

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Brendan Abell Hurson

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

United States District Judge for the District of Maryland

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

United States District Court for the District of Maryland
101 West Lombard Street, Chambers 7B
Baltimore, Maryland 21201

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

1977; Washington, DC

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.

2002 – 2005, The University of Maryland Francis King Carey School of Law; J.D. (with honors), 2005

1998 – 2000, Providence College; B.A. (*cum laude*), 2000

1996 – 1997, The University of Texas at Austin; no degree received

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.

2022 – present

United States District Court for the District of Maryland

101 West Lombard Street, Chambers 7B
Baltimore, Maryland 21201
United States Magistrate Judge

2007 – 2017; 2018 – 2022
Office of the Federal Public Defender for the District of Maryland
100 South Charles Street, Tower II, Ninth Floor
Baltimore, Maryland 21201
Senior Litigation Counsel (2015 – 2017; 2019 – 2022)
Assistant Federal Public Defender (2007 – 2014; 2018)

2017 – 2018
Office of the Federal Public Defender for the Virgin Islands
1336 De Beltjen Road, Suite 202
Saint Thomas, Virgin Islands 00802
Assistant Federal Public Defender

2015 – 2017
Themis Bar Review
1501 Sulgrave Avenue, Suite 300
Baltimore, Maryland 21209
Lecturer

2011 – 2016
University of Maryland Francis King Carey School of Law
500 West Baltimore Street
Baltimore, Maryland 21201
Adjunct Professor

2006 – 2007
Schulman, Hershfield, and Gilden, PA
(formerly Schulman, Treem, Kaminkow, Gilden, and Ravenell, PA)
401 East Pratt Street, Suite 1800
Baltimore, Maryland 21202
Associate

January 2006 – May 2006
Midlands Technical College
316 South Beltline Boulevard
Columbia, South Carolina 29205
Adjunct Professor

2005 – 2006
United States District Court for the District of South Carolina
901 Richland Street
Columbia, South Carolina 29201

Law Clerk to the Honorable Margaret B. Seymour

Summer 2004

Public Defender Service for the District of Columbia
633 Indiana Avenue, Northwest
Washington, DC 20004
Law Clerk

Spring 2004

United States Attorney's Office for the District of Maryland
36 South Charles Street, Fourth Floor
Baltimore, Maryland 21201
Law Clerk

2003 – 2005

Barbri Bar Review
1501 Sulgrave Avenue, Suite 300
Baltimore, Maryland 21209
Student Representative

2001 – 2002

Saint Thomas More Catholic School
4265 Fourth Street, Southeast
Washington, DC 20032
Teacher

2000 – 2001

General Assistance Advocacy Project (GAAP)
276 Golden Gate Avenue
San Francisco, California
Staff Member/Jesuit Volunteer

Summer 2000, 2002

Tabor Academy Summer Program
66 Spring Street
Marion, Massachusetts 02738
Director, Sailing Program (2002)
Instructor, Sailing Program (2000)

Other Affiliations (Uncompensated)

2015 – 2017, 2019 – 2021

Corpus Christi Catholic Parish
110 West Lafayette Avenue
Baltimore, Maryland 21217
Member, Parish Council

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 registered for the selective service upon turning 18.

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.

Fred Warren Bennett Defender Award, Office of the Federal Public Defender, District of Maryland (2013)

University of Maryland Francis King Carey School of Law

Juris Doctor, with honors (2005)

Order of the Coif (2005)

Order of the Barristers (2005)

Elizabeth Maxwell Carroll Chesnut Prize (2005)

Co-Recipient, Martin Luther King Jr. Diversity Recognition Award (2005)

Recipient, Dean's Partial Scholarship (2005)

Member, Mock Trial Team (2003 – 2005)

The University of Maryland Law Journal of Race, Religion, Gender and Class
(formerly *Margins*) (Staff Member, 2003 – 2004; Associate Editor, 2004 – 2005)

Honorable Mention, Public Service Law Network, National Pro Bono Publico Award (2004)

Providence College

B.A., *cum laude* (2000)

Best Paper in Black Studies Program's Class of 2000 (2000)

Highest Grade Point Average in Black Studies Program's coursework in the Class of 2000 (2000)

Dean's List (Spring 1998, Fall 1998, Fall 1999, Spring 2000)

University of Texas

University Honors (Fall 1996)

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.

Barristers' Law Club of Baltimore, Maryland

Maryland Criminal Defense Attorneys' Association

Maryland State Bar Association

The Rule Day Law Club of Baltimore, Maryland

Serjeants' Inn Law Club of Baltimore, Maryland

United States District Court for the District of Maryland
Criminal Justice Act Committee, Member (2022 – present)
Probation Committee, Member (2022 – present)

10. **Bar and Court Admission:**

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

Maryland, 2005

There has been no lapse in membership.

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

United States Court of Appeals for the Third Circuit, 2017
United States Court of Appeals for the Fourth Circuit, 2006
United States District Court for the District of Maryland, 2006
United States District Court of the Virgin Islands, 2017

My membership in the United States District Court of the Virgin Islands terminated when I left the jurisdiction in 2018. There have been no other 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.

Corpus Christi Catholic Parish
Parish Council (2015 – 2017, 2019 – 2021)
Social Justice Committee (2010 – 2017, 2019 – 2021)

Jesuit Volunteers Corps, Baltimore Community Support Team (2011 – 2013)

Lawyers Alliance for the Public Justice Center (2016)

Providence College Class of 2000 Reunion Committee (2015)

University of Maryland Carey School of Law, Class of 2005 Reunion Committee (2010, 2015)

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

To the best of my knowledge, none of the organizations listed in response to Question 11a above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin through 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.

Letter to the Editor, The Cowl, Oct. 28, 1999. Copy supplied.

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

None.

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

As a first-year law student, I was signatory to an amicus brief filed on behalf of over 13,000 law students authored by Julie Sullivan and Peter Rubin in *Grutter v. Bollinger*, 539 U.S. 306 (2003). *Grutter v. Bollinger*, No. 02-241, Brief of Amici Curiae 13,922 Current Law Students at Accredited American Law Schools in Support of Respondents, 2003 WL 554404 (U.S. Feb. 18, 2003).

- 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 and the internet to identify all events responsive to this question, but I may have omitted events inadvertently.

January 13, 2023: Speaker, Attorney Admissions, United States District Court for the District of Maryland (Virtual). I delivered brief remarks to newly admitted attorneys about civility and pro bono practice. I have no notes, transcript, or recording. The address for the United States District Court for the District of Maryland is 101 West Lombard Street, Baltimore, Maryland 21201.

December 6, 2022: Speaker, Loyola University Maryland, Baltimore, Maryland. I spoke to a graduate level business law course about federal criminal law and white-collar crime, and answered questions. I have no notes, transcript, or recording. The address for Loyola University Maryland is 4501 North Charles Street, Baltimore, Maryland 21210.

November 10, 2022: Speaker, Loyola University Maryland Pre-Law Society, Baltimore, Maryland. I provided introductory remarks about my educational and professional background to undergraduate pre-law students with another judge and then moderated a panel. I have no notes, transcript, or recording. The address for Loyola University Maryland is 4501 North Charles Street Baltimore, Maryland 21210.

November 4, 2022: Speaker, Attorney Admissions, United States District Court for the District of Maryland (Virtual). I delivered brief remarks to newly admitted attorneys about civility and pro bono practice. I have no notes, transcript, or recording. The address for the United States District Court for the District of Maryland is 101 West Lombard Street, Baltimore, Maryland 21201.

October 17, 2022: Speaker, High School Government Course, The Lawrenceville

School (Virtual). I spoke about the federal criminal justice system and my service as a United States Magistrate Judge in two informal virtual question and answer sessions with high school students interested in careers in the law. I have no notes, transcript, or recording. The address of the Lawrenceville School is 2500 Main Street, Lawrenceville, New Jersey 08648.

October 10, 2022: Speaker, Loyola University Maryland, Baltimore, Maryland. I spoke to an undergraduate business law course about federal criminal law, search warrants, and search and seizure law. I have no notes, transcript, or recording. The address of Loyola University Maryland is 4501 North Charles Street, Baltimore, Maryland.

September 22, 2022: Speaker, University of Maryland Carey School of Law, Baltimore, Maryland. I spoke to law school students in a criminal procedure course about topics including federal pretrial release statutes and my career as a federal public defender. I have no notes, transcript, or recording. The address of the University of Maryland Carey School of Law is 500 West Baltimore Street, Baltimore, Maryland 21201.

August 25, 2022: Speaker, Formal Investiture as United States Magistrate Judge, United States District Court for the District of Maryland, Baltimore, Maryland. Transcript supplied.

August 5, 2022: Speaker, Attorney Admissions, United States District Court for the District of Maryland (Virtual). I delivered brief remarks to newly admitted attorneys about civility and pro bono practice. I have no notes, transcript, or recording. The address for the United States District Court for the District of Maryland is 101 West Lombard Street, Baltimore, Maryland 21201.

July 19, 2022: Panelist, Maryland Chapter of the Federal Bar Association, Virtual Speaker Series for Summer Associates and Interns (Virtual). I gave brief remarks about my career to summer law clerks. I have no notes, transcript, or recording. The Federal Bar Association has no physical address.

May 20, 2022: Speaker, Maryland Chapter of the Federal Bar Association, Annual Lunch, Hyatt Regency Hotel, Baltimore, Maryland. I gave brief remarks thanking attendees at an annual lunch honoring newly-appointed judges. I have no notes, transcript, or recording. The Maryland Chapter of the Federal Bar Association has no physical address.

April 19, 2022: Speaker, Fireside Chat, Maryland Chapter of the Federal Bar Association (Virtual). I answered questions about my background, my transition to the bench, and my practice preferences. I have no notes, transcript, or recording. The Maryland Chapter of the Federal Bar Association has no physical address.

April 8, 2022: Speaker, Attorney Admissions, United States District Court for the District of Maryland (Virtual). I delivered brief remarks to newly admitted attorneys about civility and pro bono practice. I have no notes, transcript, or recording. The address for the United States District Court for the District of Maryland is 101 West Lombard Street, Baltimore, Maryland 21201.

March 23, 2022: Speaker, Loyola University Maryland, Baltimore, Maryland. I spoke to an undergraduate business law course about federal criminal law, search warrants, and search and seizure law. I have no notes, transcript, or recording. The address of Loyola University Maryland is 4501 North Charles Street, Baltimore, Maryland.

February 17, 2022: Speaker, University of Maryland Carey School of Law, Baltimore, Maryland. I spoke to law students in a criminal procedure course about topics including federal pretrial release statutes and my career as a federal public defender. I have no notes, transcript, or recording. The address of the University of Maryland Carey School of Law is 500 West Baltimore Street, Baltimore, Maryland 21201.

November 5, 2021: Speaker, Loyola University Maryland, Baltimore, Maryland. I spoke to an undergraduate business law course about federal criminal law, search warrants, and search and seizure law. I have no notes, transcript, or recording. The address of Loyola University Maryland is 4501 North Charles Street, Baltimore, Maryland.

May 7, 2019: Speaker, Federal Defender Investigator and Paralegal Seminar, Administrative Office of the United States Courts, Office of Defender Services Training Branch, Baltimore, Maryland. I presented brief welcome remarks to conference attendees on behalf of Maryland's Office of the Federal Public Defender. I have no notes, transcript, or recording. The address for the Administrative Office of the United States Courts, Defender Services Training Branch is One Columbus Circle, Northeast, Washington, DC 20544.

June 26, 2018: Speaker, Criminal Justice Act Panel Training, Federal Public Defender for the Virgin Islands, St. Croix, United States Virgin Islands. I spoke to attendees about a recent case where I had litigated the alleged failure to disclose *Brady* material. I have no notes, transcript, or recording. The address of the Federal Public Defender for the Virgin Islands is 1336 De Beltjen Road, Suite 202, Saint Thomas, United States Virgin Islands 00802.

September 1, 2017: Speaker, Criminal Justice Act Panel Training, Federal Public Defender for the Virgin Islands, Buccaneer Resort, St. Croix, United States Virgin Islands. I introduced another speaker at the panel training with short remarks. I have no notes, transcript, or recording. The address of the Federal Public Defender for the Virgin Islands is 1336 De Beltjen Road, Suite 202, Saint Thomas, United States Virgin Islands 00802.

September 27 – 30, 2016: Speaker, Criminal Justice Act Panel Training, Federal Public Defender for the Virgin Islands, Office of the Federal Public Defender, St. Thomas, United States Virgin Islands. I introduced a co-panelist, answered questions about using expert witnesses, and discussed changes to federal recidivist enhancements. I have no notes, transcript, or recording. The address of the Federal Public Defender for the Virgin Islands is 1336 De Beltjen Road, Suite 202, Saint Thomas, United States Virgin Islands 00802.

September 22, 2016: Guest Speaker, The Boys' Latin School of Maryland, Baltimore, Maryland. I spoke to high school students about my work as a public defender and the federal criminal justice system. I have no notes, transcript, or recording. The address of The Boys' Latin School of Maryland is 822 West Lake Avenue, Baltimore, Maryland 21210.

December 7, 2015: Guest Speaker, Lawrence Academy "Winterim" course entitled "The System," Washington, DC. I spoke to high school students about my experience as a public defender and about the criminal justice system and answered questions. I have no notes, transcript, or recording. The address of Lawrence Academy is 26 Powderhouse Road, Groton, Massachusetts 01450.

April 15, 2015: Commenter, Department of Justice Community Forum, Coppin State University, Baltimore, Maryland. I gave a statement about internal affairs complaints to a Department of Justice panel investigating complaints of unconstitutional policing. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Department of Justice is 950 Pennsylvania Avenue, Northwest, Washington, DC 20530.

March 30, 2015: Speaker, Benjamin Franklin High School at Masonville Cove, Baltimore, Maryland. I spoke to high school students about careers in the law and the criminal justice system, and I answered questions. I have no notes, transcript, or recording. The address of Benjamin Franklin High School is 1201 Cambria Street, Baltimore 21225.

June 23, 2014: Speaker, Informal Lunch, United States District Court for the District of Maryland, Baltimore, Maryland. I made informal remarks and answered questions at a lunch for summer law clerks at the United States District Court. I have no notes, transcript, or recording. The address of the United States District Court is 101 West Lombard Street, Baltimore, Maryland 21201.

June 19, 2014: Speaker, Informal Lunch, Maryland Office of the Public Defender, Baltimore, Maryland. I made informal remarks and answered questions at a lunch for summer interns for the state public defender. I have no notes, transcript, or recording of the presentation. The address of the Maryland Office of the Public Defender is 201 Saint Paul Place, Baltimore, Maryland 21202.

April 20, 2014: Presenter, Pre-Cana Retreat, Loyola University Maryland, Baltimore, Maryland, 2009 – 2014. My spouse and I spoke about marital communication and conflict resolution to engaged couples seeking to be married at Loyola University. I have no notes, transcript, or recording. The address of Loyola University Maryland is 4501 North Charles Street, Baltimore, Maryland 21210.

March 10, 2014: Guest Speaker, Lawrence Academy “Winterim” course entitled “The System,” Washington, DC. I spoke to high school students on a field trip for an experiential education course about my experience as a public defender and about the criminal justice system and answered questions. I have no notes, transcript, or recording. The address of Lawrence Academy is 26 Powderhouse Road, Groton, Massachusetts 01450.

February 13, 2014: Panelist, “Careers in Criminal Law,” University of Baltimore School of Law, Baltimore, Maryland. I spoke on a panel about careers in criminal law and answered questions. I have no notes, transcript, or recording. The address of the University of Baltimore School of Law is 1401 North Charles Street, Baltimore, Maryland 21201.

December 4, 2013: Speaker, Benjamin Franklin High School at Masonville Cove, Baltimore, Maryland. I spoke to high school students about careers in the law, the criminal justice system, and I answered questions. I have no notes, transcript, or recording. The address of Benjamin Franklin High School is 1201 Cambria Street, Baltimore 21225.

November 22, 2013: Participant, Open Doors Program, United States District Court for the District of Maryland, Baltimore, Maryland. I gave brief remarks to high school students at annual event at Baltimore’s federal courthouse where students from Baltimore public high schools observe presentations from judges and attorneys and serve as jurors in mock trials. I have no notes, transcript, or recording. The address of the United States District Court is 101 West Lombard Street, Baltimore, Maryland 21201.

October 2013 (specific date unknown): Co-presenter, “Responding to Claims of Ineffective Assistance of Counsel,” Greenbelt, Maryland. I co-presented to a training of federal public defenders and panel attorneys about ways to respond to claims of ineffective assistance of counsel and on ethical ways to protect cooperating witnesses from harm while in custody. I have no notes, transcript, or recording. The address of the Federal Public Defender is 100 South Charles Street, Tower II, Ninth Floor, Baltimore, Maryland 21201.

August 12, 2013: Panelist, Jesuit Volunteer Corps (JVC) Orientation, Waynesboro, Pennsylvania. I shared thoughts about the topic of community involvement as a panelist at a JVC retreat. I have no notes, transcript, or recording. The Jesuit Volunteer Corps is headquartered at 801 Saint Paul Street,

2, Baltimore, Maryland 21202.

July 19, 2013: Speaker, Informal Lunch, United States District Court for the District of Maryland, Baltimore, Maryland. I made informal remarks and answered questions at a lunch for summer law clerks at the United States District Court. I have no notes, transcript, or recording. The address of the United States District Court is 101 West Lombard Street, Baltimore, Maryland 21201.

June 13, 2013: Speaker, Informal Lunch, Federal Public Defender for the District of Maryland, Baltimore, Maryland. I made informal remarks and answered questions about my career path at a lunch for law clerks and summer interns from the Federal Public Defender and United States Attorney's Office. I have no notes, transcript, or recording. The address of the Federal Public Defender is 100 South Charles, Tower II, Ninth Floor, Baltimore, Maryland 21201.

April 20, 2013: Presenter, Pre-Cana Retreat, Loyola University Maryland, Baltimore, Maryland, 2009 – 2014. My spouse and I spoke about marital communication and conflict resolution to engaged couples seeking to be married at Loyola University. I have no notes, transcript, or recording. The address of Loyola University Maryland is 4501 North Charles Street, Baltimore, Maryland 21210.

November 11, 2012: Panelist, "Careers in Criminal Law," University of Maryland Carey School of Law, Baltimore, Maryland. I spoke on a panel about careers in criminal law and answered questions. I have no notes, transcript, or recording. The address of the University of Maryland Carey School of Law is 500 West Baltimore Street, Baltimore, Maryland 21201.

October 16, 2012: Panelist, "Having it All, Balancing Work and Life as an Attorney," The Catholic University of America Columbus School of Law, Washington, DC. Notes supplied.

July 12, 2012: Speaker, Informal Lunch, Federal Public Defender for the District of Maryland, Baltimore, Maryland. I made informal remarks and answered questions about my career path at a lunch for law clerks and summer interns from the Federal Public Defender and United States Attorney's Office. I have no notes, transcript, or recording. The address of the Federal Public Defender is 100 South Charles, Tower II, Ninth Floor, Baltimore, Maryland 21201.

November 9, 2011: Panelist, "Careers in Criminal Law," University of Maryland Carey School of Law, Baltimore, Maryland. I spoke on a panel about careers in criminal law and answered questions. I have no notes, transcript, or recording. The address of the University of Maryland Carey School of Law is 500 West Baltimore Street, Baltimore, Maryland 21201.

July 8, 2011: Speaker, Informal Lunch, Federal Public Defender for the District

of Maryland, Baltimore, Maryland. I made informal remarks and answered questions about my career path at a lunch for law clerks and summer interns from the Federal Public Defender and United States Attorney's Office. I have no notes, transcript, or recording. The address of the Federal Public Defender is 100 South Charles, Tower II, Ninth Floor, Baltimore, Maryland 21201.

April 10, 2011: Presenter, Pre-Cana Retreat, Loyola University Maryland, Baltimore, Maryland, 2009 – 2014. My spouse and I spoke about marital communication and conflict resolution to engaged couples seeking to be married at Loyola University. I have no notes, transcript, or recording. The address of Loyola University Maryland is 4501 North Charles Street, Baltimore, Maryland 21210.

November 5, 2010: Participant, Open Doors Program, United States District Court for the District of Maryland, Baltimore, Maryland. I gave brief remarks to high school students about my career as a public defender at an annual event at Baltimore's federal courthouse where students from Baltimore public high schools observe presentations from judges and attorneys and serve as jurors in mock trials. I also served as a prosecutor in a mock trial. I have no notes, transcript, or recording. The address of the United States District Court is 101 West Lombard Street, Baltimore, Maryland 21201.

November 3, 2010: Speaker, University of Maryland Carey School of Law, Baltimore, Maryland. I spoke to law students about my experience as a public defender and answered questions. I have no notes, transcript, or recording. The address of the University of Maryland Carey School of Law is 500 West Baltimore Street, Baltimore, Maryland 21201.

August 5, 2010: Panelist, Jesuit Volunteer Corps (JVC) Closing Retreat, Waynesboro, Pennsylvania. I addressed the topic of community involvement after JVC. I have no notes, transcript, or recording. The Jesuit Volunteer Corps is headquartered at 801 Saint Paul Street # 2, Baltimore, Maryland 21202.

March 5, 2010: Guest Speaker, Lawrence Academy "Winterim" course entitled "The System," Washington, DC. I spoke to high school students about my experience as a public defender and about the criminal justice system and answered questions. I have no notes, transcript, or recording. The address of Lawrence Academy is 26 Powderhouse Road, Groton, Massachusetts 01450.

November 7, 2009: Presenter, Pre-Cana Retreat, Loyola University Maryland, Baltimore, Maryland, 2009 – 2014. My spouse and I spoke about marital communication and conflict resolution to engaged couples seeking to be married at Loyola University. I have no notes, transcript, or recording. The address of Loyola University Maryland is 4501 North Charles Street, Baltimore, Maryland 21210.

February 5, 2009: Speaker, University of Maryland Carey School of Law, Baltimore, Maryland. I spoke to law students about my experience as a public defender and answered questions. I have no notes, transcript, or recording. The address of the University of Maryland Carey School of Law is 500 West Baltimore Street, Baltimore, Maryland 21201.

March 20, 2007: Speaker, Mock Trial Team Practice, Eastern Technical High School, Essex, Maryland. I spoke to high school students about trial tactics and careers in the law, and answered questions. I have no notes, transcript, or recording. The address of Eastern Technical High School is 1100 Mace Avenue, Essex, Maryland 21221.

February 27, 2000: Speaker, Providence College "Milestones to the Millennium" Black Studies Program Annual Banquet, Providence, Rhode Island. I provided remarks about my experience in the Black Studies program. I have no notes, transcript, or recording, but press coverage is supplied. The address of Providence College is 1 Cunningham Square, Providence, Rhode Island 02918.

October 28, 1999: Remarks, Providence College Forum on Racism, Providence, Rhode Island. I gave remarks at an event addressing incidents of discrimination on campus. I have no notes, transcript, or recording, but press coverage is supplied. The address of Providence College is 1 Cunningham Square, Providence, Rhode Island 02918.

October 1999 (specific date unknown): Speaker, Providence College Student Congress, Providence, Rhode Island. I addressed the Student Congress regarding diversity issues on campus. I have no notes, transcript, or recording, but press coverage is supplied. The address of Providence College is 1 Cunningham Square, Providence, Rhode Island 02918.

March 1999 (specific date unknown): Presenter, "State of Community Service," Campus Outreach Opportunity League (C.O.O.L.) Annual Conference, Salt Lake City, Utah. I co-presented a workshop on the present and future state of thoughtful community service and civic engagement. I have no notes, transcript, or recording. C.O.O.L. has no physical address.

- 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.

Daniel Moore, *Judicial Profile*, Federal Bar Association Newsletter, Summer 2022. Copy supplied.

McKenna Oxenden, *35-year-old Baltimore man sentenced to 12½ years in prison for bank, convenience store armed robberies*, The Baltimore Sun, Feb. 24, 2020.

Copy supplied.

Ralph R. Ortega, *Man, 34, pleads guilty to creating the world's biggest darknet hosting service for child porn that allowed 7,700 users anonymous access to hundreds of thousands of images and videos*, Daily Mail Online, Feb. 7, 2020. Copy supplied.

Justin Fenton, *Baltimore man served time for having gun he says was planted by a corrupt city police officer. Now he wants his record cleared*, The Baltimore Sun, June 29, 2018. Copy supplied.

Jeré Longman, *Empty Seats in a Game Full of Meaning for Baltimore*, The New York Times, Apr. 30, 2015. Copy supplied (reprinted in multiple outlets).

Victoria Macchi, *Baltimore Residents Peacefully Observe Second Day of Curfew*, Voice of America, Apr. 30, 2015. Copy supplied (reprinted in multiple outlets).

Dan Gelston, *Outta Here: Fans locked out of old ballgame when Orioles-White Sox play in front of no fans*, Canadian Press, Apr. 29, 2015. Copy supplied (reprinted in multiple outlets).

David Steele, *No fans inside Camden Yards, but a few showed up anyway*, Sporting News, Apr. 29, 2015. Copy supplied (reprinted in multiple outlets).

Chris Korman, *Baltimore fans try to make sense of game from outside the stadium*, USA Today, Apr. 29, 2015. Copy supplied (reprinted in multiple outlets).

Scott Pelly and Chip Reid, *Today's Baltimore Orioles game with the Chicago White Sox was closed to fans*, CBS Evening News, Apr. 29, 2015. Transcript supplied.

Ian Duncan, *Baltimore Crime Beat: Officer sentenced to five years in tax scam, heroin case*, The Baltimore Sun, Feb. 7, 2014. Copy supplied.

Brendan Kearney, *Brotha Workout*, The Daily Record, Jan. 28, 2010. Copy supplied.

Jennifer Surface, *Warrants at issue in abuse trials*, Columbia Flier, Mar. 29, 2007. Copy supplied.

Brent Jones, *BSO Pricing Strikes a Chord; \$25 Seating Attracts Crowd at Meyerhoff Eager for Season*, The Baltimore Sun, Mar. 4, 2007. Copy supplied.

Fox 45 10:00 News, Baltimore, Maryland, 2007. I am unable to obtain a recording.

Robert Siegel, *Brendan Hurson, Julie Reddick, Elizabeth Carmichael and Brian Furlong discuss their work on the Arvinger case and what they hope to do once they finish law school*, NPR's All Things Considered, Dec. 15, 2004. Transcript supplied.

Michelle Norris, Robert Siegel, *Case of Walter Arvinger, who spent 36 years in prison for a murder he did not commit*, NPR's All Things Considered, Dec. 15, 2004. Transcript supplied.

Jenifer Levitz, *PC brochure photo at issue - To lure minority students, some colleges alter images*, The Providence Journal, Nov. 14, 2000. Copy supplied.

Alicia Nidetz, *World Bank protests; PC students participate in demonstrations against IMF*, The Cowl, Apr. 27, 2000. Copy supplied.

WPRO News, Providence Rhode Island, 2000. I am unable to obtain a recording.

D. Morgan McVicar, *Students protest lack of diversity at PC*, The Providence Journal, Feb. 17, 2000. Copy supplied.

Kristin DiQuollo, *Protest draws local media to campus*, The Cowl, Feb. 17, 2000. Copy supplied.

Elizabeth Waterfall, *Looking ahead: Five visions for PC's future*, The Cowl, Dec. 9, 1999. Copy supplied.

Kristin DiQuollo, *Over 90 march for diversity*, The Cowl, Nov. 11, 1999. Copy supplied.

Melissa Gage, *Swastikas spur concern; Campus reels from latest racial incident*, The Cowl, Oct. 28, 1999. Copy supplied.

Caylen Macera, *Unicco Workers Continue to Rally; No date set for new negotiations*, The Cowl, Mar. 25, 1999. Copy supplied.

Carrie Spiros and M.F. Stauff, *Students Protest on Huxley*, The Cowl, Feb. 4, 1999. Copy supplied.

Ken Martin, *Athletic Rally Takes On Positive Tone*, The Cowl, Oct. 29, 1998. Copy supplied.

Janelle McDonald, *UT students debate relevance of being politically correct*, The Daily Texan, Mar. 6, 1998. Copy supplied.

Marc Duchon, *UT must attempt to bring more prominent speakers*, The Daily

Texan, Nov. 14, 1997. Copy supplied.

Editorial Staff, *Election Guide '97*, The Daily Texan, Feb. 24, 1997. Copy supplied.

Mike Carr, *3 arrested protesting KKK rally in San Antonio*, The Daily Texan, July 1, 1996. 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.

The District Judges of the United States District Court for the District of Maryland appointed me in February 2022 to serve as a United States magistrate judge. The District Court has jurisdiction over civil matters raising federal questions, civil matters with diversity of citizenship, and federal criminal matters. As a United States magistrate judge, my jurisdiction is governed by 28 U.S.C. § 636. I preside over all aspects of civil lawsuits by consent of the parties, decide civil discovery disputes and motions referred to me by district judges, and conduct settlement conferences in civil cases assigned to other district and magistrate judges. I also coordinate the District of Maryland's Social Security appeals docket. I preside over preliminary criminal proceedings, including initial appearances, detention hearings, arraignments, and attorney inquiry hearings. I preside over all proceedings involving federal misdemeanor offenses. I also review applications for search and arrest warrants, pen registers and trap and trace devices, and other miscellaneous criminal orders.

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

One.

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

jury trials:	100%
bench trials:	0%

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

civil proceedings:	100%
criminal proceedings:	0%

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

Orlando M. v. Kijakazi, No. 22-1585-BAH, 2023 WL 2561221 (D. Md. Mar. 17, 2023).

Candace V.-R v. Kijakazi, No. 22-1359-BAH, 2023 WL 2500353 (D. Md. Mar. 14, 2023).

XL Specialty Ins. Co. v. Bighorn Constr. & Reclamation, LLC, No. 21-3068-BAH, 2023 WL 2499855 (D. Md. Mar. 14, 2023).

Rebecca C. v. Kijakazi, No. 22-0609-BAH, 2023 WL 2500288 (D. Md. Mar. 14, 2023).

Renard P. v. Kijakazi, No. 22-975-BAH, 2023 WL 2374975 (D. Md. Mar. 6, 2023).

Yonas A. v. Kijakazi, No. 22-775-BAH, 2023 WL 2264643 (D. Md. Feb. 28, 2023).

Melissa B. v. Kijakazi, No. 22-661-BAH, 2023 WL 2307146 (D. Md. Feb. 28, 2023).

Terry Q. v. Kijakazi, No. 22-943-BAH, 2023 WL 2036751 (D. Md. Feb. 16, 2023).

Laura G. v. Kijakazi, No. 22-1380-BAH, 2023 WL 1865618 (D. Md. Feb. 9, 2023).

Audlica D. v. Kijakazi, No. 22-1046-BAH, 2023 WL 1769665 (D. Md. Feb. 3, 2023).

Kaitlyn R. v. Kijakazi, No. 22-1010-BAH, 2023 WL 1419629 (D. Md. Jan. 31, 2023).

Jackie T. v. Kijakazi, No. 22-1309-BAH, 2023 WL 1424573 (D. Md. Jan. 30, 2023).

Christopher V. v. Kijakazi, No. 22-828-BAH, 2023 WL 1070541 (D. Md. Jan. 26, 2023).

Tracey M. v. Kijakazi, No. 22-0967-BAH, 2023 WL 206937 (D. Md. Jan. 17, 2023).

Melissa J. v. Kijakazi, No. 22-1003-BAH, 2023 WL 206686 (D. Md. Jan. 13, 2023).

Andrew E. v. Kijakazi, No. 22-1348-BAH, 2023 WL 144763 (D. Md. Jan. 10, 2023).

William C. v. Kijacki, No. 21-02768-BAH, 2022 WL 17850362 (D. Md. Dec. 22, 2022).

Victor F. v. Kijacki, No. 22-00359-BAH, 2022 WL 17822687 (D. Md. Dec. 20, 2022).

Valerie S. v. Kijakazi, No. 22-0916-BAH, 2022 WL 17822658 (D. Md. Dec. 19, 2022).

Donald W. v. Kijakazi, No. 21-2869-BAH, 2022 WL 17812742 (D. Md. Dec. 19, 2022).

Jennifer F. v. Kijakazi, No. 22-209-BAH, 2022 WL 17584916 (D. Md. Dec. 12, 2022).

Flaubert M. v. Kijakazi, No. 21-3141-BAH, 2022 WL 17540366 (D. Md. Dec. 8, 2022).

Millard B. v. Kijakazi, No. 21-2761-BAH, 2022 WL 17456053 (D. Md. Dec. 6, 2022).

Erini F. v. Kijakazi, No. 22-577-BAH, 2022 WL 17405160 (D. Md. Dec. 1, 2022).

Timothy S. v. Kijakazi, No. 21-3056-BAH, 2022 WL 17253756 (D. Md. Nov. 28, 2022).

Angela B. v. Kijakazi, No. 21-3181-BAH, 2022 WL 17251227 (D. Md. Nov. 28, 2022).

XL Specialty Ins. Co. v. Bighorn Constr. & Reclamation, LLC, No. 21-3068-BAH, 2022 WL 17177650 (D. Md. Nov. 23, 2022).

Michael C. v. Kijakazi, No. 22-392-BAH, 2022 WL 17094936 (D. Md. Nov. 21, 2022).

Tiara A. v. Kijakazi, No. 22-00097-BAH, 2022 WL 17094933 (D. Md. Nov. 21, 2022).

Dorothy B. v. Kijakazi, No. 21-3307-BAH, 2022 WL 16964804 (D. Md. Nov. 16, 2022).

Maxine C. v. Kijakazi, No. 22-0528-BAH, 2022 WL 16856272 (D. Md. Nov. 10, 2022).

Catisha W. v. Kijakazi, No. 21-1567-BAH, 2022 WL 16839564 (D. Md. Nov. 9,

2022).

Krystal M. v. Kijakazi, No. 21-2929-BAH, 2022 WL 16701171 (D. Md. Nov. 3, 2022).

Roger B. v. Kijakazi, No. 21-2888-BAH, 2022 WL 16701201 (D. Md. Nov. 3, 2022).

Orion G. v. Kijakazi, No. 21-2425-BAH, 2022 WL 16541285 (D. Md. Oct. 28, 2022).

Michael C. v. Kijakazi, No. 22-0029-BAH, 2022 WL 13945281 (D. Md. Oct. 24, 2022).

Walter G. v. Kijakazi, No. 21-2400-BAH, 2022 WL 12036530 (D. Md. Oct. 20, 2022).

Mary O. v. Kijakazi, No. 21-2797-BAH, 2022 WL 12039528 (D. Md. Oct. 20, 2022).

Shawn S. v. Kijakazi, No. 21-3180-BAH, 2022 WL 6200648 (D. Md. Oct. 7, 2022).

Cassandra P. v. Kijakazi, No. 21-3109-BAH, 2022 WL 5247186 (D. Md. Oct. 6, 2022).

Temescal Wellness of Maryland, LLC v. Emp. Tools & Sols., Inc., No. 20-3650-JRR, 2022 WL 4969305 (D. Md. Oct. 3, 2022).

Sherie W. v. Kijakazi, No. 22-0100-BAH, 2022 WL 4551965 (D. Md. Sept. 29, 2022).

Njoroge v. PrimaCare Partners, LLC, No. 22-0425-BAH, 2022 WL 4465894 (D. Md. Sept. 26, 2022).

Roshelle S. B. v. Kijakazi, No. 21-2842-BAH, 2022 WL 4448924 (D. Md. Sept. 23, 2022).

Holman v. Greyhound Lines, Inc., No. 21-0112-BAH, 2022 WL 4368148 (D. Md. Sept. 20, 2022).

Davis v. Kim, No. 19-3605-BAH, 2022 WL 4290574 (D. Md. Sept. 16, 2022).

Gideon T. v. Kijakazi, No. 21-2843-BAH, 2022 WL 4290716 (D. Md. Sept. 16, 2022).

Robert S. v. Kijakazi, No. 21-0927-BAH, 2022 WL 4236583 (D. Md. Sept. 13, 2022).

William B. v. Kijakazi, No. 21-2350-BAH, 2022 WL 4120767 (D. Md. Sept. 9, 2022).

Janice M. v. Kijakazi, No. 21-1715-BAH, 2022 WL 4120790 (D. Md. Sept. 9, 2022).

Towanna G. v. Kijakazi, No. 21-1711-BAH, 2022 WL 4017417 (D. Md. Sept. 2, 2022).

April J. v. Kijakazi, No. 21-1584-BAH, 2022 WL 4017381 (D. Md. Sept. 2, 2022).

Shannon P. v. Kijakazi, No. 21-1404-BAH, 2022 WL 3994460 (D. Md. Sept. 1, 2022).

Orion G. v. Kijakazi, No. 21-2425-BAH, 2022 WL 3986783 (D. Md. Sept. 1, 2022).

Theresa C. v. Kijakazi, No. 21-2026-BAH, 2022 WL 3649965 (D. Md. Aug. 24, 2022).

Lisa N. v. Kijakazi, No. 21-1486-BAH, 2022 WL 3587809 (D. Md. Aug. 22, 2022).

Casey S. v. Kijakazi, No. 21-2014-BAH, 2022 WL 3579588 (D. Md. Aug. 19, 2022).

Beth Ann O. v. Kijakazi, No. 21-1877-BAH, 2022 WL 3360277 (D. Md. Aug. 15, 2022).

Lashar W. v. Kijakazi, No. 21-2331-BAH, 2022 WL 3215099 (D. Md. Aug. 9, 2022).

Karen O. v. Kijakazi, No. 21-0626-BAH, 2022 WL 2954783 (D. Md. July 26, 2022).

Michelle A. v. Kijakazi, No. 21-1200-BAH, 2022 WL 2918143 (D. Md. July 25, 2022).

Abdul K. v. Kijakazi, No. 21-2434-BAH, 2022 WL 2789363 (D. Md. July 15, 2022).

Clinton H. v. Kijakazi, No. 21-2310-BAH, 2022 WL 2793049 (D. Md. July 15,

2022).

April K. v. Kijakazi, No. 21-1538-BAH, 2022 WL 2793048 (D. Md. July 15, 2022).

Elizabeth T. v. Kijakazi, No. 21-1046-BAH, 2022 WL 2649055 (D. Md. July 8, 2022).

Sherie S. v. Kijakazi, No. 21-1032-BAH, 2022 WL 2649093 (D. Md. July 8, 2022).

Catisha W. v. Kijacki, No. BAH-21-1567, 2022 WL 2483582 (D. Md. July 6, 2022).

XL Specialty Ins. Co. v. Bighorn Constr. & Reclamation, LLC, No. 21-3068-BAH, 2022 WL 2105925 (D. Md. June 10, 2022).

Joseph J. v. Kijakazi, No. 21-2194-BAH, 2022 WL 2069283 (D. Md. June 8, 2022).

Lori S. v. Kijakazi, No. 21-2034-BAH, 2022 WL 1721192 (D. Md. May 27, 2022).

Holman v. Greyhound Lines, Inc., No. 21-112-BAH, 2022 WL 1720152 (D. Md. May 27, 2022).

Lavera C. v. Kijakazi, No. 21-2341-BAH, 2022 WL 1693537 (D. Md. May 26, 2022).

Andrew D. v. Kijakazi, No. 21-2104-BAH, 2022 WL 1462889 (D. Md. May 9, 2022).

Shayna R. v. Kijakazi, No. 21-1803-BAH, 2022 WL 1239876 (D. Md. Apr. 27, 2022).

Cheryl M. v. Kijakazi, No. 21-1974-BAH, 2022 WL 1174740 (D. Md. Apr. 19, 2022).

Topp v. James River Ins. Co., No. 20-1822-BAH, 2022 WL 1127903 (D. Md. Apr. 15, 2022).

Freda T. v. Saul, No. 21-1630-BAH, 2022 WL 1122831 (D. Md. Apr. 14, 2022).

Clara M. v. Kijakazi, No. 20-2581-BAH, 2022 WL 903457 (D. Md. Mar. 28, 2022).

- 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. *United States v. Pitts*, 22-mj-02306-BAH and 22-300-GLR (D. Md. Nov. 23, 2022) (ECF # 69) (Opinion supplied).

Mr. Pitts is charged with sex trafficking of a minor in violation of 18 U.S.C. § 1591 and related offenses. I signed the criminal complaint in the case and handled preliminary matters related to detention. Mr. Pitts was ultimately indicted. After a detention hearing pursuant to 18 U.S.C. § 3142, I ordered that Mr. Pitts be detained pending trial due to, among other factors, substantiated allegations of witness intimidation and the nature and circumstances of the offense charged. Mr. Pitts filed a motion to reopen his detention hearing pursuant to 18 U.S.C. § 3142(f) or, in the alternative, for temporary release under 18 U.S.C. § 3142(i). I issued a written opinion denying both requests for a variety of factors including substantiated allegations that Mr. Pitts was contacting potential witnesses while in custody. The case remains pending.

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2. *Temescal Wellness of Maryland, LLC v. Emp. Tools & Sols., Inc.*, No. 20-3650-JRR, 2022 WL 4969305 (D. Md. Oct. 3, 2022).

The plaintiff filed a lawsuit alleging that the defendants engaged in a fraudulent scheme to steal payroll funds designated for the benefit of the plaintiff's employees. The plaintiff sought default judgment against one defendant who failed to answer the complaint. The plaintiff also sought an award of attorney's fees. The matter was assigned to me by District Judge Julie Rubin for a report and recommendation and, if necessary, a hearing on damages. I recommended that Judge Rubin deny the motion without prejudice for several reasons including that the plaintiff failed to justify an order of damages in excess of what was demanded in the plaintiff's complaint and also failed to articulate why an award of attorney's fees was appropriate. Judge Rubin adopted the report and recommendation without objection from the plaintiff. The case remains pending.

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None

3. *Njoroge et al. v. PrimaCare Partners, LLC, et al.*, No. 22-0425-BAH, 2022 WL 4465894 (D. Md. Sept. 26, 2022).

The plaintiffs worked for a company that provides in-home care for elderly clients. All plaintiffs were employed as caregivers, some as hourly employees and some as live-in caregivers. The plaintiffs filed a lawsuit against their employer and related parties alleging violations of the Fair Labor Standards Act (FLSA) and similar Maryland labor laws claiming that the defendants engaged in minimum wage, overtime, and recordkeeping violations. The plaintiffs filed a motion for conditional certification of a collective action of caregivers employed by the defendants. The defendants opposed the motion. I wrote an opinion holding that the plaintiffs had shown that they and other potential plaintiffs are similarly situated and thus I deemed conditional certification to be proper. I approved notice to be sent to potential additional plaintiffs. The case remains pending.

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4. *Davis v. Kim et al.*, No. 19-3605-BAH, 2022 WL 4290574 (D. Md. Sept. 16, 2022).

This case stemmed from a physical altercation between the plaintiff and the employees of a liquor store in Prince George's County, Maryland. Officers from the Prince George's County Police Department (PGPD) responded and the plaintiff was handcuffed, detained, and issued a citation for disorderly conduct. After that citation was dismissed, the plaintiff sued the liquor store, its employees, PGPD, and several PGPD officers, alleging a variety of state tort law claims and violations of constitutional rights. After nearly all parties filed motions for summary judgement or dismissal, I wrote an opinion granting relief in favor of the defendant officers. I ruled that dismissal against the specific officers was appropriate because the plaintiff had failed to prove service of process. I granted summary judgment in favor of the liquor store employees on the 18 U.S.C. § 1983 claims because the plaintiff had failed to allege that the liquor store employees were state actors. I also granted summary judgment on the 42 U.S.C. § 1983 claim against the PGPD because the plaintiff had failed to properly allege liability in accordance with *Monell v. Dep't of Soc. Servs. of City of N.Y.*, 436 U.S. 658, 694 (1978). Having dismissed all claims over which the federal court had original jurisdiction, I exercised my discretion to remand the remaining state law claims to state court. The case is now closed.

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5. *Holman v. Greyhound Lines, Inc.*, No. 21-112-BAH, 2022 WL 1720152 (D. Md. May 27, 2022); 2022 WL 4368148 (D. Md. Sept. 20, 2022).

This case stemmed from a bus accident on an interstate highway in Maryland. The plaintiff was a passenger on a bus operated by a co-defendant (Greyhound) that was allegedly travelling above the posted speed limit. An 18-wheel tractor trailer owned and operated by a co-defendant (Just On Time) changed lanes into the path of the bus. The bus swerved to avoid a collision with the tractor trailer and left the roadway, causing injuries to the plaintiff. The parties filed multiple motions in the case including Just On Time's challenge to a settlement reached between the plaintiff and Greyhound, multiple motions to dismiss various counts and cross-claims, a motion for sanctions, and motions related to discovery. In a memorandum opinion, I held that the settlement comported with the Maryland Uniform Contribution Among Joint Tortfeasors Act and thus, given the settlement between Greyhound and the plaintiff, several claims and cross-claims must be dismissed. I also held that Just On Time lacked standing to challenge the settlement agreement between the plaintiff and Greyhound. I denied the request for sanctions. Following my ruling, Greyhound was dismissed from the action by the plaintiff. After ordering additional briefing, I entered another opinion addressing the discovery disputes.

Following the dismissal of Greyhound, additional passengers on the bus at the time of the incident sought to intervene in the case. Just On Time opposed the request. I wrote an opinion applying Federal Rule of Civil Procedure 24 and ultimately denying the request to intervene because it was untimely. The plaintiff has now settled its claims against all parties in the case for an undisclosed sum and the case is closed.

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6. *Clinton H. v. Kijakazi*, No. 21-2310-BAH, 2022 WL 2793049 (D. Md. July 15, 2022).

This case was an appeal of a denial of benefits by the Social Security Administration (SSA). The plaintiff moved to remand the matter back to the SSA on the ground that the defendant erroneously assessed the plaintiff's ability to perform work-related tasks. I reviewed the voluminous administrative record, applied relevant precedent, and determined that substantial evidence did not exist

to support the defendant's determination that despite the plaintiff's limitations, the plaintiff could perform several jobs available in the national economy. I remanded the matter to the SSA for further proceedings. Neither party appealed the decision, and the case is now closed.

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7. *XL Specialty Ins. Co. v. Bighorn Constr. & Reclamation, LLC*, No. 21-3068-BAH, 2022 WL 17177650 (D. Md. Nov. 23, 2022); 2022 WL 2105925 (D. Md. June 10, 2022); 2023 WL 2499855 (D. Md. Mar. 14, 2023).

This case stemmed from a dispute between the plaintiff, an insurance company that issues performance and payment bonds on behalf of construction contractors, and the defendants, eight corporations and three individuals involved in the construction business. The case centered on two construction projects involving the defendants, who entered into agreements to perform work on both projects and retained multiple subcontractors and vendors to complete that work. The defendants were required to secure payment and performance bonds, which they did through an agreement with the plaintiff. When the defendants allegedly stopped working on both projects and failed to pay multiple subcontractors and other vendors, the plaintiff received notices of claims against the bonds it issued. The plaintiff alleged that defendants breached its bond agreement obligations when the defendants allegedly failed to deposit collateral with the plaintiff upon the plaintiff's demand. The plaintiff also alleged that the defendants failed to provide the plaintiff with access to the defendants' financial statements, books, records, and accounts. I wrote an opinion granting a motion for a preliminary injunction by applying the factors outlined in *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7 (2008). The plaintiff later moved for summary judgment on all but one count. I applied New York law and wrote another opinion finding that the plaintiff was entitled to judgment as a matter of law on five of the six claims for which it moved for summary judgment. I ruled that the final claim seeking *quia*

timet relief was moot. I ordered the defendants to deposit collateral and indemnify the plaintiff pursuant to the terms of the indemnity agreement. I also ordered that the defendants must permit inspection of their books and records. The plaintiff ultimately dismissed the remaining claim. The case was closed. The plaintiff recently filed a motion for post-judgment discovery, which I granted by written opinion.

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8. *Ovations Food Services, L.P. v. MD Acad. of Sciences*, 21-2838-BAH (D. Md. June 3, 2022).

This case stemmed from a contract dispute. The plaintiff provides food management services to large entertainment facilities across the country. The plaintiff entered into a contract with the defendant, a Maryland museum, granting the plaintiff an exclusive license to manage and operate the food and beverage, concessions, and catering services at the museum. The agreement was amended several times. The plaintiff alleged that the defendant ultimately breached the agreement and caused the plaintiff significant losses. The plaintiff sued in federal court alleging breach of contract and unjust enrichment. The defendant filed a counterclaim alleging that the plaintiff had breached the terms of the agreement. The case was assigned to me for trial. I wrote two letter orders addressing discovery disputes related to requests for protective orders and extensions to the discovery deadlines. After these discovery disputes were decided, the matter settled, and the case was closed.

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9. *Topp v. James River Ins. Co.*, No. 20-1822-BAH, 2022 WL 1127903 (D. Md. Apr. 15, 2022).

This case stemmed from a car accident in which the plaintiff was injured when the ride-sharing vehicle he was a passenger in was struck by another car. The plaintiff sued James River Insurance Company for allegedly breaching its contract to provide the plaintiff with underinsured motorist coverage. The case was assigned to me for trial. I decided motions *in limine* addressing the admissibility of evidence of the plaintiff's partial leg and toe amputations, evidence that the plaintiff had filed multiple prior lawsuits, evidence related to any other injuries and illnesses suffered by the plaintiff that were not alleged to be caused by the accident at issue, evidence of any prior automobile accidents involving the plaintiff, and evidence regarding the plaintiff's receipt of Social Security Disability Insurance Benefits. After a jury trial over which I presided, the jury awarded the plaintiff \$300,000 in past medical expenses and non-economic damages. The case is now closed.

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10. *Whitman, Reguardt & Associates L.L.P. v. ARGO Systems, LLC et al.*, 21-2107-BAH (D. Md. Mar. 23, 2022) (ECF #'s 38 and 45) (Opinions supplied).

This case stems from a subcontract between the plaintiff and a co-defendant. The co-defendant was awarded a project on Fort Meade, Maryland, and secured a performance bond from another co-defendant pledging to indemnify the United States government if issues arose preventing the completion of the project. The plaintiff and another co-defendant entered into an agreement for the plaintiff to provide architectural and engineering designs for the project. The plaintiff allegedly began performing services pursuant to that agreement but was not paid for that work. The plaintiff sued in federal court alleging a breach of the performance bond, breach of contract, and, in the alternative, unjust enrichment/*quantum meruit*. One co-defendant filed a counterclaim alleging breach of contract. The case was assigned to me for trial.

I wrote two letter orders addressing various disputes related to the disclosure of expert witnesses. The first opinion addressed what was effectively a motion to strike an expert designation pursuant to Fed. R. of Civ. P. 37(c)(1). I applied the factors outline in *Southern States Rack & Fixture, Inc. v. Sherwin-Williams Co.*, 318 F.3d 592 (4th Cir. 2003) and held that a short extension to discovery deadlines was the appropriate remedy. I later wrote a second order addressing a motion for leave to serve a Fed. R. Civ. P. 26(a)(2) expert report outside of the time prescribed in an amended scheduling order. I granted the motion for multiple reasons, including the fact that the report had already been disclosed and because prejudice to the objecting party was minimal. The parties recently settled the case after a mediation and the matter is closed.

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

1. *United States v. Pitts*, 22-300-GLR (D. Md. Nov. 23, 2022) (ECF # 69) (Order previously supplied in response to Question 13c).

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(410) 962-3962

2. *XL Specialty Ins. Co. v. Bighorn Constr. & Reclamation, LLC*, No. 21-3068-BAH, 2022 WL 17177650 (D. Md. Nov. 23, 2022).

Counsel for Plaintiff:

Kevin S. Brotspies
Trif and Modugno, LLC
89 Headquarters Plaza North Tower, Suite 1201
Morristown, NJ 07960
(973) 547-3611

Counsel for Defendant:

Thurman W. Zollicoffer, Jr.
Nelson, Mullins, Riley, and Scarborough, LLP
100 South Charles Street, Suite 1600
Baltimore, MD 21201
(443) 392-9419

3. *Temescal Wellness of Maryland, LLC v. Emp. Tools & Sols., Inc.*, No. 20-3650-JRR, 2022 WL 4969305 (D. Md. Oct. 3, 2022).

Counsel for Plaintiff:

Leslie David Hershfield
Schulman, Hershfield, and Gildea, PA
One East Pratt Street, Suite 904
Baltimore, MD 21202
(410) 332-0850

Counsel for Defendants:

None

4. *Njoroge et al. v. PrimaCare Partners, LLC, et al.*, No. 22-0425-BAH, 2022 WL 4465894 (D. Md. Sept. 26, 2022).

Counsel for Plaintiffs:

Stephen B. Lebau
Devan Michael Wae Wang
Lebau and Neuworth, LLC
606 Baltimore Avenue, Suite 201
Baltimore, MD 21204
(410) 296-3030

Counsel for Defendants:

Emmett F. McGee, Jr.
Yedidyah Charner
Jackson Lewis, PC
2800 Quarry Lake Drive, Suite 200
Baltimore, MD 21209
(410) 415-2000

Tony William Torain, Jr.
Polsinelli, PC
1401 Eye Street, Northwest, Suite 800

Washington, DC 20005
(202) 626-8378

5. *Holman v. Greyhound Lines, Inc.*, No. 21-112-BAH, 2022 WL 4368148 (D. Md. Sept. 20, 2022).

Counsel for Plaintiff:

Alan Joseph Mensh
Ashcraft and Gerel
120 East Baltimore Street, Suite 1802
Baltimore, MD 21202
(410) 385-3280

Marc S. Albert
Law Offices of Marc S. Albert
32-72 Steinway Street
Astoria, NY 11103
(347) 472-5080

Counsel for Intervenor Plaintiffs:

Joshua Graeme Whitaker
Adelphi, LLP
2306 Wineberry Terrace
Baltimore, MD 21209
(301) 755-3874

Counsel for Defendants:

Matthew Mawn Davey
Elizabeth Durham Cardona
Kiernan Trebach, LLP
1233 20th Street, Northwest, Eighth Floor
Washington, DC 20036
(202) 712-7000

Scarlett Marcella Corso
Andrew T. Stephenson
Franklin and Prokopik
2 North Charles Street, Suite 600
Baltimore, MD 21201
(410) 230-2973

6. *Davis v. Kim et al.*, No. 19-3605-BAH, 2022 WL 4290574 (D. Md. Sept. 16, 2022).

Counsel for Plaintiff:

Christina J. Bostick
The Law Office of Christina J. Bostick
9520 Berger Road, Suite 212
Columbia, MD 21046
(855) 267-8425

Counsel for Defendants:

Brittany Elise DeVries
Robert B Hetherington
McCarthy Wilson, LLP
2200 Research Boulevard, Suite 500
Rockville, MD 20850
(301) 762-7770

Shelley Lynn Johnson
Prince George's County Office of Law
Wayne K. Curry Administration Building
1301 McCormick Drive, Suite 4100
Largo, MD 20774
(301) 952-5225

7. *XL Specialty Ins. Co. v. Bighorn Constr. & Reclamation, LLC*, No. 21-3068-BAH, 2022 WL 2105925 (D. Md. Jun. 10, 2022).

Counsel for Plaintiff:

Kevin S. Brotspies
Trif and Modugno, LLC
89 Headquarters Plaza North, Tower Suite 1201
Morristown, NJ 07960
(973) 547-3611

Counsel for Defendant:

Thurman W. Zollicoffer, Jr.
Nelson, Mullins, Riley, and Scarborough, LLP
100 South Charles Street, Suite 1600
Baltimore, MD 21201
(443) 392-9419

8. *Holman v. Greyhound Lines, Inc.*, No. 21-112-BAH, 2022 WL 1720152 (D. Md. May 27, 2022).

Counsel for Plaintiff:

Alan Joseph Mensh
Ashcraft and Gerel
120 East Baltimore Street, Suite 1802
Baltimore, MD 21202
(410) 385-3280

Marc S. Albert
Law Offices of Marc S. Albert
32-72 Steinway Street
Astoria, NY 11103
(347) 472-5080

Counsel for Intervenor Plaintiffs:

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Adelphi, LLP
2306 Wineberry Terrace
Baltimore, MD 21209
(301) 755-3874

Counsel for Defendants:

Matthew Mawn Davey
Elizabeth Durham Cardona
Kiernan Trebach, LLP
1233 20th Street, Northwest, Eighth Floor
Washington, DC 20036
(202) 712-7000

Scarlett Marcella Corso
Andrew T. Stephenson
Franklin and Prokopik
2 North Charles Street, Suite 600
Baltimore, MD 21201
(410) 230-2973

9. *Topp v. James River Ins. Co.*, No. 20-1822-BAH, 2022 WL 1127903 (D. Md. Apr. 15, 2022).

Counsel for Plaintiff:

Jason R. Goren
Slocumb Law Firm, LLC

1225 Eye Street, Northwest, Suite 550A
Washington, DC 20005
(202) 737-4141

Charles Walker Beene
Slocumb Law Firm
145 East Magnolia Avenue, Suite 201
Auburn, AL 36830
(334) 741-4110

Counsel for Defendant:

Frank F. Daily, III
Sarah A Zadrozny
Law Offices of Frank F. Daily, PA
Executive Plaza Building III
11350 McCormick Road, Suite 704
Hunt Valley, MD 21031
(410) 584-9443

10. *Whitman, Requardt & Associates L.L.P. v. ARGO Systems, LLC et al.*, 21-2107-BAH (D. Md. March 23, 2022) (ECF # 38) (Opinion previously supplied in response to Question 13c).

Counsel for Plaintiff:

Jonathan C. Shoemaker
Lee/Shoemaker, PLLC
1400 Eye Street, Northwest, Suite 200
Washington, DC 20005
(202) 971-9400

Counsel for Defendants:

Stephen B. Stern
Kagan, Stern, Marinello, and Beard, LLC
238 West Street
Annapolis, MD 21401
(410) 216-7900

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

Upon searching legal databases, I did not find any of my cases in which certiorari has been requested or granted in any of my cases.

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.

Upon searching legal databases, I did not find any such cases.

- 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.

I have issued many written decisions resolving non-dispositive and dispositive matters. To my knowledge, all of these decisions are unpublished. However, all of my decisions are available on the District of Maryland's electronic case management system (ECF/CM), which is accessible to the public. My formal memorandum opinions are available electronically on Westlaw and LexisNexis.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have not written any significant opinions on state or federal constitutional issues.

- 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 ensure that no conflict of interest exists before I preside over any matter. Like all judges in my district, I maintain with the clerk's office a list of attorneys, companies, individuals, or organizations with whom I have family business relationships or close personal friendships. The clerk's office relies on this list to "automatically" screen for conflicts of interest before assigning any matter to me. Additionally, before I preside over any criminal or civil matter, the clerk's office, as well as my staff and I, screen for conflicts of interest. In criminal cases, if I personally represented a defendant in the past or the Office of the Federal Public Defender was appointed to represent the defendant in the matter while I worked at the office, I recuse myself. Recusals of this kind occur without written order. Generally, I advise the Chief Magistrate Judge about the conflict and request that the case be assigned to, or the proceeding handled by, another magistrate judge. Sometimes I simply ask an available colleague if they can preside over the matter. I do not keep a record of these situations.

I have never been asked by a party or litigant to recuse myself from a criminal or civil case.

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.

None.

- 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.

None.

16. Legal Career: Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
 - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a law clerk to the Honorable Margaret B. Seymour of the United States District Court for the District of South Carolina from 2005 to 2006.

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

I have never 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;

2006 – 2007

Schulman, Hershfield, and Gilden, PA
(formerly Schulman, Treem, Kaminkow, Gilden, and Ravenell, PA)
401 East Pratt Street, Suite 1800
Baltimore, Maryland 21202
Associate

2007 – 2017; 2018 – 2022

Office of the Federal Public Defender for the District of Maryland
100 South Charles Street, Tower II, Ninth Floor
Baltimore, Maryland 21201
Senior Litigation Counsel (2015 – 2016; 2019 – 2022)
Assistant Federal Public Defender (2007 – 2015; 2019 – 2020)

2017 – 2018

Office of the Federal Public Defender for the Virgin Islands
1336 De Beltjen Road, Suite 202
Saint Thomas, Virgin Islands 00802
Assistant Federal Public Defender

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

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

b. Describe:

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

Upon completion of my federal clerkship in 2006, I accepted a position as an associate at small law firm in Baltimore. While there, I assisted

partners and senior associates in a variety of civil and criminal litigation matters by preparing for depositions, answering and drafting interrogatories, reviewing discovery, drafting motions and sentencing memoranda, reviewing contracts, and preparing for trials and motions hearings.

In November 2007, I joined the Office of the Federal Public Defender in Baltimore as a trial attorney. I was later promoted to Senior Litigation Counsel. In both roles I defended individuals charged with federal felony and misdemeanor offenses beginning at their initial appearance and continuing through their sentencing, if one occurred. I also represented a few clients prior to indictment. I tried many cases to verdict and handled several appeals. I also handled numerous evidentiary hearings, argued motions, and represented clients at hundreds of sentencings. I appeared in state courts across Maryland on post-conviction and probation matters related to my clients' federal matters. From January 2017 through October 2018, I served in a similar role in the United States Virgin Islands before returning to Maryland's Federal Public Defender to resume my service in a trial attorney position.

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

The clients of the small firm where I worked included individuals, small businesses, and small to mid-sized corporations.

As a public defender, I represented criminal defendants who lacked the means to hire private counsel. My area of specialty was federal criminal defense.

- 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, my practice was exclusively devoted to litigation and I frequently appeared in court. As a federal public defender, I appeared in court at least monthly, and often several times a week. I tried 18 federal cases to verdict or a mistrial after a hung jury or a motion by the defense. I litigated substantive motions in close to 40 federal cases. I also represented clients on three direct appeals and two interlocutory appellate matters. I advocated on behalf of clients in state court across Maryland in matters related to their federal cases. I also represented clients in numerous alleged probation and supervised release violation matters.

- 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: 5%
- 2. criminal proceedings: 95%

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

I tried approximately 18 trials to a verdict or a mistrial due to a hung jury or on a motion by the defense (16 jury trials and two bench trials). Another trial I assisted in settled while the jury was deliberating. In 10 trials, I was either chief or sole counsel. In nine trials, I was associate counsel.

i. What percentage of these trials were:

- 1. jury: 90%
- 2. non-jury: 10%

- 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.

United States v. Aidoo, 670 F.3d 600 (4th Cir. 2012), *cert. denied*, 568 U.S. 1017 (2012) (petition for certiorari, 2010 WL 4281320; reply brief, 2011 WL 233934).

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

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

1. *United States v. Heckstall*, 18-587-RDB (D. Md.).

Mr. Heckstall was charged with possession with the intent to distribute heroin and fentanyl. His case began when he was pursued by police after leaving a known drug “stash-house” in Baltimore carrying a small black bag. Mr. Heckstall tossed the bag while running from officers and was arrested. The bag was located and found to contain illegal drugs in a quantity indicative of distribution. Mr. Heckstall qualified as a “career offender,” a designation under the United States Sentencing Guidelines that raises the recommended punishment for offenders with certain types of prior convictions who are convicted of narcotics charges. Mr. Heckstall, who suffered from a debilitating addiction to narcotics, was released prior to trial to participate in an inpatient drug treatment program.

I worked with Mr. Heckstall’s care providers and frequently visited him at his treatment program. Mr. Heckstall graduated to an intensive outpatient drug treatment program, ultimately becoming a mentor to new participants in that program. After negotiating a plea agreement with the government, I presented Mr. Heckstall’s history to the presiding judge in both a lengthy written submission and through allocution at sentencing. Mr. Heckstall was sentenced to time served and a three-year period of supervised release.

Dates of Representation: 2018 – 2020

Judge and Court: The Hon. Richard D. Bennet, United States District Court for the District of Maryland

Opposing Counsel:

Jeffrey M. Hann
Maryland Alcohol and Tobacco Commission
P.O. Box 2394
80 Calvert Street, Room 310
Annapolis, MD 21404
(667) 260-7133

2. *United States v. James*, Case No. 15-cr-0042-CVG, 2017 WL 4873496 (D.V.I. Oct. 26, 2017), *aff’d*, 888 F. 3d 42 (3d Cir. 2018).

Mr. James, a former senator in the Virgin Islands Legislature, was charged with wire fraud offenses related to the alleged misuse of government funds. Mr. James was accused of submitting requests to the Virgin Islands Legislature for funds to pay for research, copying, and translation of historical documents housed at the Danish National Archives. The Government alleged that Mr. James received some documents from Denmark, but unlawfully kept them for his own benefit. The Government also alleged that Mr. James submitted fake invoices to the Virgin Islands Legislature for copying and translations that were never performed. When those invoices were paid, the Government alleged that Mr. James used the funds for his own personal benefit.

I entered my appearance as co-counsel just weeks before Mr. James' trial was scheduled to begin. I researched, drafted, and argued pretrial motions. The most significant of these raised a challenge to Mr. James' indictment and was based on the Speech or Debate clause of the Virgin Islands Revised Organic Act, 48 U.S.C. § 1572(d). I argued that the clause barred Mr. James' federal prosecution or, at minimum, severely limited the admissible evidence the Government could introduce before the grand jury to secure an indictment and to prove its case at trial.

After several hearings and significant briefing, the district judge agreed that 48 U.S.C. § 1572(d) prevented prosecutors from introducing evidence of the legislative activities of members of the Legislature of the Virgin Islands before a grand or petit jury. The judge did not, however, agree that Mr. James' alleged conduct represented legislative activity and denied the motion.

I raised an interlocutory appeal of the trial judge's ruling to the Court of Appeals for the Third Circuit and drafted the briefs. The case was originally remanded for the district court to better memorialize its ruling. Ultimately, the district judge's decision was affirmed after I argued the case at oral argument. Mr. James was eventually convicted at a trial handled by then-Federal Public Defender Omodare Jupiter. I was not involved in the drafting or argument of a motion for a new trial, on Mr. James' sentencing, or the appeal of Mr. James' final conviction. Mr. James was sentenced to serve two and a half years in federal prison followed by a term of supervised release. Mr. James was also ordered to pay to pay \$77,964 in restitution.

Dates of Representation: 2017 – 2018

Judges and Courts:

The Hon. Curtis V. Gomez (retired), District Court of the Virgin Islands (Motions and Trial)

The Hon. D. Brooks Smith, Chief Judge, The Hon. Theodore McKee, and The Hon. Anthony J. Scirica, Circuit Judges, The United States Court of Appeals for the Third Circuit (Appeal)

Co-Counsel:

(in district court)

Omodare Jupiter

Federal Public Defender for the Northern and Southern Districts of Mississippi

City Centre Building

200 South Lamar Street, Suite 200N

Jackson, MS 39201

(601) 948-4284

Opposing Counsel:

(in district court)
Amanda R. Vaughn
(formerly of U.S. Department of Justice, Criminal Division, Public Integrity Section)
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Justin D. Weitz
(formerly of U.S. Department of Justice, Criminal Division, Public Integrity Section)
Morgan Lewis
1111 Pennsylvania Avenue, Northwest
Washington, DC 20004
(202) 739-5932

Delia L. Smith
United States Attorney's Office
5500 Veterans Drive, Suite 260
St. Thomas, VI 00802
(340) 774-0640

(on appeal)
The Hon. Vijay Shanker
(formerly of the Appellate Section, United States Department of Justice Criminal
Division)
Associate Judge
District of Columbia Court of Appeals
430 E Street, Northwest
Washington, DC 20001
(202) 879-1010

3. *United States v. Matthias*, 17-36-WAL (D.V.I.) and 16-25-WAL (D.V.I.).

Mr. Matthias was charged with the unlawful possession of a firearm, using a firearm during a violent crime, three counts of attempted first-degree murder, and one count of first-degree reckless endangerment. The case stemmed from the alleged shooting of a sport utility vehicle with multiple occupants near a bar in Estate Grove Place in Frederiksted, St. Croix. Mr. Matthias was alleged to have fired into the victims' car from the passenger seat of a passing vehicle. After assuming role of sole counsel for Mr. Matthias from a colleague, I handled pre-trial motions, motions *in limine*, *voir dire*, jury selection, jury instructions, witness examinations and cross-examinations, opening statement, and closing argument. The trial was the first held on St. Croix after hurricanes Irma and Maria badly damaged the federal courthouse. The alleged failure to timely disclose DNA evidence led to a motion to dismiss on the eve of trial and a lengthy hearing addressing both the alleged violation and the appropriate sanction. The trial also presented a dispute over the admissibility of several out of court statements and a debate

concerning jury instructions discussing eyewitness identification. After a week-long trial, Mr. Matthias was found not guilty on all counts.

Dates of Representation: 2017 – 2018

Judge and Court: The Hon. Wilma Lewis, United States District Court for the Virgin Islands.

Opposing Counsel:

The Honorable Alphonso G. Andrews
(former Assistant United States Attorney)
Superior Court of the Virgin Islands
P.O. Box 929
Christiansted, VI 00821
(340) 778-9750

Daniel H. Huston
United States Attorney's Office
1108 King Street Suite 201
Christiansted, VI 00820
(340) 773-3920

4. *United States v. Johnson*, 17-38-CVG (D.V.I.).

Mr. Johnson was charged with the possession with the intent to distribute marijuana. The marijuana was allegedly discovered after the positive alert of a drug-detecting canine led authorities to conduct a warrantless search of Mr. Johnson's backpack. Mr. Johnson's cell phone was also seized and searched without a warrant. The searches in question occurred at the Cyril King Airport in St. Thomas after Mr. Johnson disembarked from a flight from Miami, Florida. I took over Mr. Johnson's representation from a colleague after a motions hearing was scheduled. I raised a challenge to the search of Mr. Johnson's luggage and phone and argued that the so-called "customs border search" exception to the Fourth Amendment announced in *United States v. Hyde*, 37 F.3d 116 (3d Cir. 1994) should not apply to direct flights originating on the United States mainland and ending in the United States Virgin Islands. I also argued that a canine sniff of Mr. Johnson's luggage did not provide probable cause or reasonable suspicion that Mr. Johnson's luggage contained illegal drugs because the Government failed to establish that the canine was properly certified as required by *Florida v. Harris*, 568 U.S. 237 (2013). Following an evidentiary hearing and post-hearing briefing that I handled, the Government moved to dismiss the charges against Mr. Johnson before the Court ruled on my motion. The motion to dismiss was granted and Mr. Johnson was released from custody. The arguments regarding the border search were later raised in a number of cases until the Third Circuit Court of Appeals clarified in that the border exception to the Fourth Amendment applies to the Virgin Islands' customs border, regardless of the direction of crossing. *United States v. Baxter*, 951 F.3d 128 (3d Cir. 2020).

Dates of Representation: 2018

Judge and Court: The Hon. Curtis V. Gomez, United States District Court for the Virgin Islands.

Opposing Counsel:

Anna A. Vlasova
(former Assistant United States Attorney)
Dudley Newman Feuerzeig LLP
P.O. Box 756
St. Thomas, VI 00804
(340) 774-4422

5. *United States v. Patterson*, 15-470-RDB (D. Md.).

Mr. Patterson was charged with robbery in violation of the federal Hobbs Act, the unlawful possession of a firearm, and brandishing a firearm during the commission of a crime of violence. The charges stemmed from an incident during which Mr. Patterson and an accomplice allegedly used a firearm to rob a drug dealer of two small bags of heroin worth approximately \$20. The incident was witnessed by police officers who were stationed in a nearby covert location monitoring drug activity and Mr. Patterson was arrested soon after the alleged incident occurred. I took over the case as it was headed to trial when Mr. Patterson's original counsel left my former office. As sole counsel, I authored and argued numerous pre-trial motions.

I litigated all aspects of the trial including numerous motions *in limine*, *voir dire*, jury selection, witness cross-examinations, and jury instructions. The trial presented numerous evidentiary issues that required briefing and argument. I also gave opening statements and closing arguments. Mr. Patterson was found not guilty of possessing a firearm but convicted of robbery. I represented Mr. Patterson at sentencing where he was sentenced to serve 17 years in federal prison followed by a term of supervised release. I did not handle a subsequent appeal or a motion for compassionate release.

Dates of Representation: 2015 – 2016

Judge and Court: The Hon. Richard D. Bennett, United States District Court for the District of Maryland

Opposing Counsel:

Aaron Simcha Jon Zelinsky
Lauren E. Perry
Assistant United States Attorneys
United States Attorney's Office

36 South Charles Street, Fourth Floor
Baltimore, MD 21201
(410) 209-4800

6. *United States v. Giddins*, 14-116-JKB (D. Md.).

Mr. Giddins was charged with robbing three banks and also charged with conspiracy to commit bank robbery. He came to police attention after his car was stopped soon after one of the robberies. Though Mr. Giddins was not in the car, its two occupants were suspected of committing the robbery. They were interviewed by police, implicated Mr. Giddins in their crimes, and a warrant was issued for Mr. Giddins' arrest. Mr. Giddins was later called to the police station ostensibly to recover his car. Instead, he was interviewed by police after waiving his *Miranda* rights and provided incriminating statements that were used against him at trial. I was not involved in the drafting or argument of pre-trial motions challenging the admissibility of these statements. I represented Mr. Giddins as co-counsel at trial and participated in *voir dire* and jury selection, examined several witnesses (including experts), and presented closing argument to the jury. After several days of deliberations, Mr. Giddins was found guilty of one count of bank robbery and one count of conspiracy to commit bank robbery. He was found not guilty on the remaining two counts. Mr. Giddins was sentenced to serve seventeen and a half years in federal prison followed by a term of supervised release. Following an appeal that I did not handle, Mr. Giddins' conviction was overturned after a divided panel of the Court of Appeals for the Fourth Circuit held that his *Miranda* waiver and statements to police were coerced and involuntary. Mr. Giddins subsequently entered into a plea agreement with the government and was sentenced to five years in federal prison followed by a term of supervised release.

Dates of Representation: 2014 – 2015

Judge and Court: The Hon. William D. Quarles (Ret.) and The Hon. James K. Bredar,
United States District Court for the District of Maryland

Co-Counsel:

Gary Christopher (retired)
First Assistant Federal Public Defender
Office of the Federal Public Defender
100 South Charles Street, Tower II, Ninth Floor
Baltimore, MD 21201
(410) 962-3962

Opposing Counsel:

The Hon. Debra Lynn Dwyer
(former Assistant United States Attorney)
Associate Judge, Montgomery County Circuit Court

50 Maryland Avenue
Rockville, MD 20850
(240) 777-9197

The Hon. A. David Copperthite
(former Assistant United States Attorney)
United States Magistrate Judge
101 West Lombard Street, Chambers 8B
Baltimore, MD 21201
(410) 962-0946

7. *United States v. Younger*, 12-538-JKB (now GLR) (D. Md.).

Mr. Younger was charged with robbery in violation of the federal Hobbs Act and the use of a firearm in furtherance of a crime of violence stemming from the alleged robbery of an art supply store in Baltimore. I served as co-counsel for Mr. Younger throughout the case. I drafted and argued a motion to suppress pre-trial identifications and to prevent in-court identifications. I also filed and argued motions to suppress evidence seized pursuant to a search warrant. At Mr. Younger's jury trial, I gave the opening statement, argued objections, and cross examined several witnesses. The trial concluded with the Court's granting of Mr. Younger's motion for a mistrial after the Court ruled that information concerning the amount of currency found on Mr. Younger's person at the time of his arrest was inadvertently not disclosed to the defense prior to trial. Following the appointment of new counsel, Mr. Younger pleaded guilty to Hobbs Act robbery and was sentenced to five years in prison followed by a term of supervised release.

Dates of Representation: 2012 – 2013

Judge and Court: The Hon. James K. Bredar, United States District Court for the District of Maryland

Co-counsel:
Douglas Ryan Miller
Assistant Federal Public Defender and Detailee Counsel, Senate Committee on the Judiciary
United States Senate Committee on the Judiciary
Senator Richard J. Durbin, Chair
Dirksen Senate Office Building, Room 226
Washington, DC 20002
(202) 224-7703

or

Office of the Federal Public Defender
6411 Ivy Lane, Suite 710
Greenbelt, MD 20770

(301) 344-0600

Opposing Counsel:

Gerald Akida Asim Collins
U.S. Department of Justice
Criminal Division
1301 New York Avenue, Northwest, Seventh Floor
Washington, DC 20005
(202) 262-6484

The Hon. Debra Lynn Dwyer
(former Assistant United States Attorney)
Associate Judge, Montgomery County Circuit Court
50 Maryland Avenue
Rockville, MD 20850
(240) 777-9197

8. *United States v. Lucas*, 09-560-RDB (D. Md.).

Mr. Lucas was charged with the unlawful possession of a firearm by a prohibited person. He was alleged to have fled from police and discarded a firearm from his waistband while running. I argued a pre-trial motion to suppress evidence and I shared trial responsibilities with a colleague. I gave the opening statement and cross-examined expert witnesses. The jury could not reach a unanimous verdict and the Court declared a mistrial. Mr. Lucas then entered into a plea agreement with the government and was sentenced to 63 months in custody.

Dates of Representation: 2010

Judge and Court: The Hon. Benson E. Legg (Ret.), United States District Court for the District of Maryland.

Co-Counsel:

Katherine Tang Newberger
Office of the Federal Public Defender
100 South Charles Street, Tower II, Ninth Floor
Baltimore, MD 21201
(410) 962-3962

Opposing Counsel:

Clinton Jacob Fuchs
Office of the United States Attorney
36 South Charles Street Fourth Floor

Baltimore, MD 21201
(410) 209-4916

9. *United States v. Robinson*, 08-586-CCB (D. Md.).

Mr. Robinson was charged with the unlawful possession of a firearm by a prohibited person. The charges stemmed from a car stop in West Baltimore during which police allegedly found a handgun under a backpack sitting on the passenger seat. Mr. Robinson was the driver and sole occupant of the car. I served as lead counsel throughout the case. I drafted and argued several motions, including a challenge to the stop of Mr. Robinson's car. I also argued objections, cross examined witnesses, and gave the closing argument at trial. Mr. Robinson was convicted and sentenced to serve more than nine years in federal prison followed by a term of supervised release.

Dates of Representation: 2008 – 2010

Judge and Court: The Hon. Catherine C. Blake, United States District Court for the District of Maryland.

Co-counsel:

Lucius Turner Outlaw, III
(former Assistant Federal Public Defender)
Howard Law School
Room 106, Houston Hall
2900 Van Ness Street, Northwest
Washington, DC 20008
(202) 806-8123

Opposing Counsel:
Clinton Jacob Fuchs
Office of the United States Attorney
36 South Charles Street, Fourth Floor
Baltimore, MD 21201
(410) 209-4916

Traci Robinson
(former Special Assistant United States Attorney)
Office of the State's Attorney for Baltimore City
120 East Baltimore Street
Baltimore, MD 21202
(443) 984-6000

10. *United States v. Colon*, 08-19-WDQ (D. Md.).

Mr. Colon was charged with bank robbery after he was alleged to have entered a bank

and demanded money from a teller. He fled and was later arrested driving a newly-purchased car with no license plates. I represented Mr. Colon with a colleague and served as lead counsel in the case. I handled nearly all phases of discovery review, investigation, and pretrial motions, including unsuccessful challenges to the admissibility of Mr. Colon's alleged confession. I also handled significant portions of Mr. Colon's trial including *voir dire*, jury selection, cross-examination of several witnesses, evidentiary challenges, jury instructions, and I gave the closing argument. Mr. Colon was found not guilty after trial. He returned to New Jersey where he faced a violation of supervised release in an unrelated federal case.

Dates of Representation: 2008

Judge and Court: Hon. William D. Quarles (Ret.), United States District Court for the District of Maryland

Co-counsel:

Jeffrey Risberg
(former Assistant Federal Public Defender)
Risberglaw
1719 Falls Road
Parkton, MD 21120
(443) 850-4775

Opposing Counsel:

Ty Kelly
(former Assistant United States Attorney)
Baker Donaldson
100 Light Street, 19th Floor
Baltimore, MD 21202
(410) 862-1049

Bonnie Greenberg
(former Assistant United States Attorney)
Executive Office for United States Attorneys
United States Department of Justice
950 Pennsylvania Avenue, Northwest, Room 2242
Washington, DC 20530
(202) 514-2000

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s).

(Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to the matters listed above, I represented hundreds of clients during plea negotiations and at sentencing.

As Senior Litigation Counsel at the Office of the Federal Public Defender, I served in a leadership role within the office and mentored new hires. I also served as a mentor to new members of the Criminal Justice Act Panel. I regularly speak on panels for law students and law clerks. I also currently serve on two committees of the United States District Court for the District of Maryland, one that advises the court on issues related to the Criminal Justice Act Panel and the other that advises the court on issues related to probation and pretrial services.

Additionally, as a Jesuit Volunteer placed at the General Assistance Advocacy Project in San Francisco from 2000 to 2001, I served as a non-lawyer advocate for clients experiencing homelessness and appeared at administrative hearings on their behalf. I also worked to meet other needs of my clients by, for example, arranging housing, planning medical appointments, and facilitating travel to family out of state.

I have never performed 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.

Criminal Procedure: The University of Maryland Carey School of Law; Summer 2014, Summer 2015 (co-taught), Fall 2015, and Summer 2016. This course focused on pretrial law enforcement investigatory practices including searches and seizures, interrogations, and pretrial identifications. The course also addressed the right to counsel and other applications of the Bill of Rights to criminal investigations and prosecutions. Summer 2016 syllabus supplied, which is substantially similar to the syllabus I used in every other semester I taught the course.

Written and Oral Advocacy: The University of Maryland Carey School of Law, Spring 2011 to 2014. I taught the second course in a required two-semester sequence of first year legal writing courses. The focus of the course was on persuasive writing and oral advocacy. Students drafted a trial brief and an appellate brief. Students also engaged in a mock oral argument. Spring 2013 syllabus supplied, which is substantially similar to the syllabus I used in every other semester I taught the course.

Torts: Midlands Technical College, Columbia, South Carolina, Spring 2006. I taught an introductory course in tort law to paralegal students at a community college. I am unable to locate a syllabus for this course.

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

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 as a district judge, I would continue to recuse myself from cases in which counsel, a witness, or a party is a relative or close friend. I would also recuse myself in any other instance identified by the Code of Conduct for United States Judges and the Advisory Opinions issued by the Committee on Codes of Conduct. In criminal cases, I would continue to recuse myself from cases involving any person I personally represented or in those cases where the Office of the Federal Public Defender was appointed to represent the defendant while I worked for that employer.

- 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 as a district court judge, I would continue to resolve any potential conflicts through strict adherence to the Code of Conduct for United States Judges, 28 U.S.C. § 455, and all applicable policies and procedures of the United States Courts.

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 public defender from 2007 through 2022, I represented hundreds of indigent clients. I also routinely engaged in non-legal community service, primarily through my faith community. I twice participated in the Open Doors Program at the United States District Court in Baltimore. This program welcomes area youth to the federal courthouse for mock trial activities and presentations on the law. I also volunteered my time on numerous occasions to speak to students at an area college, high schools, and law schools about public service and careers in the law.

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 December 11, 2020, I submitted an application to the judicial selection committee established by Senators Cardin and Van Hollen for a position on the United States District Court for the District of Maryland. I interviewed with the committee on December 21, 2020. On December 20, 2022, I was interviewed by Senators Cardin and Van Hollen for a newer vacancy on the court. On December 22, 2022, I learned from Senator Cardin's office that my name would be submitted to the White House for further consideration. On December 23, 2022, I interviewed with attorneys from the White House Counsel's Office. Since that time, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 20, 2023, 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.