

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Denise Jefferson Casper (formerly, Denise Jefferson)

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

United States District Judge for the District of Massachusetts

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

Office: 15 Commonwealth Avenue
Woburn, Massachusetts 01801



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

1968; East Patchogue, New York

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

1991 to 1994, Harvard Law School; J.D., 1994.
1986 to 1990, Wesleyan University; B.A., 1990.

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

2007 to present
Middlesex District Attorney's Office
15 Commonwealth Avenue
Woburn, Massachusetts 01801
Deputy District Attorney

2005 to 2007
Boston University School of Law
765 Commonwealth Avenue
Boston, Massachusetts 02215
Instructor, First Year Legal Writing Program

1999 to 2005
United States Attorney's Office
John Joseph Moakley United States Courthouse
One Courthouse Way, Suite 9200
Boston, Massachusetts 02210
Deputy Chief, Organized Crime Drug Enforcement Task Force Unit (2004 to 2005)
Assistant United States Attorney (1999 to 2005)

1993, 1995 to 1998
Bingham McCutchen LLP (formerly Bingham, Dana & Gould)
One Federal Street
Boston, Massachusetts 02110
Associate, Litigation Department (1995 to 1998)
Summer Associate, Litigation and Corporate Departments (1993)

1997
Plymouth District Attorney's Office
32 Belmont Street
P.O. Box 6665
Brockton, Massachusetts 02303
Special Assistant District Attorney, Hingham District Court
(as part of an exchange program when I worked at Bingham McCutchen LLP)

1994 to 1995
Massachusetts Appeals Court
John Adams Courthouse
One Pemberton Square
Boston, Massachusetts 02108
Judicial Law Clerk

Summer 1992
United States Attorney's Office
Eastern District of New York
United States Courthouse
300 Rabro Drive
Hauppauge, New York 11788
Summer Intern

Summer 1991
Preferred Temporaries, Inc.
Sears Crescent Bldg., Suite 550
Boston, Massachusetts 02108
Part-time summer office worker

1990 to 1991
Action for Children's Television (since dissolved)
20 University Road
Cambridge, Massachusetts 02138
Resource Director

Other Affiliations (uncompensated)

2001 to present
Big Sister Association of Greater Boston, Inc.
161 Massachusetts Avenue
Boston, Massachusetts 02115
Director

2000 to 2008
Women's Bar Foundation
27 School Street
Boston, Massachusetts 02108
Vice President (2004 to 2005)
Secretary (2002 to 2004)
Director (2000 to 2008)

2002 to 2006
Boston Bar Association
16 Beacon Street
Boston, Massachusetts 02108
Secretary (2005 to 2006)
Member, Bar Association Council (2002 to 2006)

1998 to 2004
Volunteer Lawyers' Project
99 Chauncy Street
Suite 400
Boston, Massachusetts 02111
Director

1998 to 2000
Massachusetts Black Women Attorneys
(no permanent address)
Executive Committee

1995 to 1999

People Making A Difference Through Community Service, Inc.

P.O. Box 120189

Boston, MA 02112-0189

Chair, Board of Directors

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

I have not served in the military. I did not registered for selective service, as I was not eligible to do so.

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.

Wasserstein Public Interest Fellow, 2008, Harvard Law School

Award for Outstanding Contribution, 2005,

New England Narcotic Enforcement Officers' Association

Awards for Outstanding Work in various investigations, 2004, 2005 and 2006,

New England Region Organized Crime Drug Enforcement Task Force

Award for Outstanding Contribution, 2003, Drug Enforcement Administration,

New England Field Division

Boston Fellow, 1997 to 1998, The Partnership, Inc.

Sadie T.M. Alexander Law Scholarship, 1991, Delta Sigma Theta Sorority, Inc.

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

American Bar Association

Boston Bar Association

Secretary, 2005 to 2006

Council, 2002 to 2006

Task Force to Prevent Wrongful Convictions, 2008 to 2009

Diversity Leadership Task Force, 2007 to 2008

Nominating Committee, 2007

Editor, Boston Bar Journal, 2006 to 2007

Vanishing Trial Task Force, 2005 to 2006

Steering Committee, Criminal Law Section, 2000 to 2002

Massachusetts Black Lawyers' Association

Massachusetts Black Women Attorneys

Executive Committee, 1998 to 2000

Nominating Committee, 2000
Volunteer Lawyers Project
Director, 1998 to 2004
Personnel Committee, 2002 to 2003
Women's Bar Association/Women's Bar Foundation
Director, Women's Bar Foundation, 2000 to 2008
Vice President, Women's Bar Foundation, 2004 to 2005
Secretary, Women's Bar Foundation, 2002 to 2004
Nominating Committee, Women's Bar Foundation,
various years between 2000 to 2008
Chair, Bylaws Committee, Women's Bar Foundation, 2005
Women's Bar Association Speakers' Bureau, 1999

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.

Massachusetts, 1994
New York (Third Department), 1995

There have been no lapses in my 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 First Circuit, 1996
United States District Court for the District of Massachusetts, 1996
New York Supreme Court, Appellate Division, Third Department, 1995
Massachusetts, 1994

There have been no lapses in my 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.

Big Sister Association of Greater Boston, Inc.
Director, 2001 to present

Nominating Committee, various years between 2001 to present
Host, "Make The Circle Bigger" event, 2007
Big Sister, School-based mentoring program, 2006 to 2007
Co-chair, Big Sister Gala, 2003
Delta Sigma Theta Sorority, Inc., Boston Alumnae chapter, 1997 to present
Historian, 1998 to 2000
People Making a Difference Through Community Service, Inc.
Chair, Board of Directors, 1995 to 1999
Pine Manor College
Board of Visitors, 2009 to present
Wesleyan University Alumni Schools Committee, 1991 to 1998
Wesleyan University Binswanger Committee, 2005 to 2007

In addition to the organizations above, I have also made charitable contributions to other organizations that may or may not have considered me a member based solely on those contributions, such as the American Cancer Society, the Boys' and Girls' Club, and other charitable organizations.

- 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.

None of the organizations I have listed above currently discriminates or, to the best of my knowledge, has ever discriminated, on the basis of race, sex, religion or national origin.

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.

Thoughts from Juror #13, 50 B.B.J. 31 (May/June 2006).

Workplace Crime and Violence, Boston Bar Association Criminal Law Section Newsletter (January 2002).

Daubert Motions in the Criminal Context, Boston Bar Association Criminal Law Section Newsletter (June 2001).

October 5, 2000 Brown Bag Luncheon: Post-Conviction Motion Practice, Boston Bar Association Criminal Law Section Newsletter (December 2000).

The Cutting Edge: 1999's 10 Most Important Changes in Federal and State Criminal Law, Boston Bar Association Criminal Law Section Newsletter (Spring 2000).

Book Review, *The Rage of a Privileged Class* by Ellis Cose, 11 Harvard BlackLetter Journal 233 (Spring 1994).

Edited Michael D. Ricciuti and Andrea B. Leczynski, *The Public's Right to Know: Rights and Limitations in Massachusetts Jury Trials*, 51 B.B.J. 6 (September/October 2007).

- 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.

I have searched my files and electronic databases in an effort to locate all reports, memoranda or policy statements that are responsive to this question. I have located the materials listed below, but it is possible that there are a few that I have been unable to identify.

Getting it Right: Improving the Accuracy and Reliability of the Criminal Justice System in Massachusetts (December 2009), report of the Boston Bar Association's Task Force to Prevent Wrongful Convictions (contributor).

Jury Trial Trends in Massachusetts: The Need to Ensure Jury Trial Competency Among Practicing Attorneys as a Result of the Vanishing Jury Trial Phenomenon (October 2006), report of the Boston Bar Association's Task Force on the Vanishing Jury Trial (contributor).

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

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports

about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have searched my files and electronic databases in an effort to locate all copies, transcripts, recordings or notes that are responsive to this question. I have located the materials listed below, but it is possible that there are a few that I have been unable to identify.

Introductory Speaker, 14th Annual School Summit: Best Practices for Addressing Bullying, Harassment, Sexting & Aggression, sponsored by Middlesex Partnerships for Youth, Inc. (October 26, 2009).

Introductory Speaker, Sexting, Texting and Cyber Conference, sponsored by the Middlesex District Attorney's Office and Middlesex Partnerships for Youth, Inc. (October 8, 2009).

Introductory Remarks, Middlesex District Attorney's Office Domestic Violence month event (November 9, 2009) (no notes or transcript).

Introductory Speaker, Middlesex Annual Superintendents and Police Chiefs' breakfast, sponsored by the Middlesex District Attorney's Office and Middlesex Partnerships for Youth, Inc. (September 21, 2009).

Presenter, Search Warrant Training for police detectives, sponsored by the Middlesex District Attorney's Office (September 17, 2009 and November 5, 2009).

Guest speaker, "Judicial Solutions" seminar, Tufts University (October 6, 2008). My outline for this talk was substantially the same as the outline for the September 24, 2008 talk at Harvard Law School.

Guest speaker, "Government Lawyer" class, Harvard Law School (September 24, 2008).

Introductory Speaker, 13th Annual School Safety Summit: Youth Violence Prevention, sponsored by the Middlesex District Attorney's Office and Middlesex Partnerships for Youth, Inc. (September 29, 2008).

Panelist, Making a Difference While Making A Living: Public Service Leadership panel, Celebration 55: The Women's Leadership Summit, sponsored by Harvard Law School (September 20, 2008). This panel was audiotaped (CD provided).

Speaker, Press Conference, Lowell Police Department's Training Institute (regarding the arrests on firearm-related and drug charges of several defendants) (July 18, 2008).

Moderator, Building Better Lawyers: A Symposium Explaining How Diverse Career Paths Shape Legal Careers, sponsored by the Diversity Leadership Task Force of the Boston Bar Association (April 4, 2008).

Panelist, Shifting Gears in Your Legal Career panel, sponsored by the Women of Color subcommittee of the Women's Bar Association (March 19, 2008) (no notes or transcript).

Panelist, District Attorney Leone Speaks panels, Boston College Law School, Boston University School of Law, Northeastern Law School, New England School of Law and Suffolk Law School (various dates: October 30, 2007, November 6, 2007, November 7, 2007, November 5, 2008, November 6, 2008, November 12, 2008, December 8, 2008, November 4, 2009, November 9, 2009, November 10, 2009, November 18, 2009).

Panelist, Panel on Prosecuting Insurance Fraud, sponsored by the New England Association of Insurance Fraud Investigators and New England Chapter of the International Association of Special Investigations Units (June 12, 2007).

Moderator, Strategies for Success for Attorneys of Color panels, sponsored by the Boston Bar Association (July 13, 2005 and July 14, 2004).

Panelist, Strategies for Success for Attorneys of Color panel, sponsored by the Boston Bar Association (July 15, 2003) (no notes).

Moderator, U.S. Probation Speaks panel, sponsored by the Criminal Law Section of the Boston Bar Association (June 3, 2003).

Panelist, Technology in Federal Criminal Trials panel, sponsored by the Criminal Law Section of the Boston Bar Association (April 1, 2003).

Panelist, Annual Women in the Law: Opportunities and Options panel, sponsored by the Women's Bar Association (March 25, 2002 and January 23, 2001) (no notes).

Moderator, Daubert Motions in the Criminal Context panel, sponsored by the Criminal Law Section of the Boston Bar Association (May 1, 2001).

Faculty member, Taking Depositions Workshop, sponsored by the Massachusetts Continuing Legal Education (January 1999) (no notes).

Earlier in my legal career, in and around 1996-1998, I also participated in several panels or discussion groups organized by the Boston Lawyers' Group (formerly the Boston Law Firm Group), a consortium of law firms and government agencies committed to advancing the diversity of the legal profession in Massachusetts. The audience for these panels were law students or new lawyers and the topic was similar to the "Strategies for Success" panels described above. I do not recall if I had any prepared remarks for these panels and I have been unable to locate any after a diligent search of my files.

- 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.

I have searched my files and electronic databases in an effort to locate all copies of clips or transcripts that are responsive to this question. I have located the materials listed below, but it is possible that there are a few that I have been unable to identify.

Lisa Shuchman, *Exit Strategies*, *Minority Law Journal* (and as appearing online at www.law.com) (October 30, 2007).

Boston Bar Association staff, *Member on the Move*, *Massachusetts Lawyers Weekly* (December 2, 2002).

Mark Shanahan, *Count Her Out*, *Boston Globe* (March 25, 2008).

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

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these, approximately what percent were:
jury trials? ___%; bench trials ___% [total 100%]
civil proceedings? ___%; criminal proceedings? ___% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name

and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;

- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

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

I have not held public office.

I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

From May to November 1998, I served as a volunteer on the Finance Committee for Martha Coakley's first campaign to become Middlesex District Attorney.

In April 2006, I was a volunteer host of a fundraiser for Gerard T. Leone, Jr.'s campaign for Middlesex District Attorney.

I have not held membership or office in any political party.

16. Legal Career: Answer each part separately.

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

From September 1994 to August 1995, I clerked for Justices Edith W. Fine and J. Harold Flannery of the Massachusetts Appeals Court.

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

I never practiced alone.

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

1995 to 1998

Bingham McCutchen LLP (formerly Bingham, Dana & Gould)
1 Federal Street
Boston, Massachusetts 02110
Associate, Litigation Department

April 1997

Plymouth District Attorney's Office
32 Belmont Street
P.O. Box 6665
Brockton, Massachusetts 02303
Special Assistant District Attorney
(as part of an exchange program
when I worked at Bingham McCutchen LLP)

1999 to 2005

United States Attorney's Office
Moakley U.S. Courthouse
One Courthouse Way, Suite 9200
Boston, Massachusetts 02210
Deputy Chief,
Organized Crime Drug Enforcement Task Force Unit (2004-2005)
Assistant U.S. Attorney (1999-2005)

2005 to 2007

Boston University School of Law
765 Commonwealth Avenue
Boston, Massachusetts 02215
Instructor, First Year Legal Writing Program

2007 to present

Middlesex District Attorney's Office
15 Commonwealth Avenue
Woburn, Massachusetts 01801
Deputy District Attorney

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

I have never served as a mediator or arbitrator.

b. Describe:

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

My law practice has focused on litigation. In 1995, my practice began in the Litigation Department of Bingham McCutchen LLP where the bulk of my practice was civil litigation. During my years at Bingham, I spent one month on a rotation at the Plymouth District Attorney's Office as a Special Assistant District Attorney prosecuting criminal cases. When I became a federal prosecutor in 1999, my work changed from civil practice to criminal practice. As an Assistant U.S. Attorney and now as the Deputy District Attorney in Middlesex County, the nature of my legal practice has been almost entirely criminal prosecution. During my time teaching at Boston University School of Law, the curriculum and course was focused on civil litigation practice.

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

During my practice at Bingham McCutchen, the bulk of my clients were corporations, directors and officers of corporations and individuals.

During my practice as a prosecutor, I have represented the United States in federal criminal cases and the Commonwealth of Massachusetts in criminal matters.

- 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.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 80% |
| 2. state courts of record: | 20% |
| 3. other courts: | |
| 4. administrative agencies: | |

- ii. Indicate the percentage of your practice in:

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

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

I have tried eleven trials in federal district court or Massachusetts Superior Court. In addition, I also tried three misdemeanor jury trials (and numerous bench trials) in state district court. For all of these trials, I served as sole counsel or co-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.

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

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

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

1. Commonwealth v. Fitzpatrick, Docket No. MICR 2006-1036. Middlesex Superior Court, Justice Kathe M. Tuttmann.

This prosecution involved two counts of first degree murder against the defendant for the homicides of his former lover's husband and a co-worker. I became involved in the case in 2007, after the investigation and indictment. We tried the case to a hung jury in July and August 2008. The retrial in January through February 2009 resulted in a conviction on both counts. I participated in the pretrial preparation and trial of the case. I prepared and argued motions in limine and the opposition to the defendant's motion to dismiss. I conducted examinations of approximately half of the government's witnesses including multiple civilians, law enforcement officers and experts (e.g., mother of the victim who had observed the defendant's interaction with her daughter-in-law, the lead Wakefield detective, the fingerprint expert and a forensic expert in image analysis from the Federal Bureau of Investigation). I also handled the jury charge conference and the numerous legal matters that arose during trial.

My co-counsel was Daniel Bennett, Middlesex County District Attorney's Office, 15 Commonwealth Avenue, Woburn, Massachusetts, (781) 897-8300.

Defense counsel was Randy Gioia, Esq., 151 Merrimac Street, 2nd Floor, Boston, Massachusetts 02114, (617) 367-2480.

2. United States v. de la Cruz, No. 01-CR-10118-REK. United States District Court for the District of Massachusetts, Judge Robert E. Keeton.

The defendant was tried for conspiracy to distribute heroin resulting in an overdose death. I became involved in the case in 2004 and participated in the pretrial preparation of the case and tried this case with co-counsel. The trial began on April 25, 2005 and ran for three weeks. In this jury trial, I conducted the examination of half of the government's witnesses including expert witnesses, cooperating witnesses and law enforcement agents and I gave the closing argument and rebuttal argument. I believe that the defendant's conviction in this case was the first conviction under the Len Bias law for a drug distribution conspiracy resulting in an overdose death in the U.S. District Court sitting in Boston.

My co-counsel was Rachel Hershfang (formerly of the U.S. Attorney's Office), U.S. Securities & Exchange Commission, 33 Arch Street, 23rd Floor, Boston, Massachusetts 02110, (617) 573-8987.

Defense counsel was Paul Yee, Esq., 10 Tremont Street, Suite 200, Boston, Massachusetts 02108, (617) 722-4343.

3. United States v. Martinez, Docket No. 00-CR-10172-NG. United States District Court for the District of Massachusetts, Judge Nancy Gertner.

The charge against this defendant arose out of a long-term wiretap investigation that spanned several states and involved charges against ten other defendants, a number of whom testified against the defendant in this trial. I became involved in this case in 2001 and handled the pretrial motions and arguments and the cooperation agreements, plea hearings and sentencing hearings for the multiple co-defendants. I conducted the pretrial preparation and served as co-counsel for the trial of the lead defendant on a conspiracy to distribute cocaine charge. The trial began on January 27, 2003 and lasted for approximately three weeks. I conducted the examination of witnesses including expert witnesses, law enforcement agents from Massachusetts and Texas and cooperating witnesses and I gave the closing argument and rebuttal argument. The jury convicted the defendant and found that the defendant derived proceeds of \$3 million from his participation in the charged drug distribution conspiracy.

My co-counsel was Rachel Hershfang (formerly of the U.S. Attorney's Office), U.S. Securities & Exchange Commission, 33 Arch Street, 23rd Floor, Boston, Massachusetts 02110, (617) 573-8987.

Defense counsel was John LaChance, Esq., 463 Worcester Street, Framingham, Massachusetts 01701, (508) 879-5730.

4. United States v. Hughes, Docket No. 99-CR-10405-REK. United States District Court for the District of Massachusetts, Judge Robert E. Keeton.

In this prosecution, the defendant was charged for his participation in “straw purchases” of firearms. Specifically, the defendant was charged for false statements in a federal firearms application and illegal possession of a firearm. I became involved in the case in 2001 to participate in the pretrial preparation and try the case with co-counsel. The trial began on June 17, 2002, and lasted approximately two weeks. During the trial, I gave the government’s opening statement and conducted the examination of witnesses including several civilians, a firearms expert and law enforcement officers. The jury convicted the defendant on all charges.

My co-counsel was Theodore Chuang (formerly of the U.S. Attorney’s Office), Department of Homeland Security, Washington, D.C. 20515, (202) 282-8830.

Defense counsel was Miriam Conrad, Federal Defender’s Office, Williams Coast Guard Building, 408 Atlantic Avenue, 3rd Floor, Boston, Massachusetts 02210, (617) 223-8061.

5. United States v. Patel, Docket No. 01-CR-10020-RCL. United States District Court for the District of Massachusetts, Judge Reginald C. Lindsay.

I handled the grand jury investigation and presentment as well as the pretrial matters in this arson-for-profit case. I prepared this case for trial twice. The first trial began on September 10, 2001. Our opening statements were interrupted by the news of the attacks on the World Trade Center and the precautionary evacuation of the federal courthouse. In light of the world’s state of affairs at the time, the Court declared a mistrial a few days before we had a chance to begin the presentation of evidence. The retrial began on April 29, 2002 and spanned three weeks. I handled the motions in limine, directed the pretrial preparation and handled the examination of half of the government’s witnesses including the fire cause and origin expert, forensic auditor and multiple law enforcement officers and civilian witnesses. I also gave the closing argument and rebuttal argument. The jury convicted the defendant on all counts.

My co-counsel was Gregory Moffatt (formerly of the U.S. Attorney’s Office), Office of General Counsel, Raytheon Company/Integrated Defense Systems, 50 Apple Hill Drive, M/S T3TQ1, Tewksbury, Massachusetts 01876, (978) 858-9411.

Defense counsel was Ron I. Segal, Esq., Segal Judge & Associates, 23 Central Avenue, Ste. 605, Lynn, Massachusetts 01901. (I believe that Attorney Segal passed away in 2006).

6. United States v. Correia, Docket 00-CR-10246-RWZ. United States District Court for the District of Massachusetts, Judge Rya W. Zobel.

I became involved in this case in 2001 for pretrial preparation and trial and tried this arson-for-profit trial with co-counsel. The trial began on January 22, 2002 and lasted for two weeks. I gave the government's opening statement and examined a number of the government's experts including an electrical expert, civilian witnesses including the defendant's insurance broker, law enforcement agents and fire department personnel. The jury convicted the defendant on all charges, but the conviction was overturned when the court granted the defendant's post-conviction motion for new trial claiming ineffective assistance of his trial counsel. United States v. Correia, Docket No. 00-10246-RWZ, Memorandum and Order (September 13, 2002), aff'd, Docket No. 02-2313 (1st Cir. October 8, 2003) (unpublished opinion). The case was later retried, but I was not involved in the retrial.

My co-counsel was Gregory Moffatt (formerly of the U.S. Attorney's Office), Office of General Counsel, Raytheon Company/Integrated Defense Systems, 50 Apple Hill Drive, M/S T3TQ1, Tewksbury, Massachusetts 01876, (978) 858-9411.

Defense counsel was James Fagan, Fagan & Goldrick, 26 Dean Street, Taunton, Massachusetts 92780, (508) 824-7000 and William Brown, 112 Milk Street, 2nd Floor, Boston, Massachusetts 02109, (617) 482-1001.

7. United States v. Jones, Docket No. 01-CR-10004-WGY. United States District Court for the District of Massachusetts, Judge William G. Young.

The defendant was charged with being a felon in possession of ammunition. The charge arose out of an incident in which the defendant shot at the boyfriend of a young woman whom the defendant was interested in dating. The firearm was never recovered and the victim and the young woman testified for the government reluctantly. The trial began on September 24, 2001, and lasted approximately one week and ended in a not guilty verdict.

Defense counsel was Martin Richey, Federal Defender's Office, Williams Coast Guard Building, 408 Atlantic Avenue, 3rd Floor, Boston, Massachusetts 02210, (617) 223-8061.

8. United States v. Murphy, Docket No. 00-CR-10293-DPW. United States District Court for the District of Massachusetts, Judge Douglas P. Woodlock.

The charges against the defendant, a vice president of the control division at Putnam Investments, arose out of his theft of funds. We tried him for conspiracy to commit wire fraud and two counts of wire fraud. Trial began on March 19, 2001. I gave the opening statement and examined half of the government's witnesses. After a one-week trial, the jury convicted him on the conspiracy charge.

My co-counsel was Adam Bookbinder, U.S. Attorney's Office, Moakley Courthouse, 1 Courthouse Way, Ste. 9200, Boston, Massachusetts 02210, (617) 748-3112.

Defense counsel was Stephen Jones, Jones, Mulligan & Gerachty, 80 Washington Square, Bldg. K, Norwell, Massachusetts 02061, (781) 871-7600.

9. United States v. Mourad, Docket No. 99-CR-10200-RCL. United States District Court for the District of Massachusetts, Judge Reginald C. Lindsay.

In this case, the defendant, who owned and operated a low-income housing complex in Boston, was charged with criminal contempt. An investigation revealed that he had been misusing federal funds and as a result, the project went into bankruptcy and a receiver was appointed, thereby removing the defendant. As a result of his disruptive actions during the bankruptcy proceedings, the bankruptcy court issued an order limiting his access to the courthouse. I was the prosecutor assigned to the case and handled all of the pretrial matters and trial preparation. The jury-waived trial began on February 7, 2000, and lasted several days. I also handled the appeal in this matter. The First Circuit affirmed the defendant's conviction. United States v. Mourad, 289 F.3d 174 (1st Cir. 2002).

Defense counsel was Martin Richey, Federal Defender's Office, Williams Coast Guard Building, 408 Atlantic Avenue, 3rd Floor, Boston, Massachusetts 02210, (617) 223-8061.

10. Commonwealth v. Lawler, Essex County Docket No. 9777-CR-2633. Essex Superior Court, Judge Robert A. Barton.

As part of an exchange program between Bingham McCutchen LLP and the Essex District Attorney's Office, I served as a Special Assistant District Attorney for this Superior Court trial. I served as the second-seat of this June 1998 trial of the defendant for breaking and entering and arson of a trailer home located in a campground in Salisbury. I examined numerous witnesses in this trial. The defendant chose to plead guilty on June 11, 1998 before the case was submitted to the jury.

Lead counsel was (formerly an Assistant District Attorney and now the Honorable) Dunbar Livingstone, Justice, District Court, Salem Division, 65 Washington Street, Salem, Massachusetts 01970, (978) 744-4681, ext. 3029.

Defense counsel was Andrew Benson, P.O. Box 386, Amesbury, Massachusetts 01913, (978) 373-1123.

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.)

While in private practice, I handled complex litigation in various areas including products liability, insurance and labor and employment. These matters most often involved the representation of corporations and/or corporate officers and directors and disputes involving millions of dollars in alleged damages. Most of these matters resolved short of

trial, but involved extensive discovery, settlement negotiations, dispositive motions and/or appeals.

As an Assistant U.S. Attorney, I handled pretrial, grand jury, trial, sentencing and appellate matters in the prosecution of numerous cases including but not limited to arson, bank robbery, fraud, firearm offenses and multiple-defendant drug trafficking and importation cases. I also handled the investigation, grand jury presentment and resolution of several large scale matters, a number of which involved multiple Title III wiretaps, multiple search warrants and other investigative means, coordination with law enforcement agents and prosecutors in multiple jurisdictions and resulted in charges against multiple defendants and, in a few cases, several international extraditions. Although I tried some of these cases as discussed above, most of these matters resolved short of trial. In my capacity as Deputy Chief of the Organized Drug Enforcement Task Force, I oversaw other Assistant U.S. Attorneys and reviewed and approved charging documents, initiation of criminal investigations, plea agreements, immunity orders and other matters. During my years at the U.S. Attorney's office, I also served as one of the attorneys working with middle school students in the annual Citizens' School Mock Trial program.

In my current role as Deputy District Attorney, I serve as second in command to the District Attorney and aid the District Attorney in running an office of over 240 employees including over 100 Assistant District Attorneys. I set officewide policy regarding cases and investigations as well as personnel and administrative matters. I oversee the supervisors of Superior Court trial teams, the Appeals and Training Bureau and the office's PACT Unit (a specialized unit that investigates and prosecutes public corruption, organized crime and financial crimes), the officewide grand jury coordinator and both the heads of the office's Victim Witness Bureau and the Cyber Protection Program. I review and approve direct indictment requests, charge breakdowns and other critical case matters and provide legal advice. I also serve as the District Attorney's legal counsel, advising him on a variety of legal matters. Another one of my responsibilities is acting as the office's liaison to the Regional Administrative Justice (for criminal matters) for the Middlesex Superior Court. I also handle cases including a double homicide trial and appellate matters including a recent matter before the Supreme Judicial Court, Commonwealth v. Vick, 454 Mass. 418 (2009), which settled the standard for determining whether convictions stemming from a single criminal episode are duplicative.

In the course of my career as a federal and state prosecutor, I have also handled and briefed twelve appellate matters. Most of these briefs were for the U.S. Court of Appeals for the First Circuit, but some were for matters before the Massachusetts Appeals Court and the Supreme Judicial Court. Of the twelve matters that I briefed, I have done the oral arguments in seven of the cases.

I have not performed any lobbying activities.

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

I served as an Instructor at Boston University School of Law teaching students in the First Year Legal Writing Program from 2005 to 2007.

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.

I do not have any plans, commitments or agreements to pursue outside employment if I am confirmed as a district judge.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

Potential conflicts of interest may arise in regard to cases that I handled while I was an Assistant United States Attorney or which I supervised, reviewed or expressed an opinion about as the Deputy Chief of the Organized Crime Drug Enforcement Task Force in the United States Attorney's Office. Since, however, I left the United States Attorney's Office in 2005, I expect that the number of cases that would present this conflict of interest would be small. In addition, there are a number of entities in which I (and/or my husband and children) have a financial interest. Several of these financial interests are in entities to which my husband also has a fiduciary obligation. I would be vigilant about potential conflicts by examining a matter assigned to me to uncover promptly any potential conflicts arising from these relationships.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I would resolve any potential conflict of interest by adhering to 28 U.S.C. section 455, the Code of Conduct for United States Judges and all applicable policies and procedures of the United States courts. I would recuse myself in any matter in which my spouse or I hold a financial interest or have a sufficiently close connection with counsel or the parties (business or social). In the event of uncertainty, I would err on the side of disqualification.

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.

During my years in private practice at Bingham McCutchen, I worked on a number of pro bono matters. In the course of my years as a prosecutor, my primary contribution to serving the public interest was my day-to-day work representing the people of the federal District of Massachusetts and now the citizens of Middlesex County. However, even during these latter years, I participated as one of the attorneys working with middle school students in the annual Citizens' School Mock Trial program and served on two boards of organizations that provided pro bono legal services, the Volunteer Lawyers' Project (1998 to 2004) and the Women's Bar Foundation (2000 to 2008).

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department

regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In June 2009, the late U.S. Senator Edward M. Kennedy announced that a twelve-person search committee in Boston would consider applications for the vacancy on the U.S. District Court for the District of Massachusetts created by the death of the Honorable Reginald Lindsay. I submitted an application on July 9, 2009. I was interviewed by the search committee on August 13, 2009. On October 21, 2009, the search committee informed me that the committee had voted to forward my name to U.S. Senator John Kerry. On November 30, 2009, Senators Kerry and Kirk interviewed me. On January 17, 2010, Senator Kerry informed me that he was recommending me to President Obama for nomination for this judicial seat.

Since January 18, 2010, I have been in contact with pre-nomination officials at the Department of Justice. On March 5, 2010, I had an interview with Department of Justice and White House personnel in Washington, D.C. I was nominated by the President on April 28, 2010.

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

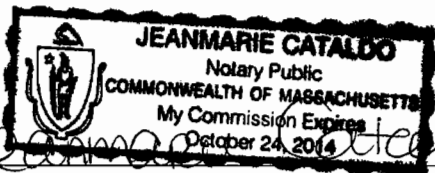
No.

AFFIDAVIT

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

April 27, 2010
(DATE)

Denise Jefferson Casper
Denise Jefferson Casper
(NAME)


Jeanmarie Cataldo
(NOTARY)