

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Paula Xinis  
Paula Xinis-Fishman  
Panagiota Xinis

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

United States District Judge for the District of Maryland

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

Office:           Murphy, Falcon & Murphy  
                      One South Street, Suite 2300  
                      Baltimore, Maryland 21202

Residence:     University Park, Maryland

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

1968; Mineola, 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.

1994 – 1997, Yale Law School; J.D., 1997

Fall Semester 1992, Yale University; Ph.D in American History, no degree

1989 – 1991, University of Virginia; B.A. (highest distinction), 1991

1987 – 1989, Vassar College; no degree

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation

from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2011 – Present

Murphy, Falcon & Murphy  
One South Street, Suite 2300  
Baltimore, Maryland 21202  
Partner (June 2013 – Present)  
Senior Trial Attorney (2011 – 2013)

2005 – 2011

Office of Police Complaints for the District of Columbia  
1400 I Street, NW  
Suite 700  
Washington, D.C. 20005  
Complaint Examiner

1998 – 2011

Office of the Federal Public Defender for the District of Maryland  
6411 Ivy Lane, Suite 710  
Greenbelt, Maryland 20770  
Assistant Federal Public Defender (1998 – 2011)  
Director of Training (2006 – 2011)  
Research and Writing Staff-Attorney Supervisor (2008 – 2011)

Spring Semester 2000

University of Maryland School of Law  
500 West Baltimore Street  
Baltimore, Maryland 21201  
Adjunct Professor

1997 – 1998

Honorable Diana Gribbon Motz  
United States Court of Appeals for the Fourth Circuit  
101 West Lombard Street  
Baltimore, Maryland 21201  
Judicial Law Clerk

Summer 1996

Covington & Burling, LLP  
1201 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
Summer Associate

Fall 1995

The Honorable José Cabranes  
United States Court of Appeals for the Second Circuit

141 Church Street  
New Haven, Connecticut 06519  
Law Clerk-Intern

Summer 1995  
The Honorable Alan Nevas (retired)  
United States District Court for the District of Connecticut  
915 Lafayette Boulevard  
Bridgeport, Connecticut 06604  
Law Clerk-Intern

1993 – 1994  
The Long Ridge School  
478 Erskine Road  
Stamford, Connecticut 06903  
Director of Development

October 1992 – February 1993  
Roberts, Guillard, Kambas, Cousins & Sweigart  
1055 Washington Boulevard  
Stamford, Connecticut 06901  
Legal Secretary

1991 – 1992  
Ash Lawn-Highland, House Museum of President James Monroe  
2050 James Monroe Parkway  
Charlottesville, Virginia 22902  
Researcher/Assistant to Executive Director

Other Affiliations (uncompensated)

2005 – Present  
Federal Bar Association  
Maryland Chapter  
No physical address  
Baltimore, Maryland 21201  
Treasurer (2011 – Present)  
Board of Governors (2005 – Present)

1994 – 1995  
The Long Ridge School  
478 Erskine Road  
Stamford, Connecticut 06903  
Board of Directors

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 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.

New Jersey Law Journal, Personal Injury Hall of Fame, Public Liability section finalist, for *Black v. Lindenwold Township*, No. 11-CV-02283-JEI (D.N.J. 2014)

Maryland State Bar Association Leadership Academy (2001 – 2002)

Phi Beta Kappa (1991)

University of Virginia Washington Debate Society Leadership Award (1991)

Winner, University of Virginia Women's Studies Undergraduate Essay Contest awarded for graduating thesis (1991)

Edward and Barbara Younger Award in History awarded to the most distinguished graduating History Major (1991)

Recipient of Academic Scholarship to University of Virginia (1989 – 1991)

Member of Honors History Program at the University of Virginia (1989 – 1991)

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

American Society of Legal Advocates (2013 – Present)

Federal Bar Association Maryland Chapter Board of Governors (2005 – Present)

Treasurer (2011 – Present)

Appellate Practice Seminar Committee (January 2015 – Present)

Judicial Ethics Committee (January 2014 – Present)

Ad Hoc Committee on Tax Exempt Status (August 2013 – Present)

Open Doors Program Participant (three events, 2008 – Present)

Program Committee, Production of "The Full Truth: the Life of Supreme Court Justice, Thurgood Marshall" (August 2013 – Present)

Program Committee, Federal Bureau of Prisons Seminar (January – March 2012)

Committee on Charity Golf Tournament (2010 – 2012)

Program Committee, "Persuasive Appellate Advocacy: What Works and What

Doesn't" (January – April 2011)  
Program Committee, "Federal Criminal Law 101: Bail to Jail" Seminar  
(January – April 2010)  
Chair, Margaret Garner Production Committee, "Garner vs. ... The Trial of a  
Fugitive Slave Mother" (August 2007 – February 2008)  
Chair, Program Committee for Ceremonies Honoring CJA and Pro-Bono  
Attorneys (June – September 2005)

Maryland Association of Justice (2012 – Present)

Maryland Bar Foundation (2007 – Present)

Maryland State Bar Association

Lawyers' Assistance Program Committee (2003 – 2007)

Leadership Academy Fellows Program (2001 – 2002)

Merit Selection Committee for United States Magistrate Judges, United States District  
Court for the District of Maryland (2003 – 2007)

Panel for Reappointing Susan K. Gauvey (October 2003 – February 2004)

Panel for Selecting Full-Time Magistrate Judge (December 2003 – February  
2004)

Panel for Reappointing Paul W. Grimm (October 2004 – January 2005)

Panel for Reappointing Charles B. Day (October 2004 – January 2005)

Panel for Reappointing James K. Bredar (May 2005 – July 2005)

Panel for Reappointing Beth P. Gesner (November 2006 – February 2007)

National Association of Criminal Defense Lawyers (2012 – Present)

United States Court of Appeals for the Fourth Circuit Judicial Conference, Permanent  
Member (2009 – Present)

Wednesday Law Club, Baltimore, Maryland (December 2013 – Present)

**10. Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in  
membership. Please explain the reason for any lapse in membership.

State of Maryland, 1998

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.

Maryland Court of Appeals, 1998  
United States Court of Appeals for the Fourth Circuit, 1998  
United States District Court for the District of Maryland, 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.

The Long Ridge School Board of Directors (1994 – 1995)

The Dance Competition Interest Group, Steering Committee (Fall 2006)

House of Ruth Mentorship Program (2005 – 2007)

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

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

**12. Published Writings and Public Statements:**

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

Contributing Editor, *Monroe USA*, Ash-Lawn Highland, College of William and Mary, 1992. Copy supplied.

Chief Editor & Researcher, *Monroe On...*, Ash-Lawn Highland, 1992. Copy supplied.

"Democracy: Tyranny of the Mind?," Thoughtlines, Vol. 16, no. 1 (Spring 1990). 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.

None.

- 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.

None.

- 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.

Regarding the presentations described below, I have searched my personal files, the Internet and contacted the organizations sponsoring the events. There may, however, be some events that I have inadvertently omitted.

August 8 – 10, 2013: Plenary Speaker, "Electronic Surveillance and the Fourth Amendment: An Overview of Electronic Surveillance Techniques, Statutes, Possible Areas for Litigation, and Issues to Raise in Your Case," Administrative Office of the United States Courts, Defender Services Training Branch, National Multi-Track Seminars, Buffalo, New York. PowerPoint supplied.

November 8, 2012: Panelist, Federal Judicial Clerkships, Class on Government Service, University of Maryland School of Law, Baltimore, Maryland. Along with my co-panelists, I addressed the benefits of clerking for a judge and answered questions about public service. I have no notes, transcript or recording from this

panel. The address for the University of Maryland School of Law is 500 West Baltimore Street, Baltimore, Maryland 21201.

June 18, 2012: Speaker, "Effective Sentencing Mitigation, Winning Strategies," Office of the Federal Public Defender and Criminal Justice Act Panel Training, Office of the Federal Public Defender for the Southern District of New York, New York, New York. PowerPoint and handout supplied.

March 30, 2012: Master of Ceremonies and Presenter, "Tips for the Practitioner Whose Client is Facing Prison in the Federal Bureau of Prisons System," Federal Bar Association, Baltimore, Maryland. PowerPoint supplied.

April 14, 2011: Master of Ceremonies and Moderator, "Persuasive Appellate Advocacy: What Works and What Doesn't," Federal Bar Association Maryland Chapter, Greenbelt, Maryland. I introduced the speakers for this seminar and moderated the panel of sitting judges from the United States Court of Appeals for the Fourth Circuit. I have no notes, transcript or recording for this presentation. The Federal Bar Association Maryland Chapter has no physical address.

February 11, 2011: Plenary Speaker, "Fundamentals of Federal Criminal Defense Training: Mitigation Experts/Tools/Tricks/Fireworks," Administrative Office of the United States Courts, Defender Services Training Branch, San Antonio, Texas. I presented on using a mitigation expert to assist with sentencing hearings in federal court. I have no notes, transcript or recording for this presentation. The address of the Administrative Office of the United States Courts, Defender Services Training Branch is One Columbus Circle, NE, Washington, D.C. 20544.

January 29, 2011: Speaker, "Sentencing Mitigation – Tools, Experts & Strategies," Criminal Justice Act Panel Training Program, Office of the Federal Public Defender for the District of New Jersey, Camden Division, Iselin, New Jersey. I presented on federal criminal sentencing strategies in the wake of *Booker v. United States*, 543 U.S. 220 (2005). I have no notes, transcript or recording for this presentation. The address for the Office of the Federal Public Defender for the District of New Jersey, Camden Division, is 800-840 Cooper Street, Suite 350, Camden, New Jersey 08102.

November 17 – 18, 2010: Plenary Speaker and Break-out Instructor, "Sentencing Advocacy Workshop: Breaking Out of the Guideline Box," National Sentencing Advocacy Workshops, Administrative Office of the United States Courts, Defender Services Training Branch, San Juan, Puerto Rico. I presented at plenary and breakout sessions on creative approaches to writing and oral presentation of sentencing mitigation. I have no notes, transcript or recording for this presentation. The address of the Administrative Office of the United States Courts, Defender Services Training Branch is One Columbus Circle, NE, Washington, D.C. 20544.



June 17 – 19, 2010: Speaker, “Mitigation Experts/Tools/Tricks/Fireworks,” National Winning Strategies Seminars, Administrative Office of the United States Courts, Defender Services Training Branch, Chicago, Illinois. PowerPoint supplied.

April 23, 2010: Presenter, “Federal Criminal Law 101: Bail to Jail,” Federal Bar Association Maryland Chapter, Baltimore, Maryland. PowerPoint supplied.

April 7, 2010: Speaker, “Effective Use of Your Investigator at Sentencing,” National Defense Investigator Association, Las Vegas, Nevada. The presentation was on using investigative resources wisely and efficiently in sentencing. I have no notes, transcript or recording for this presentation. The address for the National Defense Investigator Association is 460 Smith Street, Suite K, Middletown, Connecticut 06457.

February 4 – 6, 2010: Plenary Speaker, “Fundamentals of Federal Criminal Defense: Practical Tips if Your Client Faces Incarceration in a Federal Prison,” Administrative Office of the United States Courts, Defender Services Training Branch, San Francisco, California. The presentation was on practical information about the Bureau of Prisons system to aid lawyers who are new to federal criminal defense. I have no notes, transcript or recording for this presentation. The address of the Administrative Office of the United States Courts, Defender Services Training Branch is One Columbus Circle, NE, Washington, D.C. 20544.

August 20 – 22, 2009: Speaker, “Fundamentals of Federal Criminal Defense Training: Practical Tips if Your Client Faces Incarceration in a Federal Prison,” Administrative Office of the United States Courts, Defender Services Training Branch, Chicago, Illinois. The presentation was on practical information about the Bureau of Prisons system to aid lawyers who are new to federal criminal defense. I have no notes, transcript or recording for this presentation. The address of the Administrative Office of the United States Courts, Defender Services Training Branch is One Columbus Circle, NE, Washington, D.C. 20544.

October 9 – 10, 2008: Speaker, “Federal Criminal Practice Seminar: Sentencing Mitigation,” Office of the Federal Public Defender for the Eastern District of North Carolina, Wrightsville Beach, North Carolina. I presented on federal criminal sentencing strategies in the wake of *Booker v. United States*, 543 U.S. 220 (2005). I have no notes, transcript or recording for this presentation. The address for the Office of the Federal Defender, Eastern District of North Carolina is 150 Fayetteville Street, Suite 450, Raleigh, North Carolina 27601.

August 6 – 8, 2008: Speaker, “Deconstructing Pornography and Strategizing Sex Cases,” Administrative Office of the United States Courts National Seminar, Federal Judicial Center, Atlanta, Georgia. I presented on recent statutory and sentencing guideline amendments pertaining to federal sex offenses. I have no

notes, transcript or recording for this presentation. The address for the Federal Judicial Center is One Columbus Circle, NE, Washington, D.C. 20544.

May 2, 2008: Speaker, "Using a Forensic Evaluation in Child Pornography Cases," Office of the Federal Public Defender for the District of Maryland, Baltimore, Maryland. I presented on using a forensic psychologist to assess clients charged with federal child pornography offenses. I have no notes, transcript or recording for this presentation. The address for the Office of the Federal Public Defender for the District of Maryland is 100 South Charles Street, Ninth Floor, Baltimore, Maryland 21201.

April 11 – 12, 2008: Plenary Speaker, "Effective Sentencing Mitigation," Office of the Federal Public Defender for the Eastern District of Virginia, Charlottesville, Virginia. I presented on federal criminal sentencing strategies in the wake of *Booker v. United States*, 543 U.S. 220 (2005). I have no notes, transcript or recording for this presentation. The address for the Office of the Federal Public Defender for the Eastern District of Virginia is 1650 King Street, Suite 500, Alexandria, Virginia 22314.

April 9, 2008: Speaker, "Sentencing Mitigation and Investigation," National Defense Investigator Association, Las Vegas, Nevada. I presented on effectively using investigative resources to prepare for federal sentencing hearings. I have no notes, transcript or recording for this presentation. The address for the National Defense Investigator Association is 460 Smith Street, Suite K, Middletown, Connecticut 06457.

February 14 – 16, 2008: Speaker, "Using a Mitigation Specialist and Presenting a Comprehensive Case for Mitigation at Sentencing: A Discussion of the Development of Mitigation Evidence," Administrative Office of the United States Courts, Defender Services Training Branch, New Orleans, Louisiana. I presented on using a mitigation specialist to prepare for effective federal sentencing hearings. I have no notes, transcript or recording for this presentation. The address of the Administrative Office of the United States Courts, Defender Services Training Branch is One Columbus Circle, NE, Washington, D.C. 20544.

February 1, 2008: Speaker, Production of "Garner vs. ... The Trial of a Fugitive Slave Mother," Federal Bar Association, Baltimore, Maryland. Video supplied.

July 12 – 14, 2007: Speaker, "Using a Mitigation Specialist and Presenting a Comprehensive Case for Mitigation at Sentencing: a Discussion of the Development of Mitigation Evidence," Administrative Office of the United States Courts, Defender Services Training Branch, St. Croix, United States Virgin Islands. PowerPoint supplied.

June 14 – 16, 2007: Speaker, "The Use of Prior Convictions in Federal Court," Annual Training, Office of the Maryland State Public Defender, Potomac,

Maryland. PowerPoint supplied.

April 19 – 20, 2007: Speaker, Annual Training, National Defense Investigator Association, Myrtle Beach, South Carolina. The presentation was on the effective use on an investigator in gathering mitigation evidence to be used in federal sentencing hearings. I have no notes, transcript or recording for this presentation. The address for the National Defense Investigator Association is 460 Smith Street, Suite K, Middletown, Connecticut 06457.

March 23, 2007: Speaker, “Introduction and Welcome – Challenges to Criminal History Training Session,” Office of the Federal Public Defender for the District of Maryland. I presented on challenges to the United States Sentencing Guidelines’ criminal history calculations. I have no notes, transcript or recording for this presentation. The address for the Office of the Federal Public Defender for the District of Maryland is 100 South Charles Street, Ninth Floor, Baltimore, Maryland 21201.

February 16, 2007: Speaker, “Win-Win: How to Get into Court and Give Back,” Federal Bar Association Maryland Chapter, Baltimore, Maryland. I presented on serving as a Criminal Justice Act Panel Attorney and introduced speakers. I have no notes, transcript or recording for this presentation. The Federal Bar Association Maryland Chapter has no physical address.

February 8 – 10, 2007: Plenary Speaker, “Using a Mitigation Specialist and Presenting a Comprehensive Case for Mitigation at Sentencing: A Discussion of the Development of Mitigation Evidence,” Administrative Office of the United States Courts, Office of Defender Services Training Branch, Albuquerque, New Mexico. PowerPoint supplied.

August 11, 2006: Speaker, “The Mitigation Case,” Administrative Office of the United States Courts, Defender Services Training Branch, Savannah, Georgia. I presented on sentencing mitigation in the wake of *Booker v. United States*, 543 U.S. 220 (2005). I have no notes, transcript or recording for this presentation. The address for the Administrative Office of the United States Courts, Defender Services Training Branch is One Columbus Circle, NE, Washington, D.C. 20544.

June 8 – 10, 2006: Speaker, “Using a Mitigation Specialist and Presenting a Comprehensive Case for Mitigation at Sentencing: A Discussion of the Development of Mitigation Evidence,” Administrative Office of the United States Courts, Office of Defender Services Training Branch, San Diego, California. PowerPoint supplied.

March 2 – 4, 2006: Speaker, “Sentencing Advocacy Workshop: Thinking Outside the Guideline Box,” Administrative Office of the United States Courts, Office of Defender Services Training Branch, Miami Beach, Florida. I presented in a plenary session on sentencing advocacy and facilitated small group breakout

sessions on writing and presenting effective sentencing mitigation. I have no notes, transcript or recording for this presentation. The address for the Administrative Office of the United States Courts, Defender Services Training Branch is One Columbus Circle, NE, Washington, D.C. 20544.

2006: Speaker, "Sentencing Mitigation," National Defense Investigator Association, Washington, D.C. PowerPoint supplied.

October 21 – 22, 2005: Speaker, "Sentencing Mitigation," Administrative Office of the United States Courts, Defender Services Training Branch, Philadelphia, Pennsylvania. PowerPoint supplied.

February 11, 2005: Speaker, "Preparing & Arguing a § 3553(a) Sentencing," Office of the Federal Public Defender for the District of Maryland, Baltimore, Maryland. I presented on the factors that federal courts must consider pursuant to the federal sentencing statutes. I have no notes, transcript or recording for this presentation. The address for the Office of the Federal Public Defender for the District of Maryland is 100 South Charles Street, Ninth Floor, Baltimore, Maryland 21201.

2005: Speaker, Ceremony Honoring Criminal Justice Act Panel Attorneys and Pro-Bono Attorneys, Federal Bar Association Maryland Chapter, Baltimore, Maryland. I gave an extemporaneous introduction for the keynote speaker, Steven Ellis. I have no notes, transcript or recording for this presentation. The Federal Bar Association Maryland Chapter has no physical address.

November 19, 2004: Speaker, "Sentencing Mitigation," Office of the Federal Public Defender for the District of Maryland, Greenbelt, Maryland. I presented on using effective mitigation evidence at sentencing. I have no notes, transcript or recording for this presentation. The address for the Office of the Federal Public Defender for the District of Maryland is 100 South Charles Street, Ninth Floor, Baltimore, Maryland 21201.

August 6, 2004: Speaker, "Practical Application: Indictment Issues/Criminal History," Office of the Federal Public Defender for the District of Maryland, Baltimore, Maryland. I presented on the indictment requirements necessary to trigger federal mandatory minimum sentences and challenges to criminal history calculations under the United States Sentencing Guidelines. I have no notes, transcript or recording for this presentation. The address for the Office of the Federal Public Defender for the District of Maryland is 100 South Charles Street, Ninth Floor, Baltimore, Maryland 21201.

November 14, 2003: Speaker, "Using Technology in Your Practice," Office of the Federal Public Defender for the District of Maryland, Greenbelt, Maryland. I presented on using document database software for large document discovery cases. I have no notes, transcript or recording for this presentation. The address

for the Office of the Federal Public Defender for the District of Maryland is 100 South Charles Street, Ninth Floor, Baltimore, Maryland 21201.

November 8, 2002: Panel attendee, "Disparity in Sentencing – Race and Gender," Federal Sentencing Guidelines Symposium, Yale Law School, New Haven, Connecticut. I was not a panelist, but provided a brief comment on the Bail Reform Act as an attendee of this panel. I have no notes, transcript or recording, but press coverage is supplied. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

November 1, 2002: Speaker, "Hot Topics in Case Law and Sentencing for the Federal Criminal Practitioners: Amendments to Fraud Guidelines," and "Investigating the Investigator," Office of the Federal Public Defender for the District of Maryland, Greenbelt, Maryland. I presented on substantive amendments to the United States Sentencing Guideline manual related to fraud offenses and novel techniques for investigating police officers. I have no notes, transcript or recording for this presentation. The address for the Office of the Federal Public Defender for the District of Maryland is 100 South Charles Street, Ninth Floor, Baltimore, Maryland 21201.

May 2002: Speaker, "Litigating Detention Hearings," Office of the Federal Public Defender for the District of Maryland, Baltimore, Maryland. The presentation was on effective trial and technology techniques applied to detention hearings. I have no notes, transcript or recording for this presentation. The address for the Office of the Federal Public Defender for the District of Maryland is 100 South Charles Street, Ninth Floor, Baltimore, Maryland 21201.

March 5 – 6, 2002: Speaker, "Selected 2001 Amendments to the Sentencing Guidelines," Office of the Federal Public Defender for the Western District of Pennsylvania, Williamsport and Harrisburg, Pennsylvania. I presented on the recent, most relevant amendments to the United States Sentencing Guidelines. I have no notes, transcript or recording for this presentation. The address for the Office of the Federal Public Defender for the Western District of Pennsylvania is 100 Chestnut Street, Suite 306, Harrisburg, Pennsylvania 17101.

May 11, 2001: Speaker, "Hot Topics in Case Law and Sentencing for the Federal Criminal Practitioners," Office of the Federal Public Defender for the District of Maryland, Baltimore, Maryland. This presentation surveyed recent major federal criminal cases decided in the United States Court of Appeals for the Fourth Circuit and the United States Supreme Court. I have no notes, transcript or recording for this presentation. The address for the Office of the Federal Public Defender for the District of Maryland is 100 South Charles Street, Ninth Floor, Baltimore, Maryland 21201.

- 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.

Dan Morse, *Montgomery County Murder Trial Uses Rare Defense: My Girlfriend Did It*, The Washington Post, March 8, 2015. Copy supplied.

*Charges Dropped Against One Office in Animal Cruelty Case*, WBAL T.V., January 15, 2015. Copy supplied.

Justin Fenton, *Charges Dropped Against One Officer in Dog Killing*, The Baltimore Sun, January 14, 2015. Copy supplied.

Barbara Haddock Taylory, *Glimpsed at Work*, The Baltimore Sun, December 21, 2011. Copy supplied.

*Artworks this Week*, Maryland Public Television, January 30, 2008. Video supplied.

Robert F. Patrick, *Supreme Court Ruling Has Not Been the Savior Drug Defendants Hoped For*, Capital News Service, April 20, 2001. Copy supplied.

Dan Mangan, *Not Just Playing Around: Parents Get Together to Help School Build a New Place for Kids*, The Stamford Advocate, September 13, 1993. Copy supplied.

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

In 2005, I was appointed by the Director of the Office of Police Complaints for the District of Columbia to serve as a Complaint Examiner responsible for determining whether Metropolitan Police Department officers had violated police orders and/or rules of conduct. Most cases did not involve complainants who were represented, and most cases were decided on the papers without the need for an evidentiary hearing. For each case I was assigned, I authored a written opinion, which was forwarded to the Metropolitan Police Department for appropriate disciplinary action, if warranted. To protect the identities of the complainants and officers, none of the available opinions contain names of the litigants or the counsel representing the litigants.

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

I have presided over six cases that have gone to verdict or judgment.

- i. Of these, approximately what percent were:

jury trials:	_____ %
bench trials:	_____ % [total 100%]
civil proceedings:	100%
criminal proceedings:	0%

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

March 18, 2011, OPC Merits Determination in case No. 09 – 0533

May 20, 2010, OPC Merits Determination in case No. 06 – 0359

October 16, 2009, OPC Merits Determination in case No. 08 – 0123

June 17, 2007, OPC Merits Determination in case No. 05 – 0274

March 2, 2007, OPC Merits Determination in case No. 03 – 0202

February 23, 2006, OPC Merits Determination in case No. 05 – 0228

- 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).

Because of the sensitive nature of these proceedings, the names of the litigants and their counsel are confidential.

1. *OPC Merits Determination Case No. 09 – 0533* (March 18, 2011).  
Opinion supplied.

The complainant alleged that the subject officer harassed him when the officer unlawfully arrested him for disorderly conduct because the complainant would not move along when directed to do so by the officer. Because the weight of the evidence provided from all parties demonstrated that the officer's arrest of the complainant was illegal, I found without a hearing that the officer's illegal arrest of the complainant constituted harassment in violation of the Metropolitan Police Department General Orders.

2. *OPC Merits Determination Case No. 06 – 0359* (May 20, 2010).  
Opinion supplied.

In this case, the complainant alleged that he and his friend had been

harassed and subjected to excessive force when the subject officer tried to physically prevent the complainant and friend from videotaping a police-citizen encounter. Neither the complainant nor his friend had violated any laws or had interfered in any way with the officer's duties. Nonetheless, the officer repeatedly slapped the video camera down and insisted that the taping cease. The officer also demanded the complainant and friend's identification without cause. Because the material events were captured on video, I ruled without a hearing that the officer had used excessive force when he physically slapped the camera away from his focus. Due to the officer's belligerent and hostile demeanor evident in the video recording, I found that his actions also constituted harassment.

3. *OPC Merits Determination Case No. 08 – 0123* (October 16, 2009).  
Opinion supplied.

The complainant, who had been in a car accident involving an off-duty Metropolitan Police Department officer, alleged that the officer engaged in language or conduct that was insulting, demeaning or humiliating to him and to a delivery truck driver, as well as harassed the complainant when the officer threatened to physically harm him and arrest him without probable cause. Because the officer, according to numerous disinterested witnesses, shouted and cursed profusely, I found that the officer had violated the Metropolitan Police Department General Orders prohibiting the use of insulting, demeaning or humiliating language. Further, because the same witnesses corroborated the complaint's allegations that the officer threatened to arrest him for no reason and to physically harm him, I found that the officer had harassed the complainant.

4. *OPC Merits Determination Case No. 05 – 0274* (June 17, 2007).  
Opinion supplied.

The complainant alleged that the subject officer harassed her and her two children when he forcibly pushed her children into separate holding areas in the Rhode Island Avenue Youth Division police station, and when he repeatedly called the complainant threatening to arrest her without probable cause. The complainant also alleged that throughout the police encounter, the officer used insulting, demeaning and humiliating language and conduct during the same conversation with her. Because the subject officer did not put forward any reliable evidence contesting the uncontroverted sworn statements of the complainant and several witnesses, I ruled without a hearing that the officer's conduct constituted harassment in violation of Metropolitan Police Department Orders.

5. *OPC Merits Determination Case No. 03 – 0202* (March 2, 2007).  
Opinion supplied.



The complainant alleged that the subject officer used excessive and unnecessary force when the officer entered the complainant's apartment uninvited, without a warrant, and at night while the complainant was not fully dressed, in response to a report that the complainant was playing loud music. I presided over a day-long evidentiary hearing where sworn testimony of several witnesses was taken and photographic evidence was introduced. I issued a written opinion finding that the officer used excessive force and harassed the complainant when he entered and stayed in the complainant's apartment for an extended period of time without a warrant or the complainant's consent to enter. Further, I found that the officer's continued presence in the complainant's home while she was not fully dressed provoked an unnecessary heated argument. Consequently, I also found that the officer engaged in insulting and demeaning conduct in violation of Metropolitan Police General Orders.

6. OPC Merits Determination Case No. 05 – 0228 (February 23, 2006).  
Opinion supplied.

The complainant, a 15 year-old high school student, alleged that the Metropolitan Police officer assigned to her high school used profane, insulting or demeaning language in violation of the Metropolitan Police Department General Orders when he yelled "I'll break your f---ing arm," and other similar profanities during a scuffle while subduing the complainant. Because the officer did not dispute his having used profanity during the encounter, I found without a hearing that the officer used insulting, demeaning or humiliating language while arresting the complainant. I noted that although the officer had been engaged in a violent and charged situation, the General Orders do not permit the use of profanity under any circumstances or for any reason.

- 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.

Because of the sensitive nature of these proceedings, the names of the litigants and their counsel are confidential.

1. OPC Merits Determination Case No. 09 – 0533 (March 18, 2011).  
Opinion previously supplied in response to Question 13c.

2. OPC Merits Determination Case No. 06 – 0359 (May 20, 2010).  
Opinion previously supplied in response to Question 13c.

3. OPC Merits Determination Case No. 08 – 0123 (October 16, 2009).  
Opinion previously supplied in response to Question 13c.

4. OPC Merits Determination Case No. 05 – 0274 (June 17, 2007).  
Opinion previously supplied in response to Question 13c.

5. OPC Merits Determination Case No. 03 – 0202 (March 2, 2007).  
Opinion previously supplied in response to Question 13c.

6. OPC Merits Determination Case No. 05 – 0228 (February 23, 2006).  
Opinion previously supplied in response to Question 13c.

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

None.

- 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.

None.

- 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.

None of my opinions were published in a reporter. However, they are available online at [www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov).

- 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.

None.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have never sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have

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

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

Other than acting as a Complaint Examiner for the District of Columbia Office of Police Complaints, I have never served in any judicial capacity. I reviewed the complaints on a case-by-case basis to ensure that there were no conflicts of interest.

**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 nor had any unsuccessful candidacies for elected office nor unsuccessful nominations for appointed office.

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

I have never held an office in any political party, nor have I held a position, volunteered or played a role in a political campaign.

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

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

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

From August 1997 through August 1998, I was a judicial law clerk to the Honorable Diana Gribbon Motz, Circuit Judge for the United States Court of Appeals for the Fourth Circuit.

- 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.

1998 – 2011

Office of the Federal Public Defender for the District of Maryland

6411 Ivy Lane, Suite 710

Greenbelt, Maryland 20770

Assistant Federal Public Defender (1998 – 2011)

Director of Training (2006 – 2011)

Research and Writing Supervisor (2008 – 2011)

2011 – Present

Murphy, Falcon & Murphy

One South Street, Suite 2300

Baltimore, Maryland 21201

Senior Trial Attorney (2011 – 2013)

Partner (June 2013 – Present)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator 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.

From 1998 through 2011, I was an assistant federal public defender where I represented hundreds of clients charged with felonies in federal court. I have been lead or sole counsel on an array of complex federal criminal cases, including multi-defendant, fraud and death penalty-

eligible offenses. I assumed primary responsibility for several hundred felony cases at every stage of the proceedings, from initial appearances and detention hearings through direct appeals to the United States Court of Appeals for the Fourth Circuit and petitions for *certiorari* to the United States Supreme Court. From 2006 to 2011, I also was the director of training, and from 2008 to 2011, I assumed the additional responsibility of managing the office's research and writing attorneys who were responsible for cases on appeal and litigation support on complex trial issues.

In November 2011, I joined the law firm of Murphy, Falcon & Murphy as senior trial counsel and became partner in June 2013. Over the past three years, I have handled predominantly civil matters. I act as lead and co-chair trial attorney on complex federal civil rights violations, toxic torts, class actions and mass actions in Maryland and throughout the United States.

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

During my time at the Office of the Federal Public Defender, I represented indigent criminal defendants. I handled every kind of federal criminal case at every phase of the criminal process, from arrest or investigation through trial and appeal. In the beginning of my career, I concentrated primarily on misdemeanor and simple felonies. By my second year with the office, I was handling narcotics, firearms and fraud offenses. For a large part of my tenure, I concentrated on white collar financial crimes and other complex matters.

While at Murphy, Falcon & Murphy, I have represented individuals in multi-plaintiff complex litigation involving violations of federal civil rights, as well as state constitutional and common law torts. I have also represented smaller businesses and individuals in both the civil and criminal contexts related to their business activities.

- 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.

100% of my practice has been in litigation. As an assistant federal public defender from 1998 to 2011, I appeared in the United States District Court for Maryland in the Greenbelt and Baltimore divisions three or four days a week. At Murphy, Falcon & Murphy, I appear in state and federal court on average two or three times per month.

- i. Indicate the percentage of your practice in:
  - 1. federal courts: 80%

2. state courts of record: 20%
3. other courts: 0%
4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

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

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

I have tried approximately 16 cases to verdict or dismissal after contested hearings. I was either sole counsel or chief counsel in 14 trials and second chair in two trials.

i. What percentage of these trials were:

1. jury: 70%
2. non-jury: 30%

- 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.

In my capacity as an assistant federal public defender and when I oversaw the research and writing attorneys, I wrote and/or edited petitions for *certiorari* on behalf of our clients. None of those petitions were granted. Below are those petitions for which I am counsel of record.

*Myron Tereshchuk v. United States*, 549 U.S. 1070 (2006). Petition supplied.

*Under Seal v. United States*, 541 U.S. 901 (2004). Petition supplied.

*Robert Cole v. United States*, 537 U.S. 871 (2002). Petition supplied.

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

- 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. *Harris v. Kennedy Krieger Institute, Inc.*, Case No. 24-C-12-006682, Circuit Court, Baltimore City

I shared lead counsel responsibilities representing the plaintiff Mr. Harris in a six-week civil trial involving Mr. Harris' participating as an infant and toddler in the Lead Paint Repair and Maintenance Study (R&M Study) conducted by the Kennedy Krieger Institute. The R&M study (the subject of a landmark Maryland Court of Appeals' case, *Grimes v. Kennedy Krieger Institute, Inc.* 366 Md. 29 (2001)) was designed to evaluate the effectiveness of partial lead paint repair in Baltimore City row homes through testing the blood lead levels of the infants and toddlers who lived in those homes. During Mr. Harris' participation in the R&M study, he consistently tested with an elevated blood-lead level that increased over time, resulting in permanent cognitive deficits. I argued roughly 40 motions *in limine*, and challenged the validity of lead-dust vacuum sampling methods during a day and a half *Frye-Reed* hearing where I examined and cross examined experts in industrial hygiene and biostatistics. At trial, I delivered the first half of opening statement and closing argument, examined several key witnesses to the plaintiff's case, and cross-examined both lay and expert witnesses during the defense case. After five days of deliberation, the jury returned with a defense verdict. The case is currently on appeal.

Dates of Representation: April 4, 2014 – Present

Judge: The Hon. Lawrence P. Fletcher-Hill

Co-counsel: Mary McNamara Koch  
William H. Murphy, Jr.  
Murphy, Falcon & Murphy  
One South Street, Suite 2300  
Baltimore, Maryland 21202  
(410) 951-8765

Opposing Counsel: Michael Brown, Esq.  
Michael Blumenfeld, Esq.  
Miles & Stockbridge, P.C.  
100 Light Street  
Baltimore, Maryland 21202  
(410) 727-6464

Barry Goldstein, Esq.  
Jonathan Sly, Esq.

Warnach & Brown, LLP  
1301 York Road  
Suite 300  
Lutherville, Maryland 21093  
(410) 821-3500

2. *Coker and Dozier v. Bray & Gillespie LLC, d/b/a Plaza Ocean Club*, Case No. 2008-31467-CICI, Seventh Judicial Circuit, Volusia County, Florida

Mr. Coker and Mr. Dozier were poisoned by carbon monoxide while vacationing at the Plaza Ocean Club, which caused profound brain damage. The carbon monoxide had escaped into their hotel room because of foreseeable and preventable malfunctions of the hotel's hot water heating system. I represented the Plaintiffs Mssrs. Coker and Dozier and was the lead attorney for the liability phase of the trial. My responsibilities included reviewing thousands of pages of subpoenaed documents in connection with structural damage that led to the carbon monoxide incident, deposing several liability witnesses, and preparing and working closely with forensic engineers, accountants and economists, as well as preparing and defending the depositions of our clients, experts, and numerous lay witnesses. I also authored all substantive pleadings. After extensive mediation, the case settled short of trial.

Dates of Representation: November 2011 – April 2013

Judge: The Hon. William Parsons

Co-counsel: Mary McNamara Koch  
Murphy, Falcon & Murphy  
One South Street, Suite 2300  
Baltimore, Maryland 21202  
(410) 951-8765

Opposing Counsel: Jay Train  
Lawrence Burkhalter  
Weinberg Wheeler Hudgins & Dial  
3344 Peachtree Road, NE  
Suite 2400  
Atlanta, Georgia 30326  
(404) 832-9511

3. *United States v. Modanlo*, Case No. 8:10-cr-295-PJM-1, United States District Court, District of Maryland

At the close of my tenure with the Office of the Federal Public Defender, I was lead counsel for one of the largest and most complex white collar cases



handled in the office's history – defending a former satellite engineer accused of violating the Iran Trade Embargo by brokering an agreement between Russia and Iran for the design, construction and launch of Iran's first low orbit satellite system. I was lead counsel responsible for coordinating massive discovery productions from roughly ten related civil cases, a government seizure of scores of computers, and documentary evidence amassed from Russia, Iran, Switzerland, and the United States. I also developed an international investigative plan, which included locating, identifying and examining key expert and lay witnesses and preparing for international criminal depositions as well as the domestic trial. The case was tried in late 2013 by my former colleagues at the Office of the Federal Public Defender. After a six-week trial, Mr. Modanlo was convicted of conspiring to violate the Iranian Trade Embargo and sentenced to eight years' imprisonment.

Dates of Representation: June 2010 – November 2011

Judge: The Hon. Peter J. Messitte

Opposing Counsel: David I. Salem  
Office of the United States Attorney  
for the District of Maryland  
6406 Ivy Lane, Suite 800  
Greenbelt, Maryland 20770  
(301) 344-4433

4. *United States v. D.A.P.*, Case No. 08-cr-0299-PJM, United States District Court, District of Maryland (entire case placed under seal)

D.A.P, a longtime government contractor, had been charged with accepting bribes in connection with a \$3 million dollar construction contract. I represented D.A.P during much of her 45-month period of cooperation with the government. D.A.P. had devoted roughly 600 hours to assisting the National Institute of Health in criminal and civil investigations involving public waste and graft. I engaged in substantial negotiations, authored all written pleadings, and conducted a day-long contested sentencing hearing where the government was seeking over three years' incarceration. D.A.P. received a sentence of four months' imprisonment and three years' supervised release with four months in a halfway house placement. D.A.P. successfully completed her sentence and currently maintains gainful employment with a private commercial construction corporation as a project manager.

Dates of Representation: November 2007 – August 2010

Judge: The Hon. Peter J. Messitte

Opposing Counsel: Michele Sartori

(former Assistant United States Attorney)  
Hogan Lovells US LLP  
Columbia Square  
555 13th Street, NW  
Washington, D.C. 20004  
(202) 637-5600

David I. Salem  
Office of the United States Attorney  
for the District of Maryland  
6500 Cherrywood Lane  
Greenbelt, Maryland 20770  
(301) 344-4433

5. *United States v. Blackmon*, Case No. 1:06-cr-00129-CCB-1, United States District Court, District of Maryland

Mr. Blackmon was charged as an armed career criminal with being in possession of a firearm after having been convicted of a crime punishable by greater than one year. As sole counsel in this matter, I handled all phases of Mr. Blackmon's case. During this time, I also initiated and handled all phases of Mr. Blackmon's state post-conviction proceedings in Baltimore City Circuit Court regarding the constitutionality of his prior state guilty plea in an effort to vacate one of his three prior convictions, which served as the predicate for the federal mandatory minimum imprisonment term. However, the plea agreement was upheld in state court. In pre-trial proceedings, I successfully challenged the government's use of a ballistics expert to testify regarding the presence of gunshot residue on Mr. Blackmon at the time of the offense, precluding the government from introducing this forensic evidence at trial. I researched and argued all motions, handled voir dire and jury selection, delivered opening statement and closing argument, and cross examined all government witnesses. Mr. Blackmon was convicted after trial and received the mandatory minimum sentence of 15 years' imprisonment.

Date of Representation: March 2006 – April 2007

Judge: The Hon. Catherine C. Blake

Opposing Counsel: Tonya Kelly  
(former Assistant United States Attorney)  
Biran Kelly LLC  
201 North Charles Street, Suite 2001  
Baltimore, Maryland 21201  
(410) 625-2500

The Hon. Stephanie Gallagher

(former Assistant United States Attorney)  
United States Magistrate Judge  
United States District Court  
for the District of Maryland  
101 West Lombard Street  
Baltimore, Maryland 21201  
(410) 962-7780

6. *United States v. Hinds*, Case No. DKC 8:03-cr-0235, United States District Court, District of Maryland

Ms. Hinds was charged with two counts of wire fraud stemming from her operation of a temporary nursing placement service. Ms. Hinds' offense involved altering the licenses and certificates of roughly 45 credentialed nurses whose license to practice had lapsed. She altered their licenses and certifications and presented them to nursing homes and adult care facilities as a coordinator of the nurses' temporary placement. Ms. Hinds' sentencing proceedings spanned several hours over three days, with both the government and defense calling and examining numerous lay and expert witnesses. At issue was whether her offense placed patients at risk of physical injury and whether it involved any monetary loss to the nursing care facilities where the temporary nurses had been placed. As lead counsel, I was responsible for retaining and preparing expert witnesses, negotiating with the government, writing and editing all substantive pleadings, and examining witnesses at the sentencing hearing and oral argument. At the conclusion of Ms. Hinds' contested sentencing, she received six months' incarceration, three years' supervised release and a \$5,000 fine.

Dates of Representation: May 2003 – April 2005

Judge: The Hon. Deborah K. Chasanow

Co-Counsel: Joseph Evans  
Office of the Federal Public Defender  
for the District of Maryland  
100 South Charles Street  
Ninth Floor  
Baltimore, Maryland 21201  
(410) 962-3962

Opposing Counsel: Gina Simms  
(former Assistant United States Attorney)  
Ober Kaler  
1401 H Street, NW  
Suite 500  
Washington, D.C. 20005

(202) 326-5030

7. *United States v. Hawkins*, Case No. 8:04-cr-0421-RWT-1, United States District Court, District of Maryland

Mr. Hawkins was charged with possession of a firearm after a conviction of a crime punishable by greater than one year incarceration. The charges stemmed from police officers finding a firearm under his driver seat after having stopped him for suspected driving while under the influence of alcohol. Although at the time of trial, Mr. Hawkins was in his forties and gainfully employed, he had three very old prior convictions for battery and assault that triggered a 15-year mandatory minimum prison sentence if convicted of the firearm offense, as well as a mandatory guideline range of 22 years' incarceration after trial. The firearm had been found in his vehicle after three other individuals had been in the car with him. I was responsible for drafting and arguing the major pretrial motions, cross examining the primary government witnesses, direct examination of Mr. Hawkins and closing argument. After a three-day jury trial, during which time the defense demonstrated that Mr. Hawkins' brother had been seen with a firearm identical in appearance shortly before the brother was in Mr. Hawkins' vehicle, Mr. Hawkins was acquitted of the firearm charge and convicted of misdemeanor driving under the influence of alcohol. He was sentenced to a probationary term for the alcohol-related misdemeanor.

Dates of Representation: September 2004 – May 2005

Judge: The Hon. Roger W. Titus

Co-counsel: Kobie Flowers  
(former Assistant Federal Public Defender)  
Flowers Law Firm  
1750 K Street, NW  
Suite 200  
Washington, D.C. 20006  
(202) 742-5969

Opposing Counsel: Hollis Weisman  
Office of the United States Attorney  
for the District of Maryland  
6500 Cherrywood Lane  
Greenbelt, Maryland 20770  
(301) 344-4433

8. *United States v. Lee*, Case No. 8:03-cr-0552-AW, United States District Court, District of Maryland

At the time Dr. Lee faced felony charges of theft of government property, he was a post-doctoral fellow employed at the National Institute of Health's (NIH's) National Heart Lung and Blood Institute as a visiting scholar from Ehwa Women's University in Seoul, Korea. The charges stemmed from Dr. Lee having attempted to take four large footlockers of equipment and materials from NIH in the United States to Ehwa Women's University upon his return to Korea to complete his military service. As lead counsel, I wrote or reviewed and edited all substantive legal memoranda and spearheaded an intensive investigation on Dr. Lee's behalf. I, along with an investigator and interpreter, also spent one week in Korea gathering military and university documents, as well as fact and character witnesses who would testify at trial via closed circuit television. The witnesses and evidence located in Korea all demonstrated that Dr. Lee, upon his return to Ehwa University, intended to use the materials and equipment at the center of the criminal charges to complete important research on the effects of selenium to reduce heart disease. Further, this investigation revealed that Dr. Lee's research would benefit both NIH and Ehwa Women's University because the institutions were acting in partnership and were jointly collaborating on this and many other research projects. After three days of motions hearing and trial, the court granted the defendant's motion for judgment of acquittal, which I had briefed along with my co-counsel, and which I had argued before the Honorable Alexander Williams, Jr. As a result, Dr. Lee was acquitted without having to present his defense case to the jury.

Dates of Representation: November 2003 – August 2004

Judge: The Hon. Alexander Williams, Jr.

Co-counsel: Kelly McTaggart  
(former Assistant Federal Public Defender)  
Vice President, Associate General Counsel  
Time Warner, Inc.  
Time Warner Center  
New York, New York 10019  
(212) 484-7752

Opposing Counsel: Hollis Weisman  
Office of the United States Attorney  
for the District of Maryland  
6500 Cherrywood Lane  
Greenbelt, Maryland 20770  
(301) 344-4433

9. *United States v. Reevey*, Case No. 1:02-cr-00146-WDQ-1, United States District Court, District of Maryland

Mr. Reevey was charged with armed carjacking, kidnapping and possession of a firearm in furtherance of a crime of violence after abducting an acquaintance at gunpoint, taking the acquaintance's vehicle and traveling with the acquaintance restrained in the car over several state lines and into Baltimore, Maryland. The incident ended with Mr. Reevey being shot several times by police. The case presented evidentiary issues regarding the extent to which the jury would hear testimony regarding Mr. Reevey being shot and his own firearm's inoperability. I was second chair trial counsel to my former colleague, Assistant Federal Public Defender Joseph Balter. I drafted and argued pretrial motions *in limine*, participated in voir dire and jury selection, delivered opening statements to the jury, and examined secondary witnesses. The jury found Mr. Reevey guilty on all counts and he was sentenced to a total term of 210 months' imprisonment. On appeal, the United States Court of Appeals vacated Mr. Reevey's sentence based on impermissible double counting under the United States Sentencing Guidelines and he was resentenced to 181 months. I did not handle the appeal.

Dates of representation: August 2002 – October 2002

Judge: The Hon. Frederick N. Smalkin (Ret.)

Co-counsel: Joseph Balter  
Office of the Federal Public Defender  
for the District of Maryland  
100 South Charles Street  
Ninth Floor  
Baltimore, Maryland 21201  
(410) 962-3962

Opposing Counsel: Christine Manuelian  
Office of the United States Attorney  
for the District of Maryland  
36 South Charles Street, 4th Floor  
Baltimore, Maryland 21201  
(410) 209-4800

10. *United States v. Ugorji*, Case No. JFM 01-0103, United States District Court, District of Maryland

This was a four-week real estate mortgage fraud trial, where I acted as second chair trial counsel. We represented Mr. Ugorji, a real estate appraiser charged in a multi-defendant real estate flipping scheme. The offense involved real-estate appraisals at the center of sales for approximately 42 Baltimore properties. I was responsible for drafting pleadings, presenting the opening statement, examining witnesses, and arguing jury instructions and other contested legal issues. The jury initially announced that it was deadlocked, but

after further court instruction to continue, the jury ended four days of deliberations with a split verdict. Mr. Ugorji was acquitted of seven counts of fraud and convicted of seven counts of fraud. I was solely responsible for Mr. Ugorji's sentencing hearing after which he received 33 months' incarceration.

Dates of Representation: March 2000 – January 2001

Judge: The Hon. J. Frederick Motz

Co-Counsel: Barry Pollack  
(former Assistant Federal Public Defender)  
Miller and Chevalier Chtd.  
655 15th Street, NW  
Suite 900  
Washington, D.C. 20004  
(202) 626-5801

Opposing Counsel: Joseph Evans  
(former Assistant United States Attorney)  
Office of the Federal Public Defender  
for the District of Maryland  
100 South Charles Street  
Ninth Floor  
Baltimore, Maryland 21201  
(410) 962-3962

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.)

In addition to my litigation responsibilities at the Office of the Federal Public Defender for the District of Maryland, I also was extensively involved in training. As the director of training for the Office of the Federal Defender from 2006 until 2011, I oversaw all in-house and Criminal Justice Act panel training programs for the felony and misdemeanor panel attorneys. Along with a training committee composed of three or four other assistant federal public defenders, I set training agendas and recruited speakers for twice-yearly felony training seminars available to the District of Maryland's nearly 200 felony Criminal Justice Act attorneys. I also would coordinate similar training programs for the misdemeanor Criminal Justice Act panel. With respect to the Office of the Federal Public Defender's in-house training, I was responsible for managing and providing a week-long, "new hire" training for recent additions to the office, which provided a substantive and procedural overview of federal criminal practice. Additionally, for the year prior to my

departure, I coordinated monthly brown bag training sessions for assistant federal public defenders and Criminal Justice Act panel attorneys on discrete sentencing topics, ranging from effective sentencing presentation to thorny Sentencing Guideline issues.

Throughout my legal career, I have also enjoyed teaching law students and other attorneys. In 2000, I was an adjunct professor at the University of Maryland School of Law where I taught a mandatory legal writing and oral argument course to first-year law students. For nearly 15 years, I have also lectured seasoned and novice federal practitioners on a wide variety of topics on federal criminal law, sentencing, and incarceration. I have been an invited speaker at nearly 30 local, regional and national training programs on behalf of individual Offices of the Federal Public Defender as well as for the Administrative Office of the United States Courts, Defender Services Training Branch.

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.

Written and Oral Appellate Advocacy, University of Maryland School of Law, Spring Semester 2000. I taught a mandatory appellate writing and oral argument course for second-semester first-year students. Each week students submitted substantive written papers and prepared for a final "moot court" style oral argument. All classes were built around a hypothetical case which provided the backbone for each class and assignment. I no longer have any of the materials from this course.

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.

As a partner with Murphy, Falcon & Murphy, upon my resignation from the firm, I may receive payment of accrued discretionary bonuses based on the fees generated by the firm and on those matters for which I assumed responsibility.

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

I have no plans to pursue outside employment during my service with the court.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and



other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I would recuse myself from any case through which I have gained knowledge as an assistant federal public defender or through my law practice with Murphy, Falcon & Murphy. Also, for a reasonable period of time after my confirmation, I would recuse myself from any case handled by attorneys from my current firm. In all of these cases, I would handle any matters involving actual or potential conflicts in conformity with the Code of Conduct for United States Judges, and any other relevant statutes, ethical canons and rules.

- 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 strictly adhere to the Code of Conduct for United States Judges and any other relevant statutes, ethical canons and rules regarding resolution of potential or actual conflicts of interest. Further, should I learn of any situation which may be perceived through a party or observed as an actual or potential conflict, I would alert the parties to the situation in question and solicit their views.

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 an assistant federal public defender for 14 years, I represented indigent clients charged with the most serious of federal crimes. During the course of my career I represented hundreds of such individuals. While in private practice, I have maintained my pro-bono service through representing indigent defendants as a Criminal Justice Act panel attorney.

I also have participated in an outreach program at the Empowerment Temple Church through Murphy, Falcon & Murphy. Along with several members of our firm, I have provided an evening of free legal advice and, where appropriate, followed up with church members with limited income who needed legal assistance.

In 2005, I also joined a formal mentoring program through the House of Ruth, a non-profit organization providing shelter for battered women and residential drug abuse treatment for women and children. I was assigned to mentor an 11 year-old who has become like a second son to me. While he was growing up, we met every weekend, and for the past several years, he has spent most weekends and many days in a row with us. We have visited museums, colleges, courthouses and cities. I have attended all of his awards ceremonies and performances at his school, and he has spent many holidays and birthday celebrations with us. Today, he works full time and is looking forward to a bright future.

**26. Selection Process:**

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

On March 11, 2013, I submitted an application to Senator Barbara Mikulski's Office. On March 18, 2013, I was interviewed by a panel of attorneys convened by Senators Mikulski and Cardin in Baltimore, Maryland. On May 20, 2013, I was interviewed by Senators Mikulski and Cardin in Baltimore, Maryland. In June 2013, I was informed by Senator Mikulski that my name was among those submitted to the White House for consideration. On January 14, 2014, I was informed by Senator Mikulski that my name was again submitted to the White House for consideration for another vacancy. Since January 2014, I have been in contact with officials from the Office of Legal Policy at the Department of Justice, including two in-person meetings with attorneys from the White House Counsel's Office on February 26, 2014 and March 18, 2015 in Washington, DC. On March 26, 2015, 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.