. I served as co-counsel representing the United States, both during trial and on appeal, and actively participated in all phases of the case.

When the victim in the case left her abusive husband, he assaulted her, put her in the trunk of their car, and drove her from West Virginia to Kentucky, meandering from place to place for four days before finally depositing her, comatose and near death, at a hospital in Kentucky. The defendant was charged with federal domestic violence and kidnapping. After trial, he was convicted of all charges and sentenced to life imprisonment. The Fourth Circuit affirmed the conviction. The victim continued to live for 16 years in a vegetative state in a nursing home in West Virginia until she passed away in 2010.

Lead counsel: Charles T. Miller  
Kanawha County Prosecuting Attorney's Office  
301 Virginia Street, East  
Charleston, West Virginia 25301  
(304) 357-0300

Co-counsel: Philip J. Combs  
Guthrie & Thomas  
500 Lee Street East  
Suite 800  
Charleston, West Virginia 25301  
(304) 720-4230

Opposing counsel: Mychal Schultz  
Dinsmore & Shohl  
Huntington Square  
900 Lee Street, East  
Suite 600  
Charleston, West Virginia 25301  
(304) 357-0906

Gerry Kelly (deceased)

2. *United States v. Bostic*, 168 F.3d 718 (4th Cir. 1999), *cert. denied*, 527 U.S. 1029 (1999) (on appeal from United States Chief District Judge Charles H. Haden of the Southern District of West Virginia (deceased))

The defendant in this case, while subject to a domestic violence protective order, lured his estranged wife to his home by claiming that their three year-old son was ill and needed to go to the hospital. When she arrived, the defendant barricaded the door and held both his estranged wife and child at gunpoint, threatening to kill them all. The victim was able to talk herself out of the situation and the defendant was arrested. I was sole counsel on this matter at the trial level and on appeal in the Fourth Circuit. The defendant entered into a conditional plea agreement and appealed to the Fourth Circuit, arguing that the statute (18 U.S.C. § 922(g)(8)) was unconstitutional because

it violated the notice and fair warning principles embodied in the Fifth Amendment and that Congress exceeded its authority under the Commerce Clause in enacting the statute. The Fourth Circuit affirmed the conviction.

Opposing counsel: Mary Lou Newberger  
Federal Public Defender  
Robert C. Byrd United States Courthouse  
300 Virginia Street, East  
Room 3400  
Charleston, West Virginia 25301  
(304) 347-3350

3. *United States v. Addair*, 168 F.3d 483 (4th Cir. 1998) (on appeal from United States District Judge Elizabeth V. Hallanan of the Southern District of West Virginia (deceased))

Working with the Mine Safety and Health Administration, I investigated the defendants after a miner was killed when he became caught in the augers of a continuous mining machine owned by the defendants that had been in disrepair for several weeks. The defendants were indicted for numerous violations of the Federal Mine Health and Safety Act, including willfully allowing the continued use of mining equipment that needed repair, falsifying entries in the electrical inspection book, falsifying entries in the ventilation inspection book, and falsifying training certificates. I tried the case with co-counsel, and both defendants were convicted. I drafted the Fourth Circuit brief, and the court affirmed the convictions without oral argument.

Co-counsel: Michael O. Callaghan  
Neely & Callaghan  
159 Summers Street  
Charleston, West Virginia 25301  
(304) 343-6500

Opposing counsel: Barbara H. Allen  
1900 Kanawha Boulevard, East  
Room E-26  
Charleston, West Virginia 25305  
(304) 558-2021

4. *United States v. Compton*, Case No. 98-CR-00084 (United States District Court for the Southern District of West Virginia, Senior District Judge Robert Staker presiding (deceased))

The defendant in this case was indicted on eight counts of federal mine safety violations and ultimately pled guilty to a mine safety violation for running two continuous mining machines on the same split of air, mail fraud for

defrauding the West Virginia Workers' Compensation Fund, and tax evasion for failing to report approximately \$1.6 million of personal income from 1992 to 1995. I participated in the investigation of this case with the FBI, IRS and West Virginia State Police, drafted the indictment and presented it to the grand jury, and participated in the plea hearing and sentencing.

Co-counsel: John File  
Assistant United States Attorney  
United States Courthouse and IRS Complex  
110 North Heber Street, Room 257  
Beckley, West Virginia 25801  
(304) 253-6722

Opposing counsel: Robert B. Allen  
Kay, Casto & Chaney  
1500 Chase Tower  
707 Virginia Street, East  
Charleston, West Virginia 25301  
(304) 345-8900

5. *United States v. Hale*, Case Nos. 98-CR-00100, 98-CR-00103, and 98-CR-00193 (United States District Court for the Southern District of West Virginia, District Judge David A. Faber presiding)

The defendant was indicted for bank fraud, money laundering, tax evasion, and being a felon in possession of a firearm. The indictment was severed and the bank fraud and money laundering counts proceeded to trial in January 1999. The felon in possession of a firearm charge proceeded to trial in February 1999. The defendant was convicted following each trial. In March 1999, the defendant pleaded guilty to the tax evasion charge rather than proceed to a third trial. I conducted the investigation, was co-counsel at trial, and handled the sentencing.

Co-counsel: Michael O. Callaghan  
Neely & Callaghan  
159 Summers Street  
Charleston, West Virginia 25301  
(304) 343-6500

Opposing counsel: James B. Lees, Jr.  
2306 Kanawha Boulevard, East  
Charleston, West Virginia 25311  
(304) 344-9651



6. Child Support Prosecutions, *e.g.*, *United States v. Giuffrida*, 213 F.3d 633 (4th Cir. 2000) (on appeal from United States Chief District Judge Charles H. Haden of the Southern District of West Virginia (deceased)); and *United States v. Deskins*, 20 Fed. Appx. 227 (4th Cir. 2001) (on appeal from United States District Judge Joseph R. Goodwin of the Southern District of West Virginia)

These are but two of a number of federal child support enforcement cases I handled as an Assistant United States Attorney in the Southern District of West Virginia. When these cases were prosecuted, the federal Child Support Recovery Act, passed in 1996, had not been widely utilized either in West Virginia or nationally. I took over sole responsibility for spearheading such prosecutions in the Southern District of West Virginia in 1997, working closely with the Federal Bureau of Investigation and the West Virginia Child Advocate Office to develop a successful system for federal child support prosecutions. These trials were some of the first cases in the country under the applicable federal statute, and I was sole counsel in both. Following a bench trial, Mr. Giuffrida was convicted, sentenced to five years probation and ordered to pay restitution. The District Court affirmed. Mr. Giuffrida then appealed, arguing that the statute had retroactive effect and challenged the amount of the restitution. The Fourth Circuit affirmed. Mr. Deskins was also convicted following a bench trial, which the District Court affirmed. Mr. Deskins appealed arguing that the evidence was insufficient to support a conviction and that the amount of restitution was not properly calculated. The Fourth Circuit affirmed.

Opposing counsel:           Edward H. Weis  
  Assistant Federal Public Defender  
  Robert C. Byrd United States Courthouse  
  300 Virginia Street, East  
  Room 3400  
  Charleston, West Virginia 25301  
  (304) 347-3350

7. *United States v. Vogt*, 48 Fed. Appx. 740 (11th Cir. 2002); *cert. denied*, 538 U.S. 925 (2003) (on appeal from United States District Judge K. Michael Moore of the Southern District of Florida)

The defendant in this case was a camp counselor at a sea camp located in the Florida Keys. He abused his position of trust and authority as camp counselor to gain access to and molest multiple adolescent boys, many of whom looked up to him. He also took pornographic pictures of the boys and maintained a large collection of child pornography. The defendant was convicted of twelve counts of possession and distribution of child pornography and sentenced to sixty-five years imprisonment. The Eleventh Circuit affirmed the conviction.

I drafted and argued pre-trial motions, was co-counsel at trial, and participated in sentencing.

Co-counsel: Michael L. Brown  
Alston Bird  
One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309  
(404) 881-7589

Opposing counsel: Edward A. Carhart  
5300 SW 76th Street  
Miami, Florida 33143  
(305) 567-1066

8. *United States v. York*, 428 F.3d 1325 (11th Cir. 2005), *rehearing and rehearing en banc denied*, 167 Fed. Appx. 169 (11th Cir. 2005), *cert. denied*, 548 U.S. 908 (2006) (on appeal from United States District Judge Ashley Royal of the Middle District of Georgia)

For many years in several states, including New York, Georgia, and Florida, the defendant used his power as leader of a pseudo-religious organization to systematically move children interstate for the purpose of engaging with them in sexual activities. From January 1988 through his arrest in May 2002, the defendant molested approximately 40 known child victims, forcing children as young as five to perform oral sex on him, and anally sodomizing boys and girls as young as ten. Many of his victims had been born into the organization. He wielded his power over the organization to gain access to the children, separating husbands and wives and parents and children. He also threatened to order the murders of several child victims if they disclosed the sexual abuse to law enforcement officers. The defendant was convicted of multiple racketeering counts as well as interstate transportation of minors for unlawful sexual activity and was sentenced to 135 years imprisonment. The Eleventh Circuit affirmed. I participated as co-counsel in all phases of this case, and the prosecution team was awarded the Attorney General's Distinguished Service Award.

Co-counsel: Richard Moultrie, Assistant United States Attorney  
75 Spring Street, SW  
Suite 600  
Atlanta, Georgia 30303  
(404) 581-6000

Opposing counsel: Ed Garland  
Garland, Samuel & Loeb  
3151 Maple Drive, NE  
Atlanta, Georgia 30305  
(404) 975-0459

Manny Arora  
Arora & Lascala  
75 West Wieuca Road, NE  
Atlanta, Georgia 30342  
(404) 881-8866

9. *Hill v. Stowers*, 680 S.E.2d 66 (W. Va. 2009) (on appeal from Circuit Court Judge Jay M. Hoke of the 25th Judicial Circuit)

Mr. Stowers pleaded guilty to a criminal election law violation (while represented by other attorneys). After serving his federal sentence Mr. Stowers was sued by Mr. Hill, who had lost an election to Mr. Stowers in 1996. Mr. Hill argued that because of Mr. Stowers' illegal conduct, he had divested Mr. Hill of the fair election process, and of the salary and other benefits Mr. Hill would have obtained had Mr. Hill won the election. On behalf of Mr. Stowers, I drafted and argued a motion to dismiss for failure to state a claim upon which relief could be granted. The motion was granted and the case was dismissed. I drafted the appellate brief and argued before the West Virginia Supreme Court of Appeals, which affirmed the dismissal.

Co-counsel: Robert B. Allen  
Kay, Casto & Chaney  
1500 Chase Tower  
707 Virginia Street, East  
Charleston, West Virginia 25301  
(304) 345-8900

Opposing counsel: Larry G. Kopelman  
9 Pennsylvania Avenue  
Charleston, West Virginia 25302  
(304) 345-2889

Robert A. Goldberg  
9 Pennsylvania Avenue  
Charleston, West Virginia 25302  
(304) 347-0020

10. *Perrine v DuPont*, 694 S.E.2d 815 (W. Va. 2010) (on appeal from Circuit Court Judge Thomas A. Bedell of the 15th Judicial Circuit)

In 2007, I was part of the team that proceeded to trial in Harrison County, West Virginia on behalf of E. I. du Pont de Nemours and Company in the first class action property damage, medical monitoring case of its kind in West Virginia. Plaintiffs claimed property damage and increased risk of personal injury due to arsenic, cadmium and lead as the result of the operation of a zinc smelting plant. After a six-week trial, the jury found DuPont liable to the class for property remediation, medical monitoring, and punitive damages. On appeal, the West Virginia Supreme Court reduced the punitive damage award and remanded the case for trial of DuPont's statute of limitation defense. The case settled prior to re-trial. As part of the settlement, DuPont provided for both a remediation and a thirty-year medical monitoring program. I was actively involved in all phases of the litigation, including discovery, motion practice, trial, appeal, and settlement negotiations. I now serve as the representative for DuPont on the Finance Committee charged with working with the Claims Administrator to implement the medical monitoring program.

Co-counsel:

David B. Thomas  
Guthrie & Thomas  
500 Lee Street East  
Suite 800  
Charleston, West Virginia 25301  
(304) 720-4231

Jeffrey Hall  
Bartlit Beck Herman Palenchar & Scott  
Courthouse Place  
54 West Hubbard Street  
Suite 300  
Chicago, Illinois 60654  
(312) 494-4424

John Phillips  
Bartlit Beck Herman Palenchar & Scott  
1899 Wynkoop Street  
Suite 800  
Denver, Colorado 80202  
(303) 592-3199

James B. Lees, Jr.  
2306 Kanawha Boulevard, East  
Charleston, West Virginia 25311  
(304) 344-9651

Opposing counsel:

Farrest Taylor  
The Cochran Firm  
163 West Main Street  
Dothan, Alabama 36301  
(334) 793-1555

Mike Papantonio  
Levin, Papantonio, Thomas, Mitchell, Rafferty &  
Proctor  
316 South Baylen Street  
Suite 600  
Pensacola, Florida 32502  
(850) 435-7000

Virginia Buchanan  
Levin, Papantonio, Thomas, Mitchell, Rafferty &  
Proctor  
316 South Baylen Street  
Suite 600  
Pensacola, Florida 32502  
(850) 435-7000

Claims Administrator:

Edgar C. Gentle, III  
Gentle, Turner & Sexton  
501 Riverchase Parkway, East  
Suite 100  
Hoover, Alabama 35244  
(205) 716-3000

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.)

The most significant legal activities I have pursued during the course of my career have been the initiatives I helped to develop and pursue while with the United States Attorney's Office and the Department of Justice. These include working with multiple organizations to combat some of the most difficult issues facing West Virginia as a state: domestic violence and coal mine safety. I continued my work developing programs of lasting impact while with the Department of Justice.

For example, in the domestic violence arena, I was the Department of Justice Violence Against Women Act point of contact for the Southern District of West Virginia. I served

as a member of the Domestic Violence Protocol Review Committee and worked with the West Virginia State Police to develop a protocol for law enforcement response to domestic violence. I was also a member of the Governor's Family Violence Coordinating Council of West Virginia and participated in reviewing and amending West Virginia's domestic violence laws. With regard to child support enforcement, I spearheaded the enforcement effort of the federal Child Support Recovery Act in the Southern District of West Virginia, and prosecuted to trial some of the first child support cases in the country under the Act. Additionally, while with the United States Attorney's Office, I coordinated and prosecuted a number of coal mine safety cases in which several coal mine operators were convicted for unsafe practices in their mines.

While with the Department of Justice, I focused on the problem of domestic child prostitution. Working together with the Federal Bureau of Investigation and the National Center for Missing and Exploited Children, I helped to develop a nationwide victim-centered initiative (the Innocence Lost Initiative) which targets the vast network of offenders and provides critical social services and assistance to child victims. For this initiative, I was awarded the 2004 Assistant Attorney General's Award for Outstanding Victim/Witness Service. At the time I left the Department of Justice in early 2006, the Innocence Lost Initiative had secured 505 arrests, 60 complaints, 70 indictments, and 67 convictions of individuals involved in the commercial exploitation of children, and approximately 200 child victims had been identified nationwide as a result of the initiative. Additionally, in 2005, I was also awarded the Assistant Attorney General's Award for Special Initiative as a result of my work with the Federal Bureau of Investigation to develop a nationwide sex tourism prosecution initiative.

I have never performed lobbying activities.

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

In Fall 2010, I co-taught a Trial Advocacy course at West Virginia University College of Law, along with Professor Charles DiSalvo. I am teaching the same course this Fall along with Judge Larry Starcher. Syllabi supplied.

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

Aside from my ongoing legal work for which I expect to be paid, I have no current anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts or other future benefits which I expect to derive from previous business

relationships, professional services, firm memberships, former employers, clients or customers.

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

I have no such plans, commitments, or agreements.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

My husband is an attorney and practices in West Virginia. If confirmed, I would be conflicted from any case in which he is involved. I would also initially be conflicted from any case in which my present law firm, or its partners, has an interest. Lastly, I have been friends for over twenty years with Assistant United States Attorney Susan Robinson, and would think it best to recuse myself from all cases in which she represents the United States. While I would carefully review each case for conflict or appearance of conflict, I do not anticipate any other conflicts if I am confirmed as a judge.

- 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 carefully follow the federal recusal statutes and Canon 3 of the Code of Conduct for United States Judges. I would also engage in a prompt and immediate review of the parties, their affiliates, and the issues in any litigated

matter to come before me so that I could make a prompt, informed decision regarding the propriety of my participation in the matter.

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.

In addition to my twelve years of government service, I have remained a contributor to two charitable organizations: the West Virginia Coalition Against Domestic Violence and the West Virginia Fund for Law in the Public Interest. Additionally, in 2010, I completed training with the West Virginia Legal Aid Society in order to provide pro bono legal services for domestic violence orders of protection. Thus far, I have been called upon to so serve in one case in 2011. In that case, the client had obtained a protective order against her estranged husband and had child support and visitation orders in place. However, unbeknownst to her, the Court had also held a hearing on a petition for contempt against her which had been filed by her estranged husband. Because the client did not appear at the hearing, the Court drafted a proposed Order finding her in contempt. Pursuant to the proposed Order, the client had five days in which to object. I became involved on the fifth day of this objection time period, and worked with the client to draft and file objections to the proposed Order. The court found her in contempt but did not sanction her.

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.

There is not a selection commission in my jurisdiction. On May 6, 2011, I received a telephone call from Senator John D. Rockefeller's office asking whether I would be interested in being considered for a position on the Fourth Circuit. I met with Senator Rockefeller on May 10, 2011. Since July 18, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice regarding my candidacy. On August 5, 2011, I met with Senator Joe Manchin. On August 16, 2011, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On September 8, 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, Stephanie D. Thacker, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

9/8/2011

(DATE)

Stephanie D. Thacker

(NAME)



Kelli L. Mundy

(NOTARY)