

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Elizabeth Wilson Hanes
Elizabeth Slater Wilson

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

United States District Judge for the Eastern District of Virginia

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

United States District Court for the Eastern District of Virginia
Spottswood W. Robinson III & Robert R. Merhige, Jr. Federal Courthouse
701 East Broad Street, Suite 5318
Richmond, Virginia 23219

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

1978; Roanoke, 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.

2004 – 2007, University of Richmond School of Law; J.D. (*summa cum laude*), 2007

2003 – 2004, Johns Hopkins University School of Advanced International Studies; no degree (coursework only)

2001, New York University School for Continuing & Professional Studies; no degree (coursework only)

1996 – 2000, University of Richmond; B.A. (*cum laude*), 2000

1999, School for International Training (Zimbabwe); no degree (study abroad program)

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.

2020 – present

United States District Court for the Eastern District of Virginia
Spottswood W. Robinson III & Robert R. Merhige, Jr. Federal Courthouse
701 East Broad Street
Richmond, Virginia 23219
United States Magistrate Judge

2016 – 2020

Consumer Litigation Associates, P.C.
626 East Broad Street, Suite 300
Richmond, Virginia 23219
Managing Attorney, Richmond Office (2018 – 2020)
Attorney (2016 – 2018)

2014, 2017

University of Richmond School of Law
203 Richmond Way
Richmond, Virginia 23173
Adjunct Professor

2014 – 2016

Virginia Commonwealth University
907 Floyd Avenue
Richmond, Virginia 23284
Adjunct Professor

2009 – 2016

Office of the Federal Public Defender for the Eastern District of Virginia
701 East Broad Street, Suite 3600
Richmond, Virginia 23219
Assistant Federal Public Defender

2008 – 2009

United States Court of Appeals for the Fourth Circuit
300 Virginia Street East
Charleston, West Virginia 25301
Law Clerk to the Honorable Robert B. King

2007 – 2008

United States District Court for the Southern District of West Virginia
300 Virginia Street East

Charleston, West Virginia 25301
Law Clerk to the Honorable Joseph R. Goodwin

Summer 2005, Summer 2006
Williams Mullen, PC
200 South Tenth Street, Suite 1600
Richmond, Virginia 23219
Summer Associate

Summer 2006
McGuireWoods LLP
800 East Canal Street
Richmond, Virginia 23219
Summer Associate

Spring 2006
United States District Court for the Eastern District of Virginia
701 East Broad Street
Richmond, Virginia 23219
Extern to the Honorable Henry E. Hudson

2005
Circuit City, Inc. | Venturi Staffing
(These organizations no longer exist.)
Richmond, Virginia
Legal Clerk

2004
CityStaff Inc.
1701 K Street, Northwest, Suite 500
Washington, DC 20006
Temporary Employee

2002 – 2003
Corporation for National & Community Service
Greenbrier Child & Youth Advocacy Center
112 Courtney Drive
Lewisburg, West Virginia 24901
AmeriCorps VISTA Member

2000 – 2002
Liz Claiborne, Inc.
(This organization no longer exists.)
New York, New York
Business Manager (2001 – 2002)
Financial Analyst (2000 – 2001)

2000
Washington Street Inn
(This organization no longer exists.)
Lewisburg, West Virginia
Server

Other affiliations (uncompensated unless otherwise indicated):

2021 – present
John Marshall Inn of Court
2255 Reinekers Lane, Suite 770
Alexandria, Virginia 22314
Board of Directors, Outreach Chair (2021 – present)
Board of Directors, Member (2021 – present)

2021 – present
Virginia State Bar—Criminal Law Board
1111 East Main Street, Suite 700
Richmond, Virginia 23219
Board of Governors

2012 – present
Wilson Sisters, LLC
1703 Jefferson Street North, Suite Three
Lewisburg, West Virginia 24901
Member (8% ownership interest)

2010 – present
Valley View Apartments, LLC
1703 Jefferson Street North, Suite Three
Lewisburg, West Virginia 24901
Member (17% ownership interest)

2018 – 2020
Virginia Law Foundation
105 Whitewood Road
Charlottesville, Virginia 22901
Board of Directors

2014 – 2019
Metropolitan Richmond Women's Bar Association
P.O. Box 6605
Richmond, Virginia 23230
Past President (2018 – 2019)
President (2017 – 2018)

Vice President (2016 – 2017)
Finance Chair (2015 – 2016)
Membership Chair (2014 – 2015)
Board of Directors, Member (2014 – 2019)

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 did not serve 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.

Metropolitan Richmond Women's Bar Association, Woman of Achievement (2021)

Virginia Lawyers Weekly, Leader in the Law (2019)

Virginia State Bar Standing Committee on Access to Legal Services, Frankie Muse Freeman Organizational Pro Bono Award (2019)

The National Trial Lawyers, Elite Trial Award in Financial Services (2019)

Virginia Business, Legal Elite (2018, 2017)

Richmond Magazine, Top Attorney: Outstanding Young Lawyer (2018)

Super Lawyers, Rising Star (2018)

University of Richmond School of Law

Summa cum laude (2007)

McNeill Law Honor Society (2007)

CALI Excellence for the Future Award in Bankruptcy (2007)

University of Richmond Law Review

Executive Board (2006 – 2007)

Editorial Staff (2005 – 2006)

Client Counseling & Negotiation Board Member (2004 – 2007)

CALI Excellence for the Future Award in Federal Income Taxation (2006)

CALI Excellence for the Future Award in Complex Litigation (2006)

Partial Scholarship (2006 (approximately))

Moot Court Board, Member (2005 – 2007 (approximately))

CALI Excellence for the Future Award in Criminal Law (2005)

CALI Excellence for the Future Award in Professional Responsibility (2005)

Negotiation Board Competition, First Place (2004)

Mid-Atlantic Regional Philip C. Jessup International Moot Court Competition, Fourth Place Brief (2004)

University of Richmond

Cum laude (2000)

Dean's List (2000 (approximately))

Mortar Board (2000)

Golden Key National Honor Society (2000)

Omicron Delta Kappa National Leadership Honor Society (2000)

Phi Beta Delta Honor Society for International Scholars (2000)

Omicron Delta Epsilon International Honor Society in Economics (2000)

Richmond Community Fellow (1997 – 2000)

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 (2004)

Client Counseling & Negotiation Board (2005 – 2007)

Criminal Justice Act Panel Committee, Richmond Division (2020 – present)

Federal Magistrate Judges Association (2020 – present)

John Marshall Inn of Court (2014 – present)

Board of Directors, Outreach Chair (2021 – present)

Board of Directors, Member (2021 – present)

Local Rules Committee, United States District Court for the Eastern District of Virginia (2022 – present)

Metropolitan Richmond Women's Bar Association (2013 – present)

Past President (2018 – 2019)

President (2017 – 2018)

Vice President (2016 – 2017)

Finance Chair (2015 – 2016)

Membership Chair (2014 – 2015)

Board of Directors, Member (2014 – 2019)

Judiciary Endorsement Committee, Member (2014 – 2019)

National Association of Consumer Advocates (2016 – 2020)

Richmond Bar Association (2014 – present)

Bench Bar Conference Planning Committee, Member (2017)

University of Richmond School of Law

Honor Council Grievance Committee, Member (2005 – 2006)

McNeill Law Honor Society, Member (2007)

Moot Court Board, Member (2005 – 2007 (approximately))

University of Richmond Law Review

Executive Committee (2006 – 2007)

Editorial Staff (2005 – 2006)

Women's Law Student Association, Member (2004 – 2007)

Virginia Law Foundation

Board of Directors, Member (2018 – 2020)

CLE Committee, Member (2019)

Donor Committee, Member (2018 – 2019)

Grants Committee, Member (2019 – 2020)

Virginia Trial Lawyers Association (2016 – 2020)

Women's Caucus, Member (2016 – 2020)

Virginia Women Attorneys Association (2019 – present)

Judiciary Committee, Member (2019 – 2020)

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.

Virginia, 2007

West Virginia, 2008

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, 2009

United States District Court for the Eastern District of Virginia, 2009

United States District Court for the Western District of Virginia, 2018

United States District Court for the Northern District of West Virginia, 2017

United States District Court for the Southern District of West Virginia, 2008

United States Bankruptcy Court for the Eastern District of Virginia, 2018

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.

Central Virginia Legal Aid Society & Legal Aid Justice Center Advisory Council
(2018 – 2020)

Martin Luther King Jr. Celebration Planning Committee (2002 – 2003)

Philanthropic Educational Organization (1996 – 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.

The Philanthropic Educational Organization is an organization that provides philanthropic educational opportunities for women and thus limits its membership to women. To the best of my knowledge, neither of the other 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.

I have searched my files, databases, and the internet for responsive publications. It is possible that I may have omitted one or more writings inadvertently.

COVID-19 Consumer Resource Center, Consumer Litigation Associates, P.C., Kelly Guzzo PLC & The Student Loan Lawyer (Apr. 2019). Website available at www.consumer.law.

President's Message & Newsletter, Metro. Richmond Women's Bar Ass'n (May 2018). Copy supplied.

With Chi Chi Wu, *et al.*, *Fair Credit Reporting*, Nat'l Consumer L. Ctr. (2017). Copy supplied.

Newsletter & President's Welcome, Metro. Richmond Women's Bar Ass'n (Summer 2017). Copy supplied.

Newsletter & Membership News, Metro. Richmond Women's Bar Ass'n (Summer 2014). Copy supplied.

Newsletter, Greenbrier Cty. Child & Youth Advocacy Ctr. (Summer 2003). Copy supplied.

On some online retail sites, I am listed as an author of a forthcoming book supposedly titled "Criminal Procedure and Evidence for the Forensic Scientist and Investigator." These listings are erroneous, as I have not authored such a book.

- 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.

Since 2020, I have served on the Criminal Justice Act Panel Committee for the Richmond Division of the United States District Court for the Eastern District of Virginia. As a Committee member, I have provided edits to the Richmond Criminal Justice Act page on the court's website, which is available at <https://www.vaed.uscourts.gov/richmond-criminal-justice-act-panel>. I also drafted and edited the Richmond Division Mentoring Program Plan. Copy supplied.

Letter from Virginia Women Attorneys Association Judiciary Committee to Senators Mark R. Warner & Timothy M. Kaine Regarding a Vacancy on the United States District Court for the Eastern District of Virginia (Oct. 21, 2019). Copy supplied.

On May 29, 2019, while I was a member of the Metropolitan Richmond Women's Bar Association ("MRWBA"), the association voted to take the following position: "The MRWBA supports passage of the Equal Rights Amendment."

Newsletter, Metro. Richmond Women's Bar Ass'n (Mar. 2018). Copy supplied.

Newsletter, Metro. Richmond Women's Bar Ass'n (Feb. 2018). Copy supplied.

Newsletter, Metro. Richmond Women's Bar Ass'n (Jan. 2018). Copy supplied.

Newsletter, Metro. Richmond Women's Bar Ass'n (Dec. 2017). Copy supplied.

Newsletter, Metro. Richmond Women's Bar Ass'n (Nov. 2017). Copy supplied.

Newsletter, Metro. Richmond Women's Bar Ass'n (Oct. 2017). Copy supplied.

Newsletter, Metro. Richmond Women's Bar Ass'n (Sept. 2017). Copy supplied.

Annual Report, Metro. Richmond Women's Bar Ass'n Fin. Comm. (May 2016). This year-end report contained information about the financial progress of the Metropolitan Richmond Women's Bar Association. I am unable to locate a copy.

Letter from Metropolitan Richmond Women's Bar Association Board of Directors to Frances F. Goldman Regarding Audit Committee Report (Apr. 6, 2016). Copy supplied.

Annual Report, Metro. Richmond Women's Bar Ass'n Membership Comm. (May 2015). Copy supplied.

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

Letter from Criminal Practitioners to Senators Mark R. Warner & Timothy M. Kaine Regarding a Vacancy on the United States District Court for the Eastern District of Virginia (June 13, 2018). Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have searched my personal files, calendars, and the internet in an effort to identify all events responsive to this question. I may have omitted one or more events inadvertently.

March 16, 2022: Presiding Judge, Naturalization Ceremonies, United States District Court for the Eastern District of Virginia, Richmond, Virginia (virtual).

Notes supplied.

January 19, 2022: November 17, 2021: Presiding Judge, Naturalization Ceremonies, United States District Court for the Eastern District of Virginia, Richmond, Virginia (virtual). I used the same notes as those provided for the March 16, 2022, naturalization ceremonies.

November 17, 2021: Presiding Judge, Naturalization Ceremonies, United States District Court for the Eastern District of Virginia, Richmond, Virginia (virtual). I used the same notes as those provided for the March 16, 2022, naturalization ceremonies.

October 24, 2021: Mock Trial Judge, Colonial Classic Mock Trial Tournament, College of William & Mary (virtual). I judged a high school mock trial competition and evaluated the participants' performance and trials in general. I have no notes, transcript, or recording. The address for the College of William & Mary is 613 South Henry Street, Williamsburg, Virginia 23185.

September 15, 2021: Presiding Judge, Naturalization Ceremonies, United States District Court for the Eastern District of Virginia, Richmond, Virginia (virtual). I used the same notes as those provided for the March 16, 2022, naturalization ceremonies.

June 22, 2021: Guest Speaker, Office of the Federal Public Defender for the Eastern District of Virginia, Richmond, Virginia. I participated in a question and answer session with summer interns regarding my career. I have no notes, transcript, or recording. The address for the Office of the Federal Public Defender for the Eastern District of Virginia is 701 East Broad Street, Suite 3600, Richmond, Virginia 23219.

June 3, 2021: Guest Speaker, Intern Speaker Series, United States District Court for the Eastern District of Virginia, Richmond, Virginia. I participated in a question and answer session with the court's summer interns regarding my role as a United States Magistrate Judge and my career. I have no notes, transcript, or recording. The address for the United States District Court for the Eastern District of Virginia is 701 East Broad Street, Richmond, Virginia 23219.

May 19, 2021: Honoree, Woman of Achievement Award Ceremony, Metropolitan Richmond Women's Bar Association, Richmond, Virginia. Notes supplied.

May 19, 2021: Presiding Judge, Naturalization Ceremonies, United States District Court for the Eastern District of Virginia, Richmond, Virginia (virtual). I used the same notes as those provided for the March 16, 2022, naturalization ceremonies.

May 7, 2021: Panelist, Remote and In-Person Practice, Federal Bar Association—Richmond Chapter (virtual). Outline supplied.

April 21, 2021: Presiding Judge, Naturalization Ceremonies, United States District Court for the Eastern District of Virginia, Richmond, Virginia (virtual). I used the same notes as those provided for the March 16, 2022, naturalization ceremonies.

April 16, 2021: Panelist, Tips for Conducting Virtual Hearings, Virginia State Bar Professional Development Conference (virtual). Presentation supplied.

March 25, 2021: Guest Speaker, Settlement Conference Personalities, Virginia Trial Lawyers Association, White Sulphur Springs, West Virginia. Notes supplied.

March 23, 2021: Speaker, Spring Mentorship Event, University of Richmond Women's Law & Metropolitan Richmond Women's Bar Association (virtual). Notes supplied.

March 17, 2021: Presiding Judge, Naturalization Ceremonies, United States District Court for the Eastern District of Virginia, Richmond, Virginia (virtual). I used the same notes as those provided for the March 16, 2022, naturalization ceremonies.

February 24, 2021: Presiding Judge, Naturalization Ceremonies, United States District Court for the Eastern District of Virginia, Richmond, Virginia (virtual). I used the same notes as those provided for the March 16, 2022, naturalization ceremonies.

January 27, 2021: Presiding Judge, Naturalization Ceremonies, United States District Court for the Eastern District of Virginia, Richmond, Virginia (virtual). I used the same notes as those provided for the March 16, 2022, naturalization ceremonies.

December 16, 2020: Presiding Judge, Naturalization Ceremonies, United States District Court for the Eastern District of Virginia, Richmond, Virginia (virtual). I used the same notes as those provided for the March 16, 2022, naturalization ceremonies.

November 18, 2020: Presiding Judge, Naturalization Ceremonies, United States District Court for the Eastern District of Virginia, Richmond, Virginia (virtual). I used the same notes as those provided for the March 16, 2022, naturalization ceremonies.

June 12, 2020: Speaker, Swearing-In Ceremony, United States District Court for the Eastern District of Virginia, Richmond, Virginia. I thanked my family, friends, and colleagues for their support. I have no notes, transcript, or recording. The address for the United States District Court for the Eastern District of

Virginia is 701 East Broad Street, Richmond, Virginia 23219.

November 15, 2019: Instructor, Using the Rules of Evidence to Set Up Wins in Consumer Cases, National Consumer Rights Conference, National Consumer Law Center, Boston, Massachusetts. Outline supplied.

October 16, 2019: Instructor, Federal Courts for Legal Aid Attorneys, Statewide Legal Aid Conference, Virginia Poverty Law Center, Harrisonburg, Virginia. Presentation supplied.

October 4, 2019: Instructor, Intersection of FCRA & Bankruptcy, West Virginia Bankruptcy and Commercial Law Seminar on Credit Reporting, United States Bankruptcy Courts for the Northern and Southern Districts of West Virginia, Morgantown, West Virginia. Presentation supplied.

July 23, 2019: Guest Speaker, Intern Speaker Series, United States District Court for the Eastern District of Virginia, Richmond, Virginia. I participated in a question and answer session with the court's summer interns regarding my career and practice area. I have no notes, transcript, or recording. The address for the United States District Court for the Eastern District of Virginia is 701 East Broad Street, Richmond, Virginia 23219.

May 3, 2019: Instructor, The Not-as-Fun-Part of Depositions: Defending, National Fair Credit Reporting Act Conference, National Association of Consumer Advocates, Long Beach, California. Presentation supplied.

October 25, 2018: Instructor, Developments in Public Records Litigation, National Consumer Rights Conference, National Consumer Law Center, Denver, Colorado. Presentation supplied.

December 2, 2017: Speaker, Dealing with Debt and Understanding Your Credit Report, Legal Education Forum, Virginia Poverty Law Center and Wesley Memorial United Methodist Church, Richmond, Virginia. Presentation supplied.

November 16, 2017: Instructor, Introduction to Class Actions I & II, National Consumer Rights Conference, National Consumer Law Center, Washington, DC. Presentation supplied.

May 24, 2017: Mock Trial Judge, Mock Trial Competition, Metropolitan Richmond Women's Bar Association & Orchard House School, Richmond, Virginia. I served as a mock trial judge for eighth grade students. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Metropolitan Richmond Women's Bar Association is P.O. Box 6605, Richmond, Virginia 23230. The address for the Orchard House School is 500 North Allen Avenue, Richmond, Virginia 23220.

May 3, 2017: Speaker, May Luncheon, Metropolitan Richmond Women's Bar Association, Richmond, Virginia. Notes supplied.

March 22, 2017: Speaking Sponsor, Wine and a Worthy Cause, Metropolitan Richmond Women's Bar Association, Richmond, Virginia. I welcomed attendees to the event and provided information about Consumer Litigation Associates, P.C., which had co-sponsored the event. I have no notes, transcript, or recording. The address for the Metropolitan Richmond Women's Bar Association is P.O. Box 6605, Richmond, Virginia 23230.

April 14, 2015: Speaker & April CLE Committee Member, A None Too Sobering End of the Year Presentation, April CLE Presentation, John Marshall Inn of Court, Richmond, Virginia. Presentation supplied.

April 10, 2015: Instructor, Determining What Is, or Is Not, a Crime of Violence or Violent Felony, Frank Dunham Federal Criminal Defense Conference, Office of the Federal Public Defender for the Eastern and Western Districts of Virginia, Charlottesville, Virginia. Outline supplied.

September 13, 2014: Panelist, Law 101, University of Richmond School of Law, Richmond, Virginia. I spoke to law students in a panel discussion about working as a public defender. I have no notes, transcript, or recording. The address for the University of Richmond School of Law is 203 Richmond Way, Richmond, Virginia 23173.

2002 – 2003 (specific dates unknown): Speaker, Child & Youth Advocacy Center, Lewisburg, West Virginia. As an AmeriCorps VISTA member from August 2002 to August 2003, I regularly spoke to civic groups, such as Rotary Clubs, to solicit volunteers and financial support for the Child & Youth Advocacy Center. I also organized and participated in trainings relating to the investigation, treatment, and prosecution of child abuse cases, the multidisciplinary team approach that we followed, and the establishment of child advocacy centers. I have no notes, transcripts, or recordings. The address for the Child & Youth Advocacy Center is 112 Courtney Drive, Lewisburg, West Virginia 24901.

- 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.

Interview, Richmond Bar Ass'n Admin. of Just. Comm. (Oct. 25, 2021). Copy supplied.

A Conversation with the Honorable Elizabeth Hanes, Fed. Bar Ass'n—Richmond Chapter Young Laws. Div. (May 4, 2021). Video available at <https://www.youtube.com/watch?v=gcjCYeZ9Drs>.

Josie Holland, *A Magistrate Judge with Broad Experience*, Richmond L. (Winter 2021). Copy supplied.

Administration of Justice Committee Receives Feedback from U.S. District and Magistrate judges, Richmond Bar Ass'n Newsl. (Jan. 2021). Copy supplied.

Katherine Schulte, *Law School Sponsors Female-Focused Government Training Workshop*, Collegian (Mar. 6, 2018). Copy supplied.

'Granddad bandit' suspect to plead guilty in Va., Associated Press (Jan. 26, 2011). Copy supplied.

Dena Potter, *Prosecutor: Granddad Bandit Likely to Plead Guilty*, Associated Press (Jan. 10, 2011). Copy supplied.

Jennifer Cunningham, *"Lost Russia" is found in Marsh Art Gallery*, Accents (Oct. 29, 1998). Copy supplied.

Stacey Shedaker, *Wilson and Craigen: UR's "Monica-gate" connection*, Accents (Oct. 10, 1998). 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.

Since June 2020, I have served as a United States Magistrate Judge in the Richmond Division of the United States District Court for the Eastern District of Virginia. I was selected for that position by the district judges of the Richmond Division, and I am currently serving an eight-year renewable term. The district court is an Article III court of general jurisdiction. As a United States Magistrate Judge, my jurisdiction is governed by 28 U.S.C. § 636. I preside over civil lawsuits by consent of the parties, decide civil discovery disputes and non-dispositive motions referred to me by district judges, and conduct settlement conferences. I also conduct initial appearances, preliminary hearings, and bond hearings in felony criminal cases. In addition, I preside over misdemeanor and petty offense criminal cases. And I review applications for search and arrest warrants, as well as other investigative requests.

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

I have not presided over any cases that have gone to verdict or judgment.

- i. Of these cases, approximately what percent were:

jury trials: _____%

bench trials: _____%

ii. Of these cases, approximately what percent were:

civil proceedings: _____%

criminal proceedings: _____%

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

See attached list of opinions.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Banks v. City of Fredericksburg*, No. 3:21-cv-65 (E.D. Va.)

In this 42 U.S.C. § 1983 action, the plaintiffs alleged that the defendants violated their First and Fourth Amendment rights. The defendants enacted a city-wide curfew and deployed tear gas on some protestors—including the plaintiffs—during demonstrations following the death of George Floyd. United States District Judge Robert E. Payne referred this case to me for a settlement conference, which I conducted on November 1, 2021. The parties reached a resolution at the conference, and the case was subsequently dismissed following the execution of a formal settlement agreement.

Counsel for Plaintiffs:

Gabriel Diaz
Soohyun Choi
Edward Olds
Valerie Comenencia Ortiz
Relman Colfax PLLC
1225 19th Street, Northwest, Suite 600
Washington, DC 20036
(202) 728-1888

Terry Frank
Terry Frank Law
108 East Grace Street, Suite One
Richmond, VA 23219
(804) 899-8090

Counsel for Defendants:

David Corrigan
Harman Claytor Corrigan & Wellman
P.O. Box 70280
Richmond, VA 23255
(804) 747-5200

Jennifer Parrish
Parrish Snead Franklin Simpson, PLC
910 Princess Anne Street, Second Floor
Fredericksburg, VA 22401
(540) 373-3500

John McGavin
Bancroft McGavin Horvath & Judkins PC
9990 Fairfax Boulevard, Suite 400
Fairfax, VA 22030
(703) 385-1000

Alexander Francuzenko
Cook Craig & Francuzenko PLLC
3050 Chain Bridge Road, Suite 200
Fairfax, VA 22030
(703) 865-7480

2. *E. Claiborne Robins Co. v. Teva Pharm. Indus., LLC*, No. 3:18-cv-827, Dkt. 124 (July 29, 2021), 133 (Aug. 27, 2021) & 143 (Sept. 2, 2021) (E.D. Va.) (copies supplied)

This civil case involved a dispute between two pharmaceutical companies regarding an asset purchase agreement. Under the agreement, the plaintiff sold its rights in a patented muscle relaxer in exchange for a base purchase price and a forward-looking earnout provision entitling the plaintiff to additional earnings over time based on sales. The agreement required the defendant purchaser to use “commercially reasonable efforts” to market the drug. The plaintiff’s lawsuit alleged that the defendant failed to meet its obligations to use such efforts and sought over \$110 million in damages. United States District Judge M. Hannah Lauck referred several discovery disputes to me, which included challenges to the sufficiency of discovery responses, assertions that discovery requests exceeded the scope of relevancy, claims relating to attorney-client privilege, confidentiality designations, and Electronically Stored Information (“ESI”) protocols. I conducted three hearings, entered multiple orders, directed the parties to meet and confer, and ultimately ruled on a number of issues that could not be resolved by the parties. For example, I held that the defendant could conduct a responsiveness review of documents yielded by the parties’ agreed-upon search terms, based on a previously entered order establishing ESI protocols. I also interpreted a previous protective order, requiring the defendant to provide a basis for its “attorneys’ eyes

only” designations. Finally, I sustained some of the defendant’s relevance objections to the plaintiff’s discovery requests, which concluded the scope of the discovery issues referred to me by Judge Lauck. The case was subsequently dismissed following the execution of a formal settlement agreement.

Counsel for Plaintiff:

Thomas M. Wolf
Kenneth T. Stout
John Robb, III
Miles & Stockbridge PC
919 East Main Street, Suite 1302
Richmond, VA 23219
(804) 905-6900

Counsel for Defendant:

Kyla Jackson
Kirkland & Ellis LLP
601 Lexington Avenue
New York, NY 10022
(212) 446-4800

John M. Erbach
Spotts Fain PC
411 East Franklin Street, Suite 600
Richmond, VA 23219
(804) 697-2000

3. *Cap. One Fin. Corp. v. Sykes*, No. 3:20-cv-763 (E.D. Va.)

Capital One alleged that the defendants—former employees of Capital One—sent confidential information to a business competitor, who subsequently employed the defendants. Capital One alleged that such actions violated the Defend Trade Secrets Act and breached contracts the defendants had with Capital One. Capital One obtained a preliminary injunction prohibiting the defendants from soliciting business from certain clients. The defendants counterclaimed for unpaid commissions, asserting violations of the Massachusetts Wage Act and breaches of contract. United States District Judge M. Hannah Lauck referred this case to me for a settlement conference, which I conducted on August 2, 2021. Following the settlement conference and numerous follow-up conference calls, the parties were able to come to a resolution, they agreed to the entry of a consent order, and the case was dismissed.

Counsel for Plaintiff:

Cameron Scott Matheson
McGonigle, P.C.
4870 Sadler Road, Suite 301

Glen Allen, VA 23060
(804) 762-5320

Counsel for Defendants:

John Steven Summers
Hangley Aronchick Segal Pudlin & Schiller
One Logan Square, 27th Floor
Philadelphia, PA 19103
(215) 568-6200

Bruce Michael Blanchard
Odin, Feldman & Pittleman, PC
1775 Wiehle Avenue, Suite 400
Reston, VA 20190
(703) 215-2913

4. *Keyes v. Clarke*, No. 3:20-cv-690, 2021 WL 3645540 (E.D. Va. July 27, 2021), *R&R adopted*, 2021 WL 3634652 (E.D. Va. Aug. 17, 2021), *appeal dismissed*, No. 21-7367, 2021 WL 6116618 (4th Cir. Dec. 27, 2021)

The habeas petitioner, a Virginia inmate, challenged his convictions for possession of marijuana and a firearm with intent to distribute marijuana. The petitioner alleged that his trial and appellate counsel were ineffective and the evidence was insufficient to sustain his convictions. The respondent moved to dismiss. On July 27, 2021, I recommended that the petitioner's claims be dismissed, on the grounds that the petitioner had procedurally defaulted by failing to exhaust his administrative remedies, that sufficient evidence existed to sustain the petitioner's convictions, and that trial and appellate counsel were not deficient. United States District Judge M. Hannah Lauck adopted my recommendation and dismissed the petitioner's claims. The petitioner appealed, and the United States Court of Appeals for the Fourth Circuit dismissed the appeal, concluding that the petitioner waived appellate review by failing to file objections to my recommendation.

Counsel for Petitioner:

The petitioner appeared *pro se*.

Counsel for Respondent:

Craig Stallard
Office of the Virginia Attorney General
202 North Ninth Street
Richmond, VA 23219
(804) 786-2071

5. *Monk v. Gulick*, No. 3:20-cv-518 (E.D. Va.)

In this 42 U.S.C. § 1983 action, the plaintiff alleged that the defendants violated his Fourth Amendment rights when the defendant officers tased and pepper-sprayed him during a traffic stop. The plaintiff alleged that the defendants' use of force was unreasonable in light of the plaintiff's non-threatening conduct. The defendants, by contrast, asserted that the force was reasonable in light of the plaintiff's non-compliance with their commands. United States District Judge John A. Gibney, Jr. referred this case to me for a settlement conference, which I conducted on July 21, 2021. The parties reached a resolution at the conference, and the case was subsequently dismissed following the execution of a formal settlement agreement.

Counsel for Plaintiff:

Thomas L. Johnson, Jr.
Christopher L. Anderson
BrickerAnderson PC
411 East Franklin Street, Suite 504
Richmond, VA 23219
(804) 649-2304

Counsel for Defendants:

Julie Seyfarth
Katherine Donhauser
Chesterfield County Attorney's Office
P.O. Box 40
Chesterfield, VA 23832
(804) 748-1491

6. *Cortez-Melton v. Cap. One*, No. 3:19-cv-127 (E.D. Va.); *Beggs v. Cap. One*, No. 3:20-cv-982 (E.D. Va.); *Donnell v. Cap. One*, No. 3:21-cv-87 (E.D. Va.); *Hutchens v. Cap. One*, No. 3:19-cv-546 (E.D. Va.); *Johnson v. Cap. One*, No. 3:21-cv-84 (E.D. Va.); *Lanius v. Cap. One*, No. 3:20-cv-985 (E.D. Va.); *Packett v. Cap. One*, No. 3:21-cv-10 (E.D. Va.); *Stirnweis v. Cap. One*, No. 3:20-cv-989 (E.D. Va.); *Vales v. Cap. One*, No. 3:20-cv-969 (E.D. Va.); *Wade v. Cap. One*, No. 3:20-cv-966 (E.D. Va.); *Masterson v. Cap. One*, No. 3:21-cv-300 (E.D. Va.); *McArdle v. Cap. One*, No. 3:21-cv-279 (E.D. Va.); *Ivens v. Cap. One*, 3:21-cv-330 (E.D. Va.); *Killeen v. Cap. One*, 3:21-cv-329 (E.D. Va.); *Topkis v. Cap. One*, 3:21-cv-331 (E.D. Va.)

In this series of cases, the plaintiffs—former employees of Capital One—sued Capital One for violations of the Age Discrimination and Employment Act and the Fair Labor Standards Act (“FLSA”). The plaintiffs alleged that Capital One discriminated against older workers by using a forced ranking system for performance evaluations. They also alleged that Capital One misclassified some of the plaintiffs as exempt from FLSA overtime requirements. United States District Judge M. Hannah Lauck referred the cases to me for a settlement conference, which I conducted on July 20, 2021. The parties reached a resolution at the settlement conference, and the cases were subsequently dismissed.

Counsel for Plaintiffs:

Harris D. Butler, III
Craig Curwood
Butler Curwood PLLC
140 Virginia Street, Suite 302
Richmond, VA 23219
(804) 648-4848

Counsel for Defendant:

Rodney Satterwhite
McGuire Woods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219
(804) 775-1000

7. *United States v. NDUTIME Youth & Fam. Serv., Inc.*, No. 3:16-cv-653 (E.D. Va.)

The plaintiffs—the United States, the Commonwealth of Virginia, and two whistleblower employees—alleged that the defendants—a Medicaid provider and its founder and chief executive officer—violated the False Claims Act by overbilling for services reimbursed by Medicaid. The plaintiffs alleged that the defendants intentionally inflated hours spent on certain health services in order to be reimbursed by Medicaid. United States District Judge M. Hannah Lauck

referred this case to me for a settlement conference, which I conducted on April 27 and May 27, 2021. At the second settlement conference, the parties reached a resolution, and the case was subsequently dismissed.

Counsel for Plaintiffs:

Robert McIntosh
United States Attorney's Office for the Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, VA 23219
(804) 819-5400

Ray Bowman
Megan Winfield
Airen Adamonis
Candice Deisher
Office of the Virginia Attorney General
202 North Ninth Street
Richmond, VA 23219
(804) 786-2071

Paul Falabella
Butler Curwood PLLC
140 Virginia Street, Suite 302
Richmond, VA 23219
(804) 648-4848

Janel Quinn
The Employment Law Group, P.C.
1717 K Street, Northwest, Suite 1110
Washington, DC 20006
(202) 331-3911

Counsel for Defendants:

Joseph Atkinson
Whitney Whitney Baldrige Atkinson
2149 McCulloch Boulevard North
Lake Havasu City, AZ 86403
(928) 753-5295

8. *Suzanne O. v. Saul*, No. 3:20-cv-61, 2021 WL 1195930 (E.D. Va. Mar. 30, 2021)

The plaintiff appealed an Administrative Law Judge's ("ALJ") denial of disability benefits under the Social Security Act. According to the plaintiff, she suffered from fibromyalgia and spine disorders that rendered her unable to gainfully work. On March 30, 2021, I reversed and remanded the case, concluding that the ALJ

erred in evaluating the plaintiff's subjective complaints of pain, the plaintiff's credibility, and the weight given to the opinion of one of the plaintiff's treating physicians.

Counsel for Plaintiff:

Bruce Billman
Bruce K. Billman Attorney At Law
1109 Heatherstone Drive, Suite 101
Fredericksburg, VA 22407
(540) 710-1001

Counsel for Defendant:

Jonathan Lucier
Jonathan Hambrick
United States Attorney's Office for the Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, VA 23219
(804) 819-5400

9. *Rollins v. Warden, FCI Petersburg*, No. 3:19-cv-844, 2021 WL 860495 (E.D. Va. Mar. 8, 2021), *aff'd*, No. 21-6739, 2021 WL 4167410 (4th Cir. Sept. 14, 2021) (per curiam)

The habeas petitioner, a Virginia inmate, challenged his convictions and sentence for distribution of narcotics, possession of a firearm, robbery, and conspiracy. The petitioner sought relief pursuant to the savings clause in 28 U.S.C. § 2255, which allows a prisoner to challenge his conviction and sentence under § 2241 if a § 2255 motion would be inadequate or ineffective to test the legality of his detention. The petitioner asserted numerous claims, including that his guilty plea was unknowing and involuntary and that he was entitled to resentencing based on changes in the law. The respondent moved to dismiss. On March 8, 2021, I dismissed the petitioner's petition without prejudice, concluding that he could not challenge his conviction and sentence through a § 2241 petition because he failed to identify a sufficiently grave sentencing error or otherwise satisfy the test necessary to proceed pursuant to § 2241. The petitioner appealed, and the United States Court of Appeals for the Fourth Circuit summarily affirmed, agreeing that the petitioner could not proceed under § 2241.

Counsel for Petitioner:

The petitioner appeared *pro se*.

Counsel for Respondent:

David Maguire
(retired)

Jessica Aber

United States Attorney's Office for the Eastern District of Virginia
Justin W. Williams United States Attorney's Building
2100 Jamieson Avenue
Alexandria, VA 23219
(703) 299-3700

10. *Charlene L. v. Saul*, No. 3:19-cv-626, 2021 WL 725822 (E.D. Va. Feb. 3, 2021), *R&R adopted*, 2021 WL 725078 (E.D. Va. Feb. 24, 2021)

The plaintiff appealed an Administrative Law Judge's ("ALJ") denial of disability benefits and supplemental income under the Social Security Act. The plaintiff alleged that she suffered from degenerative disc disease, fibromyalgia, migraines, obesity, and anxiety disorders that left her unable to gainfully work. On February 3, 2021, I recommended that the denial of benefits be reversed and remanded in light of several legal errors committed by the ALJ. United States District Judge Robert E. Payne adopted my recommendation on February 24, 2021, and the case was remanded to the Social Security Administration for further proceedings.

Counsel for Plaintiff:

Horace Hunter
Hunter Everage
217 East Clay Street
Richmond, VA 23219
(804) 780-1235

Counsel for Defendant:

Jonathan Hambrick
United States Attorney's Office for the Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, VA 23219
(804) 819-5400

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

1. *Soluble Tech. Grp., LLC v. Dreampak, LLC*, No. 3:21-cv-328, Dkt. 84 (E.D. Va. Mar. 22, 2022) (copy supplied)

Counsel for Plaintiffs:

Kevin Holden
Jackson Lewis P.C.
701 East Byrd Street, 17th Floor
P.O. Box 85068
Richmond, VA 23285

(804) 649-0404

James Dabney
Richard Koehl
Emma Baratta
Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, NY 10004
(212) 837-6000

Counsel for Defendant:

Belinda Jones
Christian & Barton, LLP
901 East Cary Street, Suite 1800
Richmond, VA 23219
(804) 697-4100

Paul Stockhausen
David Hanson
Monica Mark
Andrea Davenport
Reinhart Boerner Van Deuren S.C.
22 East Mifflin Street, Suite 700
Madison, WI 53703
(608) 229-2200

2. *Conaway v. Close*, No. 3:21-cv-725, 2022 WL 391309 (E.D. Va. Feb. 8, 2022)

Counsel for Plaintiff:

Christopher Leslie
Robert Isaacs
Robert L. Isaacs & Associates
8100 Three Chopt Road, Suite 134
Henrico, VA 23229
(804) 728-0228

Counsel for Defendants:

Edward Ferrell
Henry Stokes Carter
Carter & Shands, P.C.
9030 Stony Point Parkway, Suite 530
Richmond, VA 23235
(804) 747-7470

Briana Jackson

McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219
(804) 775-1000

Leslie Winneberger
Harman Claytor Corrigan & Wellman
4951 Lake Brook Drive, Suite 100
P.O. Box 70280
Richmond, VA 23255
(804) 747-5200

3. *Miller v. Punturi*, No. 3:20-cv-760, 2021 WL 4355357 (E.D. Va. Sept. 24, 2021)

Counsel for Petitioner:
The petitioner appeared *pro se*.

Counsel for Respondent:
Eugene Paul Murphy
Office of the Virginia Attorney General
202 North Ninth Street
Richmond, VA 23219
(804) 786-2071

4. *Keyes v. Clarke*, No. 3:20-cv-690, 2021 WL 3645540 (E.D. Va. July 27, 2021), *R&R adopted*, 2021 WL 3634652 (E.D. Va. Aug. 17, 2021), *appeal dismissed*, No. 21-7367, 2021 WL 6116618 (4th Cir. Dec. 27, 2021)

Counsel for Petitioner:
The petitioner appeared *pro se*.

Counsel for Respondent:
Craig Stallard
Office of the Virginia Attorney General
202 North Ninth Street
Richmond, VA 23219
(804) 786-2071

5. *Cale M. v. Kijakazi*, No. 3:20-cv-70, 2021 WL 3560229 (E.D. Va. July 15, 2021), *R&R adopted*, 2021 WL 3561223 (E.D. Va. Aug. 11, 2021)

Counsel for Plaintiff:
Joel C. Cunningham, Jr.
Cunningham Law Group, PC

120 Edmunds Boulevard
Halifax, VA 24558
(434) 205-9004

Counsel for Defendant:

Jonathan Hambrick
United States Attorney's Office for the Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, VA 23219
(804) 819-5400

6. *Suzanne O. v. Saul*, No. 3:20-cv-61, 2021 WL 1195930 (E.D. Va. Mar. 30, 2021)

Counsel for Plaintiff:

Bruce Billman
Bruce K. Billman Attorney at Law
1109 Heatherstone Drive, Suite 101
Fredericksburg, VA 22407
(540) 710-1001

Counsel for Defendant:

Jonathan Lucier
Jonathan Hambrick
United States Attorney's Office for the Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, VA 23219
(804) 819-5400

7. *Rollins v. Warden, FCI Petersburg*, No. 3:19-cv-844, 2021 WL 860495 (E.D. Va. Mar. 8, 2021), *aff'd*, No. 21-6739, 2021 WL 4167410 (4th Cir. Sept. 14, 2021) (per curiam)

Counsel for Petitioner:

The petitioner appeared *pro se*.

Counsel for Respondent:

David Maguire
(retired)

Jessica Aber
United States Attorney's Office for the Eastern District of Virginia
Justin W. Williams United States Attorney's Building
2100 Jamieson Avenue
Alexandria, VA 23219
(703) 299-3700

8. *Jeffrey T. v. Saul*, No. 3:19-cv-752, 2021 WL 1014048 (E.D. Va. Feb. 25, 2021), *R&R adopted*, 2021 WL 982631 (E.D. Va. Mar. 16, 2021)

Counsel for Plaintiff:

The plaintiff appeared *pro se*.

Counsel for Defendant:

Elizabeth Catherine Wu
United States Attorney's Office for the Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, VA 23219
(804) 819-5400

9. *Charlene L. v. Saul*, No. 3:19-cv-626, 2021 WL 725822 (E.D. Va. Feb. 3, 2021), *R&R adopted*, 2021 WL 725078 (E.D. Va. Feb. 24, 2021)

Counsel for Plaintiff:

Horace Hunter
Hunter Everage
217 East Clay Street
Richmond, VA 23219
(804) 780-1235

Counsel for Defendant:

Jonathan Hambrick
United States Attorney's Office for the Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, VA 23219
(804) 819-5400

10. *Nationwide Gen. Ins. Co. v. ABF/LLC*, No. 3:20-cv-245, Dkt. 43 (E.D. Va. Oct. 21, 2020) (copy supplied)

Counsel for Plaintiff:

Steven Smith
Law Office of Steven L. Smith PC
404 Harvard Avenue
Swarthmore, PA 19081
(610) 543-2700

Andrew Thomas Bodoh
Thomas H. Roberts & Associates PC
105 South First Street
Richmond, VA 23219
(804) 783-2000

Counsel for Defendants:

Andrew Michael Witko
Peggah Bano Wilson
Constangy Brooks Smith & Prophete, LLP
12500 Fair Lakes Circle, Suite 300
Fairfax, VA 22033
(571) 522-6100

Gregg Moran
Waller Law
38038 Meridian Avenue
Dade City, FL 33525
(352) 567-4690

Phillip Joseph Harris
Jackson Lewis
100 South Ashley Drive
Tampa, FL 33602
(813) 512-3210

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

United States v. Peterson, No. 3:18-cr-90-1, Dkt. 246 (E.D. Va. Oct. 9, 2020), *appeal dismissed*, No. 21-4176, 2021 WL 6622083 (4th Cir. Sept. 14, 2021), *cert. denied*, 142 S. Ct. 927 (2022)

- 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.

To the best of my knowledge, based upon searches of my records and legal databases, none of my decisions have been reversed or affirmed with significant criticism of my substantive or procedural rulings.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a United States Magistrate Judge, I have issued approximately 100 opinions, all of which were unpublished. All are stored in the court's CM/ECF system.

- 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.

Harvey v. Clarke, No. 3:21-cv-304, 2022 WL 888354 (E.D. Va. Mar. 25, 2022),
appeal filed, No. 22-6482 (4th Cir. Apr. 21, 2022)

Rollins v. Warden, FCI Petersburg, No. 3:19-cv-844, 2021 WL 860495 (E.D. Va.
Mar. 8, 2021), *aff'd*, No. 21-6739, 2021 WL 4167410 (4th Cir. Sept. 14, 2021)
(per curiam)

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

I have not sat by designation on any federal 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.

I established a conflict checking system in my chambers to identify conflicts of interest in advance. In particular, I provided my staff a list of individuals and entities in whose cases I would recuse, and I have regularly updated that list. My list includes, among other persons and entities, parties whom I previously represented and my husband’s law firm. I also recused myself from all cases involving my former law firm for two years following my appointment to the bench. Where a conflict is identified, my staff informs the Clerk’s Office, and the matter is reassigned to another judge. No party or attorney has requested that I recuse myself from a case, nor have I recused myself sua sponte except pursuant to the screening procedure just described.

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 any public office other than judicial office. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have not held any memberships or offices in any political party or election committee. I have not held a position in a political campaign. On July 30, 2019, I co-hosted a fundraiser for Colette McEachin, a candidate for Commonwealth Attorney for the City of Richmond. On June 15, 2017, I co-hosted a fundraiser for Schuyler VanValkenburg, a candidate for the Virginia House of Delegates in the 72nd House district.

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 2007 to 2008, I served as a law clerk to the Honorable Joseph R. Goodwin on the United States District Court for the Southern District of West Virginia.

From 2008 to 2009, I served as a law clerk to the Honorable Robert B. King on the United States Court of Appeals for the Fourth Circuit.

- 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;

2009 – 2016

Office of the Federal Public Defender for the Eastern District of Virginia
701 East Broad Street, Suite 3600
Richmond, Virginia 23219
Assistant Federal Public Defender

2016 – 2020

Consumer Litigation Associates, P.C.
626 East Broad Street, Suite 300
Richmond, Virginia 23219
Attorney (2016 – 2018)
Managing Attorney, Richmond Office (2018 – 2020)

- 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.

Prior to becoming a United States Magistrate Judge, I did not serve 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.

After clerking on the United States District Court for the Southern District of West Virginia and the United States Court of Appeals for the Fourth Circuit, I joined the Office of the Federal Public Defender for the Eastern District of Virginia as an Assistant Federal Public Defender. As a public defender, from 2009 to 2016, I represented hundreds of indigent defendants in misdemeanor and felony criminal cases in federal court. I appeared in court for preliminary hearings, jury and bench trials, sentencings, and appeals. I represented clients in all types of criminal cases involving a variety of offenses, such as mail, bank, and social security fraud, firearm offenses, drug offenses, immigration offenses, and traffic offenses. I wrote appellate briefs and argued several appeals before the United States Court of Appeals for the Fourth Circuit.

As an attorney with Consumer Litigation Associates, P.C., from 2016 to 2020, I brought civil actions on behalf of consumers in federal court under various federal statutes, including the Fair Credit Reporting Act, the Fair Debt Collection Practices Act, the Racketeer Influenced and Corrupt Organizations Act, and the Truth in Lending Act. About half of my cases were prosecuted as individual cases, i.e., they involved only one or two plaintiffs and one to four defendants. The other half of my cases were

class actions. I was appointed as class counsel in several national settlements, each involving more than one million consumers. I also handled criminal cases as a Criminal Justice Act Court Appointed Attorney for indigent defendants and a pro bono attorney to the Federal Public Defender's Office. In addition, I volunteered as a pro bono attorney for the Pro Se Mediation Project, through which I was appointed by the United States District Court for the Eastern District of Virginia to assist *pro se* individuals—usually prisoners who had filed their case under 42 U.S.C. § 1983—in settlement conferences.

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

While an Assistant Federal Public Defender, I represented indigent people charged with federal crimes. During my time in private practice, I primarily represented individual consumers in civil cases. Most of my clients were lower income and their cases often related to debt collection or predatory lending practices. I also represented military service members, veterans, and their families, typically in cases involving lending practices or mortgages. I also managed the administration of class actions, which involved responding to class members' questions or concerns. As a Criminal Justice Act Court Appointed Attorney for the Eastern District of Virginia and a pro bono attorney to the Federal Public Defender's Office, I also represented indigent defendants charged with various offenses.

- 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.

As an attorney, the entirety of my practice was in litigation. As an Assistant Federal Public Defender, from 2009 to 2016, I appeared in district court several days a week on criminal matters, and also argued a number of appeals before the United States Court of Appeals for the Fourth Circuit. As a civil litigator in private practice, from 2016 to 2020, I appeared in court less often, approximately once a week, and, while most of my practice was in federal court, I also appeared in state courts and federal bankruptcy court.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 95%
- 2. state courts of record: 5%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

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

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

As an attorney, I tried ten cases to verdict, judgment, or final decision. I was sole counsel in three cases, lead counsel in three cases, and co-counsel in four cases. Seven of the cases involved jury trials, and the remaining three were bench 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.

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:

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

- In re Taylor*, 594 B.R. 643 (Bankr. E.D. Va. 2018) (Huennekens, J.), *aff'd*, *Allied Title Lending, LLC v. Taylor*, 420 F. Supp. 3d 436 (E.D. Va. 2019) (Novak, J.)

Ms. Taylor, a debtor, objected to a proof of claim filed in her bankruptcy case by the defendant, a Virginia lender. Ms. Taylor argued that the loan underlying the proof of claim was void under Virginia law and that the claim was unenforceable and should therefore be disallowed. Ms. Taylor also asserted affirmative claims against the lender on behalf of herself and other similarly situated debtors for violation of Virginia law governing consumer finance and usury. The lender filed numerous motions, including motions to dismiss and compel arbitration. The Office of the Virginia Attorney General

sought to intervene, also seeking to disallow the lender's claim, as well as other, affirmative remedies. The bankruptcy court granted the Office of the Virginia Attorney General's motion to intervene and denied the lender's motion to compel arbitration, concluding that arbitration was not appropriate because the affirmative claims raised by Ms. Taylor were constitutional claims. The lender appealed to the district court, which affirmed the bankruptcy court's rulings denying the motion to compel arbitration. The lender appealed to the United States Court of Appeals for the Fourth Circuit (No. 19-2283). The lender settled with the Commonwealth of Virginia. Thereafter, after I withdrew from the case but before the appeal was decided, the lender settled with Ms. Taylor. The appeal was voluntarily dismissed and the bankruptcy court approved the parties' settlement agreement, which included relief for similarly situated debtors. From 2018 to 2020, I served as co-counsel for Ms. Taylor in the bankruptcy court and district court proceedings. In that capacity, I briefed and argued several motions before the bankruptcy court. I also took the lead in drafting all of Ms. Taylor's filings in the district court.

Co-counsel:

Mark C. Leffler
Emily C. Kennedy
Boleman Law Firm
2104 West Laburnum Avenue, Suite 201
P.O. Box 11588
Richmond, VA 23230
(804) 506-9781

Dale W. Pittman
The Law Office of Dale W. Pittman, P.C.
112-A West Tabb Street
Petersburg, VA 23803
(804) 861-6000

Thomas D. Domonoske
Consumer Litigation Associates, P.C.
763 J. Clyde Morris Boulevard, Suite 1A
Newport News, VA 23601
(540) 501-7754

Opposing Counsel:

Michael G. Matheson
William D. Prince, IV
ThompsonMcMullan P.C.
100 Shockoe Slip, Third Floor
Richmond, VA 23219
(804) 649-7545

Counsel for Intervenor

David B. Irvin
Office of the Virginia Attorney General
202 North Ninth Street
Richmond, VA 23219
(804) 786-2071

Erin E. Witte
Consumer Federation of America
1620 I Street, Northwest, Suite 200
Washington, DC 20006
(202) 387-6121

2. *In re Think Finance, LLC*, No. 17-33964, 2019 WL 8272638 (Bankr. N.D. Tex. Dec. 2, 2019) (Hale, J.); *Gibbs v. Plain Green, LLC*, No. 3:17-cv-495, Dkt. 141 (E.D. Va. Dec. 13, 2019) (Lauck, J.)

From 2017 to 2020, I represented the plaintiffs—low income consumers who had received short-term loans from online lenders affiliated with federally recognized Native American tribes—in these complex class actions and related cases. The plaintiffs alleged that the loans violated state and federal lending laws by charging interest rates between 300 and 700 percent. The plaintiffs originally filed suit in the Eastern District of Virginia. *Gibbs v. Rees*, No. 3:17-cv-386 (E.D. Va.). One of the defendants, Think Finance, LLC, filed for bankruptcy in the Northern District of Texas. The plaintiffs filed proofs of claims and asserted putative class claims alleging violations of state and federal lending laws. My firm sought to litigate the class action within the bankruptcy proceeding by filing motions to apply Federal Rule of Bankruptcy Procedure 7023 to the class proofs of claims and to certify various classes of consumer borrowers. The bankruptcy court held a three-day evidentiary hearing and subsequently granted the plaintiffs' motions in part, agreeing that Rule 7023 applied, and thereby effectively allowing the claims to proceed on a class basis. Thereafter, and in coordination with the case pending in the Eastern District of Virginia, the parties agreed to settle the case and the bankruptcy court approved the parties' class action settlement agreement. In the Northern District of Texas proceeding, I assisted in drafting various motions and briefs, reviewing discovery, and communicating with the plaintiffs and other putative class members. I also served as co-counsel in the contested evidentiary hearing, where I argued motions and examined and cross-examined witnesses.

Separately, related cases continued to be litigated in the Eastern District of Virginia. In *Gibbs v. Plain Green, LLC*, the plaintiffs filed a case against the tribal lending entity defendants. The defendants filed motions to dismiss, motions to compel arbitration, and motions to transfer, arguing—in part—that they had sovereign immunity because they were an arm of a federally recognized Native American tribe. The plaintiffs sought jurisdictional discovery. The district court granted the plaintiffs' motion, finding that the discovery sought would be necessary to assess the defendants' entitlement to sovereign immunity. The defendants filed an interlocutory appeal to the United States Court of Appeals for the Fourth Circuit (Nos. 18-1907 & 18-1908), which the district court

certified as frivolous. The parties conducted formal discovery. Thereafter, the parties agreed to settle the case, so the appeal was voluntarily dismissed and the district court approved the parties' class action settlement agreement. In the Eastern District of Virginia case, I defended depositions, drafted briefs, and reviewed discovery. During the approval process, I also managed class administration, including drafting class notices and interacting with class members.

Co-counsel:

Kristi C. Kelly
Andrew J. Guzzo
Kelly Guzzo PLC
3925 Chain Bridge Road, Suite 202
Fairfax, VA 22030
(703) 424-7570

Leonard A. Bennett
Consumer Litigation Associates, P.C.
763 J. Clyde Morris Boulevard, Suite 1A
Newport News, VA 23601
(757) 930-3660

James W. Speer
Virginia Poverty Law Center
919 East Main Street, Suite 610
Richmond, VA 23219
(804) 782-9430

Opposing Counsel:

Frank H. Griffin, IV
Troutman Pepper
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103
(215) 981-4000

Charles K. Seyfarth
Elizabeth Turner
O'Hagan Meyer PLLC
411 East Franklin Street, Suite 500
Richmond, VA 23219
(804) 403-7100

Rachel S. Rodman
Cadwalader, Wickersham & Taft LLP
700 Sixth Street, Northwest
Washington, DC 20001
(202) 862-2200

Tyler P. Brown
Jason W. Harbour
Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
(804) 788-8200

3. *Clark v. Trans Union, LLC*, No. 3:15-cv-391, 2017 WL 814252 (E.D. Va. Mar. 1, 2017) (Lauck, J.)

From 2016 to 2020, I served as co-counsel for the consumer plaintiffs in this matter—one of a series of three cases brought against the major consumer reporting agencies related to the accuracy of credit reporting of public records (such as tax liens and civil judgments). After engaging in discovery, the plaintiffs filed a motion to compel regarding discovery disputes, a motion to strike the defendant's expert, and a motion for class certification. The district court granted the plaintiffs' motions to compel and for class certification. The defendant filed an interlocutory appeal to the United States Court of Appeals for the Fourth Circuit (No. 17-2208). The defendant moved to stay the district court proceedings pending the appeal, which was denied. Before the appeal was fully briefed, the parties agreed to settle the case, so the appeal was voluntarily dismissed. During the district court litigation, I assisted in drafting briefs related to numerous discovery and class certification motions. As part of the settlement, I also co-managed class administration for a class of approximately 20 million consumers. This required the establishment of an intake system and consumer databases, as well as frequent interaction with a team of lawyers, opposing counsel, and third-party settlement administrators.

Co-counsel:

Kristi C. Kelly
Andrew J. Guzzo
Kelly Guzzo PLC
3925 Chain Bridge Road, Suite 202
Fairfax, VA 22030
(703) 424-7570

Leonard A. Bennett
Craig C. Marchiando
Consumer Litigation Associates, P.C.
763 J. Clyde Morris Boulevard, Suite 1A
Newport News, VA 23601
(757) 930-3660

Opposing Counsel:

Brian C. Frontino
Stroock & Stroock & Lavan LLP

200 South Biscayne Boulevard, Suite 3100
Miami, FL 33131
(305) 798-9343

Hugh M. Fain, III
John M. Erbach
Spotts Fain PC
411 East Franklin Street
P.O. Box 1555
Richmond, VA 23218
(804) 697-2000

4. *Scott v. Clarke*, 355 F. Supp. 3d 472 (W.D. Va. 2019) (Moon, J.)

The plaintiffs alleged that the Virginia Department of Corrections (“DOC”) failed to provide adequate medical care at Fluvanna Correctional Center for Women, in violation of a previous settlement agreement. The plaintiffs filed a motion for an order to show cause, asking that DOC be held in contempt for its failure to comply with its obligations. After the parties conducted extensive discovery, a one-week trial was held. The parties then submitted post-trial briefs and proposed findings of fact and conclusions of law. The district court concluded that DOC officials breached the settlement agreement, and the court entered an injunction order against DOC. I served as co-counsel for the plaintiffs in this matter from 2018 until my appointment as a United States Magistrate Judge in 2020. I handled substantial discovery, including analyzing documentary evidence, drafting privilege logs, preparing for and assisting with an expert deposition, participating in team strategy meetings, and researching and drafting numerous motions. I withdrew from the case in 2020, after the proceedings described above. I understand the case is ongoing.

Co-counsel:

Angela A. Ciolfi
Brenda E. Castaneda
Legal Aid Justice Center
1000 Preston Avenue, Suite A
Charlottesville, VA 22903
(434) 977-0553

Leonard A. Bennett
Consumer Litigation Associates, P.C.
763 J. Clyde Morris Boulevard, Suite 1A
Newport News, VA 23601
(757) 930-3660

Opposing Counsel:

Edward J. McNelis, III
Elizabeth M. Muldowney
Sands Anderson, PC

1111 East Main Street, Suite 2400
Richmond, VA 23218
(804) 648-1636

John M. Parsons
Virginia Department of Health Professions
9960 Mayland Drive, Suite 300
Henrico, VA 23233
(804) 367-4400

Diane M. Abato
Office of the Virginia Attorney General
202 North Ninth Street
Richmond, VA 23219
(804) 786-2071

5. *Spendlove v. RapidCourt, LLC*, No. 3:18-cv-856, 2019 WL 7143664 (E.D. Va. Dec. 23, 2019) (Payne, J.)

From 2018 to 2019, I served as co-counsel for the plaintiffs in this Fair Credit Reporting Act class action. The case challenged the way that the defendant, a consumer reporting agency, reported information to a third-party regarding the plaintiffs' criminal records. The plaintiffs alleged that the criminal information reported was inaccurate and outdated, which had a negative impact on their ability to obtain employment. After significant discovery, the parties settled the case on an individual basis, and the defendant changed the practices challenged in the complaint. As co-counsel for the plaintiffs, I managed all communications with the named plaintiff and oversaw all aspects of discovery, including third-party subpoenas, meetings with opposing counsel, and motions practice. I was also substantially involved in the successful settlement negotiations.

Co-counsel:

Eleanor M. Drake
Berger Montague PC
1229 Tyler Street, Northeast, Suite 205
Minneapolis, MN 55413
(612) 594-5933

Leonard A. Bennett
Consumer Litigation Associates, P.C.
763 J. Clyde Morris Boulevard, Suite 1A
Newport News, VA 23601
(757) 930-3660

Opposing Counsel:

Steven D. Brown
Isler Dare PC

1111 East Main Street
Richmond, VA 23219
(804) 489-5500

David N. Anthony
Troutman Pepper
1001 Haxall Point, 15th Floor
Richmond, VA 23219
(804) 697-1200

Pamela Q. Devata
Seyfarth Shaw LLP
233 South Wacker Drive, Suite 8000
Chicago, IL 60606
(312) 460-5000

6. *United States v. Mamudu*, No. 3:13-cr-227 (E.D. Va.) (Hudson, J.)

Mr. Mamudu was charged with robbery and brandishing a firearm in furtherance of a crime of violence. Following a two-day trial, the jury convicted Mr. Mamudu, and the district court sentenced him to 18 years' imprisonment and ordered him to pay approximately \$2,400 in restitution. From 2013 to 2014, I served as co-counsel for Mr. Mamudu in this matter, handling all stages of the criminal proceedings. I briefed and argued motions in limine, and I presented the case to a jury, including arguing objections to jury instructions, giving the opening statement, and cross-examining witnesses. I also represented Mr. Mamudu at his sentencing, including drafting his sentencing memorandum and arguing sentencing before the district court.

Co-counsel:

Carolyn V. Grady
Office of the Federal Public Defender for the Eastern District of Virginia
701 East Broad Street, Suite 3600
Richmond, VA 23219
(804) 343-0800

Robert J. Wagner
Robert J. Wagner PLC
101 Shockoe Slip, Suite J
Richmond, VA 23219
(804) 814-8172

Opposing Counsel:

Erik S. Siebert
Peter S. Duffey
United States Attorney's Office for the Eastern District of Virginia
919 East Main Street, Suite 1900

Richmond, VA 23219
(804) 819-5400

7. *United States v. Baylor*, No. 3:11-cr-64-2, 2011 WL 5910061 (E.D. Va. Nov. 28, 2011) (Spencer, J.), *aff'd*, 537 F. App'x 149 (4th Cir. 2013) (Niemeyer, Agee, Thacker, JJ.)

Mr. Baylor was charged with multiple counts of robbery and possession of a firearm by a convicted felon. Following a four-day trial, the jury found Mr. Baylor guilty, and the district court sentenced him to 45 years' imprisonment and ordered him to pay approximately \$1,700 in restitution. Mr. Baylor appealed, arguing that the district court abused its discretion in making numerous decisions at trial, such as rejecting Mr. Baylor's proposed voir dire questions, refusing proposed jury instructions regarding eyewitness identification, and admitting expert forensic evidence. Mr. Baylor also challenged the sufficiency of the evidence on the firearm charge and his sentencing, arguing that the brandishing element of the firearm charge was not submitted to the jury. The United States Court of Appeals for the Fourth Circuit affirmed, holding that substantial evidence supported Mr. Baylor's possession of a firearm, that any error relating to the brandishing element was harmless, and that the district court did not abuse its discretion in making various trial decisions. From 2011 to 2013, I served as co-counsel for Mr. Baylor, handling numerous key parts of the criminal proceedings. For instance, I developed expert testimony regarding the admissibility of eyewitness identifications and briefed and argued motions in limine and a motion to exclude expert testimony. At trial, I presented the case to a jury, including directing witness testimony; cross-examining witnesses, including a forensic science expert; and giving closing argument. In addition, I represented Mr. Baylor at sentencing, including drafting his sentencing memorandum and arguing sentencing to the district court. On appeal, I assisted in the drafting and editing of the appellate briefs and argued before the Fourth Circuit. My involvement in Mr. Baylor's case ended at that point—though Westlaw erroneously lists me as counsel for Mr. Baylor in his subsequent 28 U.S.C. § 2255 proceedings, where he actually proceeded *pro se*. *United States v. Baylor*, No. 3:11-cr-64, 2016 WL 659100 (E.D. Va. Feb. 16, 2016) (Spencer, J.).

Co-counsel:

Carolyn V. Grady
Office of the Federal Public Defender for the Eastern District of Virginia
701 East Broad Street, Suite 3600
Richmond, VA 23219
(804) 343-0800

Opposing Counsel:

Michael A. Jagels
Office of the Virginia Attorney General
202 North Ninth Street
Richmond, VA 23219
(804) 786-2071

Richard D. Cooke
United States Attorney's Office for the Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, VA 23219
(804) 819-5400

8. *United States v. Cunningham*, No. 3:11-cr-248 (E.D. Va.) (Payne, J.)

Ms. Cunningham was charged with multiple counts of health care fraud, making false statements relating to health care matters, and making a false tax return. Following a four-day trial, in which approximately 25 witnesses testified, the jury convicted Ms. Cunningham, and she was sentenced to ten years' imprisonment and ordered to pay approximately \$7 million in restitution. From 2011 to 2012, I served as co-counsel for Ms. Cunningham in this matter, handling numerous key aspects of the criminal proceedings. I presented the case to a jury, including arguing objections to jury instructions and a motion for judgment of acquittal, making the opening statement, cross-examining witnesses, and directing witness testimony.

Co-counsel:

Paul G. Gill
Office of the Federal Public Defender for the Eastern District of Virginia
701 East Broad Street, Suite 3600
Richmond, VA 23219
(804) 343-0800

Opposing Counsel:

Michael C. Moore
United States Attorney's Office for the Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, VA 23219
(804) 819-5400

9. *United States v. Winfield*, No. 3:04-cr-167-3, Dkt. 118 (May 19, 2012), 123 (Sept. 21, 2010) (E.D. Va.) (Hudson, J.), *aff'd*, 665 F.3d 107 (4th Cir. 2012) (Shedd, Gregory, Davis, JJ.)

The Government moved to revoke Mr. Winfield's supervised release, alleging that he violated the terms of his release. Mr. Winfield admitted to violating the terms of his supervised release, and the district court sentenced him to one year's imprisonment. A second violation hearing was then held regarding other alleged violations of supervised release. Mr. Winfield admitted to violating those conditions, as well, and the district court sentenced him to another year of imprisonment. Mr. Winfield appealed, arguing that the court had no jurisdiction to impose a second prison sentence following his earlier revocation and sentencing. The United States Court of Appeals for the Fourth Circuit affirmed, holding that the revocation of a term of supervised release does not terminate

the district court's jurisdiction. From 2009 to 2012, I served as lead counsel for Mr. Winfield at both supervised release hearings, in which I argued sentencing, and as co-counsel on appeal, where I assisted in the drafting and editing of the appellate briefs and argued before the Fourth Circuit.

Co-counsel:

Patrick L. Bryant
Office of the Federal Public Defender for the Eastern District of Virginia
1650 King Street, Suite 500
Alexandria, VA 22314
(703) 600-0800

Opposing Counsel:

Richard D. Cooke
United States Attorney's Office for the Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, VA 23219
(804) 819-5400

10. *United States v. Davis*, No. 3:10-cr-309 (E.D. Va.) (Hudson, J.)

Mr. Davis was charged with possession with intent to distribute cocaine hydrochloride. Following a two-day trial, the jury convicted Mr. Davis, and the district court sentenced him to ten years' imprisonment. From 2010 to 2011, I served as sole counsel for Mr. Davis in this matter, handling all of the criminal proceedings through trial. I briefed and argued a motion in limine, and I presented the case to a jury, including arguing motions for a judgment of acquittal, making the opening statement, cross-examining witnesses, and giving the closing argument.

Opposing Counsel:

Angela Mastandrea-Miller
United States Attorney's Office for the Eastern District of Virginia
919 East Main Street, Suite 1900
Richmond, VA 23219
(804) 819-5400

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.)

As a United State Magistrate Judge, I have developed substantial expertise in alternative dispute resolution, having served as a mediator in over 100 cases covering the full

spectrum of civil litigation that arises in the Eastern District of Virginia. I am also responsible for administering a drug-court program, known as the Second Chance Offender Rehabilitation Effort (“SCORE”), for the Richmond Division of the United States District Court for the Eastern District of Virginia. The SCORE program is offered to individuals who have violated the terms of their supervised release, where such violations appear to have been driven by the individual’s addiction to controlled substances. The individual is evaluated and, if accepted into the program, receives intensive mental health and substance abuse treatment, additional services and supervision by the probation office, and support from the SCORE team. SCORE court meets every week. Prior to court, the SCORE team—comprised of a representative from the United States Attorney’s Office, the Office of the Federal Public Defender, the District Court Clerk’s Office, treatment providers, and a community member knowledgeable about recovery—discusses each participant and his or her recovery. During court, I follow up with each participant to discuss the status of his or her recovery and potential challenges, and I also recognize his or her achievements and success. After completing the program, participants graduate and are eligible to receive a one-year reduction in the length of supervision.

I engaged in various non-litigation activities as a practicing lawyer, as well. For example, as an Assistant Federal Public Defender, I assisted clients in pre-litigation matters, such as responding to grand jury subpoenas and negotiating pretrial diversion. I also assisted incarcerated clients with concerns related to the conditions of their confinement, including access to mental health, medical care, or other treatment programs. Further, as an attorney in private practice, I often attempted to settle cases before filing suit. In those cases, I would typically investigate the matter, gather relevant documents, draft a complaint, engage the putative defendant, and negotiate the settlement agreement.

Moreover, I regularly taught classes related to criminal law and consumer rights litigation. I have taught both attorneys and non-attorneys, including consumers, legal aid attorneys and staff, Criminal Justice Act attorneys, and undergraduate and law students. Topics have included federal criminal practice, basics of the criminal justice system and constitutional rights, class action practice, credit reporting, and consumer rights litigation. I have also been extensively involved in bar activities, primarily through the Metropolitan Richmond Women’s Bar Association (“MRWBA”). As a member of MRWBA’s Board of Directors, I planned and coordinated numerous trainings, panel discussions, and speakers on various topics, including how to improve civility and professionalism among lawyers, enhance lawyer well-being, and increase mentorship and diversity in the bar.

I have not performed any lobbying activities or registered as a lobbyist.

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

In Fall 2017, I taught Trial Advocacy (Lawyering Skills III) at the University of

Richmond School of Law in Richmond, Virginia. The course focused on teaching law students the skills required of advocates in trial courts. I am unable to locate a copy of the syllabus.

In Spring 2014, Fall 2015, Spring 2015, and Fall 2016, I taught Forensic Evidence, Law & Criminal Procedure at Virginia Commonwealth University in Richmond, Virginia. The course was designed to provide undergraduate forensic science students an introduction to criminal procedure and evidence, with a specific focus on issues related to the collection and presentation of forensic evidence. Syllabi supplied.

In Spring 2014, I taught Appellate Advocacy (Lawyering Skills IV) at the University of Richmond School of Law in Richmond, Virginia. The course focused on teaching law students the skills required of advocates in appellate courts. The supplied syllabus, which is dated Spring 2013, is substantially similar to the syllabus used in Spring 2014.

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

None.

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

None.

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that 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 cases involving or affecting Williams Mullen, PC, the law firm that employs my husband. I would also recuse myself from cases involving anyone I previously represented. To the best of my knowledge, there are no other persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interest when I first assume the position to which I have been nominated. If confirmed, I would approach any potential conflict of interest by applying and adhering to the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical canons, rules, or laws.

- 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 approach any potential conflict of interest by applying and adhering to the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical canons, rules, or laws.

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 a United States Magistrate Judge, I am not permitted to represent clients in a pro bono or any other capacity, but I seek to serve the disadvantaged in other ways. For instance, I currently serve on the Criminal Justice Act Panel Committee for the Richmond Division of the United States District Court for the Eastern District of Virginia. As a Committee member, I helped establish a mentoring program for panel attorneys, which strives to increase the number of attorneys available to serve on the felony panel; expand the areas of experience among the panel through promotion, training, and mentorship; and increase the panel's diversity.

Throughout my career in private practice, I regularly devoted my time to pro bono representations. For example, I represented one to two indigent criminal defendants through the Criminal Justice Act Panel for the Eastern District of Virginia each year. I also served as pro bono counsel to the Federal Public Defender's Office, including for a criminal appeal in the United States Court of Appeals for the Fourth Circuit. Additionally, I represented approximately one pro bono client per year through the Pro Se Mediation Project, which offers limited pro bono counsel to *pro se* civil litigants for

purposes of mediation. Further, in 2018, I served as pro bono counsel for the Legal Aid Justice Center in a civil case alleging that a Virginia prison failed to provide adequate medical care at a correctional institution for women. *Scott v. Clarke*, No. 3:12-cv-36 (W.D. Va.). And from 2018 to 2020, I served on the Board of Directors of the Virginia Law Foundation—an organization that works to facilitate access to justice, promote the rule of law, and provide law-related education in support of these ideals.

Finally, my work as an Assistant Federal Public Defender was focused entirely on representing indigent defendants who were eligible for the appointment of counsel under the Criminal Justice Act, 18 U.S.C. § 3006A.

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 July 19, 2021, I submitted an application to Senators Mark Warner and Tim Kaine for a position on the United States District Court for the Eastern District of Virginia. On September 17, 2021, I interviewed with the Senators' judicial selection committee. On October 27, 2021, I interviewed with Senator Kaine. On October 29, 2021, I interviewed with Senator Warner. On November 8, 2021, I interviewed with attorneys from the White House Counsel's Office. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On April 27, 2022, the President announced his intent to nominate me.

- 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.