

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Todd Eric Edelman

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

United States District Judge for the District of Columbia

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.

Superior Court of the District of Columbia  
500 Indiana Avenue Northwest  
Chambers 1610  
Washington, District of Columbia 20001

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

1968; St. Louis, Missouri

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 – 1994; New York University School of Law; J.D., 1994

1986 – 1990; Yale University; B.A., 1990

1988, University of Rochester (study abroad program); 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.

2010 – present

Superior Court of the District of Columbia

500 Indiana Avenue Northwest  
Chambers 1610  
Washington, District of Columbia 20001  
Associate Judge

2003 – 2010, 2014 – present  
Georgetown University Law Center  
600 New Jersey Avenue Northwest  
Washington, District of Columbia 20001  
Adjunct Professor of Law (2004 – 2008, 2014 – present)  
Visiting Associate Professor of Law (2003 – 2004; 2008 – 2010)

2005 – 2008  
Bredhoff & Kaiser, P.L.L.C.  
805 15th Street Northwest, Suite 1000  
Washington, District of Columbia 20005  
Of Counsel

1997 – 2005  
Public Defender Service for the District of Columbia  
633 Indiana Avenue Northwest  
Washington, District of Columbia 20004  
Training Director (2004 – 2005)  
Chief, Serious Felony Section (2002 – 2004)  
Supervising Attorney, Trial Division (2001 – 2002)  
Staff Attorney, Trial Division (1997 – 2001)

1995 – 1997  
Georgetown University Law Center  
111 F Street Northwest  
Washington, District of Columbia 20001  
E. Barrett Prettyman Fellow

1994 – 1995  
The Honorable William B. Bryant  
United States District Court for the District of Columbia  
333 Constitution Avenue Northwest  
Washington, District of Columbia 20001  
Law Clerk

1993 – 1994  
BarBri Bar Review  
1500 Broadway, Suite 808  
New York, New York 10036  
Sales Representative

Summer 1993  
O'Donoghue & O'Donoghue LLP  
4748 Wisconsin Avenue Northwest  
Washington, District of Columbia 20016  
Law Clerk

January 1993 – May 1993  
Cohen, Weiss & Simon LLP  
330 West 42nd Street  
New York, New York 10036  
Law Clerk

Summer 1992  
United Mine Workers of America  
900 15th Street Northwest  
Washington, District of Columbia 20005  
Law Clerk

January 1992 – May 1992  
South Brooklyn Legal Services  
105 Court Street  
Brooklyn, New York 11201  
Legal Intern

1990 – 1991  
Environmental Law Institute  
1616 P Street Northwest  
Washington, District of Columbia 20036  
Research Analyst

Other affiliations (uncompensated):

2007 – 2010  
Washington Council of Lawyers  
601 Massachusetts Avenue Northwest, Suite 5126  
Washington, District of Columbia 20001  
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 did not serve in the military. I did timely register for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or

professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Ladue (Horton Watkins) High School Distinguished Alumni Award, 2012

Wasserstein Public Interest Fellowship, Harvard Law School, 2003

E. Barrett Prettyman Fellowship, Georgetown University Law Center, 1995 – 1997

*Cum Laude* Graduation Honors, New York University School of Law, 1994

Sol D. Kapelson Prize for Highest Excellence in Legal Writing, New York University School of Law, 1994

Root-Tilden Scholarship, New York University School of Law, 1991 – 1994

American Jurisprudence Award for Evidence, New York University School of Law, 1993

*Cum Laude* Graduation Honors, Yale University, 1990

Award of Distinction in Political Science, Yale University, 1990

Yale Community Service Award, 1988

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.

Superior Court of the District of Columbia

    Criminal Rules Advisory Committee, 2016 – present

    Judicial Education Committee, 2013 – present

    Criminal Justice Act Implementation Committee, 2011 – present

    Jury Instructions Committee, 2014 – present

    Joint Standing Committee on Fairness and Access to the District of Columbia Courts, 2011 – present

William B. Bryant American Inn of Court

    Government Master, 2012 – present

New York University School of Law, Root-Tilden-Kern Scholarship Program

    Chair, Interview Panel, 2016

Washington Council of Lawyers

    Board of Directors, 2007 – 2010

William Bryant Scholarship Fund

Ad Hoc Scholarship Committee, 2006 – 2010

District of Columbia Bar Section on Criminal Law and Individual Rights  
Steering Committee Member, 2006 – 2010

American Bar Association  
Member, 2005 – 2008

District of Columbia Judicial Conference  
Delegate, 2002, 2003, 2004 & 2006

District of Columbia Advisory Commission on Sentencing  
Voting Member, 2003 – 2004

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.

District of Columbia, 1995  
Illinois, 1994

There have been no lapses in membership, although I retired from the Illinois Bar following my appointment as a judge in 2010.

- 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 Eleventh Circuit, 2006  
United States District Court of the District of Columbia, 2008

There were no lapses in membership, although I did not renew my membership in the bar of either court once I became a judge.

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.

Temple Sinai, 2009 – present

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

To the best of my knowledge, no organization to which I have belonged currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

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

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

*Class Notes*, Root-Tilden-Kern Scholarship Program Newsletter (New York University School of Law), Fall 2008. Copy supplied.

Co-author, *Stories Told and Untold: Lawyering Theory Analyses of the First Rodney King Assault Trial*, 12 Clin. L. Rev. 1 (2005). Copy supplied.

Contributor, CRIME SCENE INVESTIGATION (Elwin Street Limited, 2004). Copy supplied.

From 1990 to 1991, I was a researcher at the Environmental Law Institute. I am credited with contributing research in the following three reports:

Robert L. Fischman, *Biodiversity and Environmental Protection: Authorities to Reduce Risk*, 22 Env'tl. L. 435 (1992). Available at [http://www.repository.law.indiana.edu/cgi/viewcontent.cgi?date=1340215108&article=1599&context=facpub&preview\\_mode](http://www.repository.law.indiana.edu/cgi/viewcontent.cgi?date=1340215108&article=1599&context=facpub&preview_mode).

Wetlands Protection Workbook, Environmental Law Institute, March 13, 1991. Available at <http://nepis.epa.gov/Exec/ZipPDF.cgi/10001QWJ.PDF?Dockey=10001QWJ.PDF>.

United States Environmental Protection Agency, *An Analysis of State Superfund Programs: 50 State Study, 1990 Update*, September 1990.

Available at

<http://nepis.epa.gov/Exe/ZyPDF.cgi/91020G5O.PDF?Dockey=91020G5O.PDF>.

- 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.

Standing Committee on Fairness and Access to the District of Columbia Courts, Report to the 27th Annual Meeting of the National Consortium on Racial and Ethnic Fairness in the Courts, June 2015. Copy supplied.

As a member of the Superior Court Criminal Justice Act Panel Implementation Committee from 2011 to present, I approved periodic reports to Chief Judge Lee F. Satterfield. Copies supplied.

In several instances during my service on the Steering Committee of the District of Columbia Bar's Section on Criminal Law and Individual Rights ("CLIR"), the CLIR issued public statements regarding various topics. Generally, drafts of such statements were circulated in advance for review. Although I do not recall being involved in drafting, discussing, or voting on all of the following statements, they are publicly available and were issued during my tenure on the CLIR Steering Committee.

April 28, 2010: Co-sponsored Statement Opposing the Mayor's Recommendation to Cut \$1 Million in Civil Legal Services and Loan Forgiveness Funding. Copy supplied.

December 28, 2007: Statement Concerning the Department of Justice's Policies with Respect to Corporate Attorney-Client Privilege and the Right to Counsel as Reflected in the McNulty Memorandum. Copy supplied.

November 13, 2006: Statement Concerning Proposed Reduction of Number of Peremptory Strikes in Superior Court Felony Trials. Copy supplied.

November 9, 2006: Statement Opposing the U.S. Department of Justice's Waiver Policy for the Attorney-Client Privilege and Work Product Doctrine. Copy supplied.

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

behalf to public bodies or public officials.

April 20, 2010: United States Senate, Committee on Homeland Security and Governmental Affairs, Confirmation Hearing on Nomination to be an Associate Judge of the Superior Court of the District of Columbia. Video is available at: <http://www.hsgac.senate.gov/hearings/nominations-of-hon-dennis-walsh-to-be-chairman-special-panel-of-appeals-hon-dana-bilyeu-and-michael-kennedy-to-be-members-federal-retirement-thrift-investment-board-milton-lee-judith-smith-and-todd-edelman-to-be-associate-judges-superior-court-of-the-district-of-columbia>.

In several instances during my service on the Board of Directors of the Washington Council of Lawyers (“WCL”), the WCL issued letters to public bodies or public officials regarding various topics. Although I do not recall being involved in the drafting, discussion, or approval of the following letters, they were issued during my tenure on the WCL Board of Directors and I am listed as a Board member on the letterhead.

March 17, 2010: Letter to Vincent C. Gray, Chairman of the Council of the District of Columbia, regarding funding for the Access to Justice program. Copy supplied.

January 19, 2010: Letter to Garland Pinkston, Jr., Clerk of the District of Columbia Court of Appeals, regarding proposed amendments to the Rules Governing Interest on Lawyers’ Trust Accounts (IOLTA). Copy supplied.

From 2003 to 2004, I represented the Public Defender Service for the District of Columbia on the District of Columbia Advisory Commission on Sentencing. Commission meeting minutes and a copy of the Practice Manual issued by the Advisory Commission in 2004 are supplied.

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

The following list reflects my best effort to identify the public speaking events in which I have participated. To compile the list, I consulted my own files and Internet sources. However, there may be public speaking events that I have been unable to recall or identify.



February 25, 2016: Mock Trial Judge, *People v. Goldilocks*, Sidwell Friends School Kindergarten Field Trip, Superior Court of the District of Columbia, Washington, District of Columbia. I presided over a mock trial based on the fairy tale. I have no notes, transcript or recording, but press coverage is supplied. The address of the Superior Court of the District of Columbia is 500 Indiana Avenue Northwest, Washington, District of Columbia 20001.

February 12, 2016: Panelist, "Litigation Skills: Pretrial Conferences," Washington Council of Lawyers, Washington, District of Columbia. The panel focused on effective advocacy at pretrial conferences in civil cases. I have no notes, transcript or recording. The address of the Washington Council of Lawyers is 601 Massachusetts Avenue Northwest, Suite 5126, Washington, District of Columbia 20001.

February 11, 2016: Guest Lecturer, "The Judicial Perspective," Georgetown University Law Center Criminal Justice Clinic, Washington, District of Columbia. Notes supplied.

January 14, 2016: Panelist, "Handling Drug Cases in the District of Columbia Superior Court," District of Columbia Bar Continuing Legal Education Program (co-sponsored by the District of Columbia Bar Criminal Law and Individual Rights Section & Litigation Section), Washington, District of Columbia. Audio recording supplied.

December 2, 2015: Presenter, "Criminal Issues in Domestic Violence," District of Columbia Superior Court Domestic Violence Unit In-Service Training, Washington, District of Columbia. PowerPoint supplied.

November 10, 2015: Guest Lecturer, Public Interest Lawyering, George Washington University School of Law, Washington, District of Columbia. The presentation covered my career path. I have no notes, transcript or recording. The address of the George Washington University School of Law is 2000 H Street Northwest, Washington, District of Columbia 20052.

October 27, 2015: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, District of Columbia. Notes supplied.

August 19, 2015: Panelist, Orientation Panel on the Judiciary, University of the District of Columbia David A. Clarke School of Law, Washington, District of Columbia. The panel covered the career paths of the presenting judges and advice for first-year law students. I have no notes, transcript or recording. The address of the University of the District of Columbia David A. Clarke School of Law is 4340 Connecticut Avenue Northwest, Washington, District of Columbia 20008.

August 10, 2015: Guest Speaker, Introductory Presentation, George Washington University Law School's Public Interest & Pro Bono Pre-Orientation Program, Washington, District of Columbia. Notes supplied.

July 29, 2015: Presenter, "Misdemeanor Jury Trials for Noncitizens after *Bado*," District of Columbia Superior Court Criminal Division Training, Washington, District of Columbia. PowerPoint supplied.

May 18, 2015: Presenter, School Field Trip, The Lab School of Washington, Washington, District of Columbia. I conducted a question-and-answer session with a group of eighth grade students visiting the Superior Court. I have no notes, transcript or recording. The address of The Lab School of Washington is 4759 Reservoir Road Northwest, Washington, District of Columbia 20007.

November 20, 2014: Guest Lecturer, "Judicial Ethics," Georgetown University Law Center Criminal Defense and Prisoner Advocacy Clinic, Washington, District of Columbia. Notes supplied.

October 23, 2014: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, District of Columbia. I used the same notes that were provided for the October 27, 2015 class.

October 22, 2014: Guest Speaker, "Grand Rounds," Office of the United States Attorney for the District of Columbia Sex Offense and Domestic Violence Unit, Washington, District of Columbia. The presentation was a question-and-answer session with Assistant United States Attorneys responsible for prosecuting sex abuse and domestic violence cases. I have no notes, transcript or recording. The address of the Office of the United States Attorney for the District of Columbia is 555 Fourth Street Northwest, Washington, District of Columbia 20530.

September 20, 2014: Panelist, "Beyond Competency: Mens Rea and Mental Health in a Post-*Otis Jackson* World," Deborah T. Creek Criminal Practice Institute, Washington, District of Columbia. Notes supplied.

June 19, 2014: Panelist, "Perspectives on Poverty Law from the Bench," Washington Council of Lawyers, Washington, District of Columbia. The panel focused on the impact of poverty on cases brought in the Superior Court of the District of Columbia. I have no notes, transcript or recording. The address of the Washington Council of Lawyers is 601 Massachusetts Avenue Northwest, Suite 5126, Washington, District of Columbia 20001.

June 10, 2014: Panelist, Bench/Bar Dialogue on Practice in the Superior Court Domestic Violence Unit, District of Columbia Bar Family Law Section, Washington, District of Columbia. The panel was a question-and-answer session with attorneys whose practice focuses on domestic violence cases. I have no

notes, transcript or recording. The address of the District of Columbia Bar is 1101 K Street Northwest, Suite 200, Washington, District of Columbia 20005.

February 5, 2014: Presenter, School Field Trip, Louise S. McGehee School, Washington, District of Columbia. I conducted a question-and-answer session with a group of eleventh grade students visiting the Superior Court. I have no notes, transcript or recording. The address of the Louise S. McGehee School is 2343 Prytania Street, New Orleans, Louisiana 70130.

October 17, 2013: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, District of Columbia. I used the same notes that were provided for the October 27, 2015 class.

September 19, 2013: Guest Lecturer, "Litigating Domestic Violence Cases," Georgetown University Law Center Domestic Violence Clinic, Washington, District of Columbia. Notes supplied.

September 4, 2013: Presenter, Overview of Civil Protection Order Petitions and Cases, District of Columbia Superior Court Criminal Division training, Washington, District of Columbia. The presentation covered the basic procedures followed in civil domestic violence cases. I have no notes, transcript or recording. The address of the Superior Court of the District of Columbia is 500 Indiana Avenue Northwest, Washington, District of Columbia 20001.

July 30, 2013: Speaker, "A View from the Bench," District of Columbia Volunteer Lawyers' Project, Washington, District of Columbia. The speech covered the basic procedures followed in civil domestic violence cases. I have no notes, transcript or recording. The address of the District of Columbia Volunteer Lawyers' Project is 5335 Wisconsin Avenue Northwest, Suite 440, Washington, District of Columbia 20015.

July 19, 2013: Guest Lecturer, "American Criminal Procedure," Georgetown University Law Center International Studies LL. M. Program, Washington, District of Columbia. Notes supplied.

June 27, 2013: Panelist, "Perspectives on Poverty Law from the Bench," Washington Council of Lawyers, Washington, District of Columbia. The panel focused on the impact of poverty on cases brought in the Superior Court of the District of Columbia. I have no notes, transcript or recording. The address of the Washington Council of Lawyers is 601 Massachusetts Avenue Northwest, Suite 5126, Washington, District of Columbia 20001.

June 25, 2013: Panelist, Bench/Bar Dialogue on Practice in the Superior Court Domestic Violence Unit, District of Columbia Bar Family Law Section, Washington, District of Columbia. The panel was a question-and-answer session

with attorneys whose practice focuses on domestic violence cases. I have no notes, transcript or recording. The address of the District of Columbia Bar is 1101 K Street Northwest, Suite 200, Washington, District of Columbia 20005.

May 3, 2013: Speaker, Introduction of Natalie Hopkinson, District of Columbia Courts 2013 Joint Judges and Senior Managers Spring Conference, Washington, District of Columbia. I introduced an author who was the luncheon speaker at the annual conference. I have no notes, transcript or recording. The address of the Superior Court of the District of Columbia is 500 Indiana Avenue Northwest, Washington, District of Columbia 20001.

March 22, 2013: Moderator, "The Effectiveness and Future of Community Courts," 25th Annual Conference of the National Consortium on Racial and Ethnic Fairness in the Courts, Washington, District of Columbia. I served as the moderator of a panel focused on the effectiveness of drug courts, mental health courts, and other community-based courts. I have no notes, transcript or recording. The address of the National Consortium on Racial and Ethnic Fairness in the Courts is c/o the National Center for State Courts, 300 Newport Avenue, Williamsburg, Virginia 23185.

March 11, 2013: Presenter, "Evidence," Plenary Session, Bar Association of the District of Columbia Neglect and Delinquency Practice Institute, Washington, District of Columbia. The presentation covered evidentiary rules that are frequently litigated in family court cases. I have no notes, transcript or recording. The address of the Bar Association of the District of Columbia is 1016 16th Street Northwest, Suite 101, Washington, District of Columbia 20036.

February 21, 2013: Presenter, "Moving Documents into Evidence," Washington Council of Lawyers Litigation Skills Training Program, Washington, District of Columbia. Notes supplied.

September 21, 2012: Award Acceptance Speech, Ladue Horton Watkins High School Distinguished Alumni Award, St. Louis, Missouri. Video is available at <https://www.schooltube.com/video/bdc60be577cd4fcd85d7/Ladue%20High%20School%20-%202012%20Distinguished%20Alumni,%20Judge%20Todd%20E.%20Edelman>.

September 19, 2012: Guest Lecturer, "Uncharged Misconduct Evidence," Georgetown University Law Center Prettyman Fellowship Program, Washington, District of Columbia. Notes supplied.

September 12, 2012: Panelist, "View from the Bench," Trial Lawyers Association of Metropolitan Washington, District of Columbia, Washington, District of Columbia. The presentation was a question-and-answer session regarding practice in the Superior Court's Civil Division. I have no notes, transcript, or recording. The address of the Trial Lawyers Association of

Metropolitan Washington, District of Columbia is 1919 M Street Northwest, Suite 350, Washington, District of Columbia 20036.

September 6, 2012: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, District of Columbia. I used the same notes that were provided for the October 27, 2015 class.

April 12, 2012: Panelist, Bench/Bar Dialogue on Practice in the Superior Court Civil Division, District of Columbia Bar Section on Courts, Lawyers, and the Administration of Justice, Washington, District of Columbia. The panel was a question-and-answer session with attorneys whose practice focuses on civil cases. I have no notes, transcript or recording. The address of the District of Columbia Bar is 1101 K Street Northwest, Suite 200, Washington, District of Columbia 20005.

March 9, 2012: Panelist, "Forewarned Is Forearmed: District of Columbia Jury Instruction Issues," Metropolitan Washington Employment Lawyers Association Annual Convention, Washington, District of Columbia. Notes supplied.

February 25, 2012: Judge, Howard University School of Law Bryant-Moore Invitational Moot Court Competition, Washington, District of Columbia. I served as a judge in the final round of a law school moot court competition. I have no notes, transcript or recording. The address of the Howard University School of Law is 2900 Van Ness Street Northwest, Washington, District of Columbia 20008.

October 6, 2011: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, District of Columbia. I used the same notes that were provided for the October 27, 2015 class.

September 13, 2011: Guest Lecturer, "Uncharged Misconduct Evidence," Georgetown University Law Center Prettyman Fellowship Program, Washington, District of Columbia. I used the same notes that were provided for the September 19, 2012 lecture.

February 26, 2011: Judge, Howard University School of Law Luke Charles Moore Invitational Moot Court Competition, Washington, District of Columbia. I served as a judge in the quarterfinal round of a law school moot court competition. I have no notes, transcript or recording. The address of the Howard University School of Law is 2900 Van Ness Street Northwest, Washington, District of Columbia 20008.

January 2, 2011: Speaker, Administration of Oath of Office, District of Columbia Inauguration Ceremony, Washington, District of Columbia. I administered the oath to several local elected officials. I have no notes, transcript or recording. The

address of the Office of the Mayor of the District of Columbia is 1350 Pennsylvania Avenue Northwest, Washington, District of Columbia 20004.

November 19, 2010: Keynote Speaker, Georgetown Law Public Interest Law Fellows Annual Dinner, Washington, District of Columbia. Notes supplied.

September 23, 2010: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, District of Columbia. I used the same notes that were provided for the October 27, 2015 class.

September 14, 2010: Guest Lecturer, "Uncharged Misconduct Evidence," Georgetown University Law Center Prettyman Fellowship Program, Washington, District of Columbia. I used the same notes that were provided for the September 19, 2012 lecture.

2008 – 2010: Faculty, Southern Public Defender Training Center, Birmingham, Alabama. I served as training faculty at a trial advocacy program for new public defenders hired in offices throughout the South. I have no notes, transcripts or recordings. The address for the Southern Public Defender Training Center (now known as Gideon's Promise) is 101 Marietta Street Northwest, Suite 250, Atlanta, Georgia 30303.

November 16, 2009: Presenter, "Opening Statements in Abuse and Neglect Trials," Children's Law Center, Washington, District of Columbia. Notes supplied.

October 14, 2009: Presenter, Question-and-Answer Session, "Advocating for Downward Departures at Sentencing," Public Defender Service Offender Rehabilitation Division, Washington, District of Columbia. The presentation was a question-and-answer session for social workers regarding the operation of the District of Columbia Voluntary Sentencing Guidelines. I have no notes, transcript or recording. The address of the Public Defender Service is 633 Indiana Avenue Northwest, Washington, District of Columbia 20004.

September 24, 2009: Guest Lecturer, "Fundamentals of Cross Examination," District of Columbia Law Students in Court Program, Washington, District of Columbia. I used the same notes that were provided for the October 27, 2015 class.

September 19, 2009: Presenter, "Opinion Evidence," Washington Council of Lawyers Evidence Training, Washington, District of Columbia. The lecture covered the law regarding the presentation of opinion evidence by lay witnesses. I have no notes, transcript or recording. The address of the Washington Council of Lawyers is 601 Massachusetts Avenue Northwest, Suite 5126, Washington, District of Columbia 20001.

June 9, 2009: Panel Moderator, Washington Council of Lawyers Summer *Pro Bono* and Public Interest Forum, Washington, District of Columbia. I served as the moderator of a panel for law students on public interest career paths. I have no notes, transcript or recording. The address of the Washington Council of Lawyers is 601 Massachusetts Avenue Northwest, Suite 5126, Washington, District of Columbia 20001.

2007 – 2009: Faculty, AFL-CIO Lawyers Coordinating Committee Trial Advocacy Workshop, Silver Spring, Maryland. I served as training faculty at a trial advocacy workshop for labor and employment lawyers. I have no notes, transcripts or recordings. The address of the AFL-CIO Lawyers Coordinating Committee is 815 16th Street Northwest, Sixth Floor, Washington, District of Columbia 20006.

November 17, 2008: Presenter, “Opening Statements in Abuse and Neglect Trials,” Children’s Law Center, Washington, District of Columbia. I used the same notes that were provided for the November 16, 2009 presentation.

October 29, 2008: Panel Moderator, “The Eyewitness Identification Procedures Act of 2008,” District of Columbia Bar Sections on Criminal Law and Individual Rights, Litigation, and District of Columbia Affairs, Washington, District of Columbia. I served as the moderator for a panel on legislation pending in the District of Columbia Council. I have no notes, transcript or recording. The address of the District of Columbia Bar is 1101 K Street Northwest, Suite 200, Washington, District of Columbia 20005.

September 11, 2008: Guest Lecturer, “Fundamentals of Cross Examination,” District of Columbia Law Students in Court Program, Washington, District of Columbia. I used the same notes that were provided for the October 27, 2015 class.

June 5, 2008: Panel Moderator, Washington Council of Lawyers Summer *Pro Bono* and Public Interest Forum, Washington, District of Columbia. I served as the moderator for a panel for law students on public interest career paths. I have no notes, transcript or recording. The address of the Washington Council of Lawyers is 601 Massachusetts Avenue Northwest, Suite 5126, Washington, District of Columbia 20001.

January 24, 2008: Presenter, “Evidence Blocking and Motions Practice,” Venable LLP *Pro Bono* Program, Washington, District of Columbia. Notes supplied.

2008: Faculty, Equal Justice Works Leadership Development Training, Washington, District of Columbia. I served as training faculty at a leadership development conference for Equal Justice Works Fellows preparing to begin Fellowships in various public interest positions. I have no notes, transcript or

recording. The address of Equal Justice Works is 1730 M Street Northwest #1010, Washington, District of Columbia 20036.

April 26, 2007: Presenter, "Expert Testimony," Washington Council of Lawyers Litigation Skills Training Program, Washington, District of Columbia. The lecture covered District of Columbia law regarding presentation of expert testimony. I have no notes, transcript or recording. The address of the Washington Council of Lawyers is 601 Massachusetts Avenue Northwest, Suite 5126, Washington, District of Columbia 20001.

2007: Guest Lecturer, "The Art of Judging," George Washington University School of Law, Washington, District of Columbia. The lecture covered effective advocacy in criminal cases. I have no notes, transcript, or recording. The address of the George Washington University School of Law is 2000 H Street Northwest, Washington, District of Columbia 20052.

November 18, 2006: Panelist, "Litigating Homicide Cases," Criminal Practice Institute Conference, Public Defender Service for the District of Columbia, Washington, District of Columbia. The panel focused on investigation, discovery and strategic considerations in homicide cases. I have no notes, transcript or recording. The address of the Public Defender Service for the District of Columbia is 633 Indiana Avenue Northwest, Washington, District of Columbia 20004.

2006: Guest Lecturer, Criminal Defense: Theory and Practice, Yale Law School, New Haven, Connecticut. The lecture focused on opening statements and closing arguments in criminal trials. I have no notes, transcript or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

February 10, 2006: Panelist, Clinical Theory Workshop, New York Law School, New York, New York. The panel discussed a recent symposium published in the Clinical Law Review. I have no notes, transcript or recording. The address of the New York Law School is 185 West Broadway, New York, New York 10013.

May 5, 2005: Presenter, "Direct and Cross Examination," Washington Council of Lawyers Litigation Skills Training Program, Washington, District of Columbia. Notes supplied.

2005: Guest Lecturer, Criminal Defense: Theory and Practice, Yale Law School, New Haven, Connecticut. The lecture focused on opening statements and closing arguments in criminal trials. I have no notes, transcript or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

2005: Faculty, National Legal Aid and Defender Association Trial Advocacy College, Philadelphia, Pennsylvania. I served as training faculty at a trial advocacy program for new public defenders and legal services lawyers. I have no



notes, transcript or recording. The address of the National Legal Aid and Defender Association is 1901 Pennsylvania Avenue Northwest #500, Washington, District of Columbia 20006.

2005: Faculty, Georgia Public Defender Standards Council, Vidalia, Georgia. I served as training faculty at a trial advocacy program for new public defenders in Georgia. I have no notes, transcript or recording. The address of the Georgia Public Defender Standards Council is 104 Marietta Street Northwest, Suite 400, Atlanta, Georgia 30303.

November 29, 2004: Presenter, "Litigating Evidentiary Issues in Abuse and Neglect Cases," Children's Law Center, Washington, District of Columbia. Notes supplied.

June 22, 2004: Panelist, "Domestic Violence Cases," Arnold & Porter *Pro Bono* Program, Washington, District of Columbia. Notes supplied.

2004: Presenter, "Juvenile Court Probable Cause Hearings," District of Columbia Criminal Defender Training Program/Juvenile Certification Series, Public Defender Service for the District of Columbia, Washington, District of Columbia. The presentation focused on effective cross examination and argument in probable cause hearings. I have no notes, transcript or recording. The address of the Public Defender Service for the District of Columbia is 633 Indiana Avenue Northwest, Washington, District of Columbia 20004.

November 3, 2003: Guest Lecturer, Criminal Law, Harvard Law School, Cambridge, Massachusetts. The lecture focused on the litigation of motions under the Fourth and Fifth Amendments to the United States Constitution. I have no notes, transcript or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

November 3, 2003: Panelist, Harvard Law School Wasserstein Public Interest Career Panel, "The World of Criminal Prosecution and Defense," Cambridge, Massachusetts. The panel focused on career paths in criminal law. I have no notes, transcript or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

June 24, 2003: Panelist, "Sentencing Practice: What Every Defense Lawyer Needs to Know," District of Columbia Criminal Defender Training Program, Public Defender Service for the District of Columbia, Washington, District of Columbia. The panel focused on effective advocacy in sentencing hearings. I have no notes, transcript or recording. The address of the Public Defender Service for the District of Columbia is 633 Indiana Avenue Northwest, Washington, District of Columbia 20004.

2003: Guest Lecturer, Public Interest Litigation, George Washington University School of Law, Washington, District of Columbia. The lecture focused on career paths in criminal law. I have no notes, transcript, or recording. The address of the George Washington University School of Law is 2000 H Street Northwest, Washington, District of Columbia 20052.

July 18, 2002: Presenter, "Effective Cross Examination," District of Columbia Criminal Defender Training Program, Washington, District of Columbia. Notes supplied.

November 17, 2001: Panelist, "Effective Sentencing Advocacy," Criminal Practice Institute Conference, Washington, District of Columbia. The panel focused on effective advocacy in sentencing hearings. I have no notes, transcript or recording. The Criminal Practice Institute Conference is sponsored by the Public Defender Service for the District of Columbia. The address of the Public Defender Service for the District of Columbia is 633 Indiana Avenue Northwest, Washington, District of Columbia 20004.

June 21, 2001: Presenter, "Cross Examining Expert Witnesses," District of Columbia Criminal Defender Training Program, Washington, District of Columbia. Notes supplied.

2001: Presenter, "Cross Examination in Juvenile Court Probable Cause Hearings," Bar Association of the District of Columbia Delinquency Seminar and Practicum for Juvenile Defenders, Washington, District of Columbia. The presentation focused on effective cross examination and argument in probable cause hearings. I have no notes, transcript or recording. The address of the Bar Association of the District of Columbia is 1016 16th Street Northwest, Suite 101, Washington, District of Columbia 20036.

November 19, 2000: Panelist, "Creative Motions Practice," Criminal Practice Institute Conference, Washington, District of Columbia. Notes supplied.

- 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.

Brittany Nay, *2012 Ladue Distinguished Alumni: Celebrating 60 Years of Achievement*, Ladue News, September 13, 2012. Copy supplied.

Wallace J. Mlyniec, *Developing a Teacher Training Program for New Clinical Teachers*, 19 Clinical L. Rev. 327 (Fall 2012). Copy supplied.

Tom Feeney Jr., *Investiture of Judge Jennifer DiToro*, Full Court Press, December 2011. Copy supplied.

Tom Feeney Jr., *Investiture of Judge Maribeth Raffinan*, Full Court Press, March 2011. Copy supplied.

Tom Feeney Jr., *Investiture of Judge Todd Edelman*, Full Court Press, December 2010. Copy supplied.

Henri E. Cauvin, *Suit Seeks Early Counsel for Defendants: Maryland High Court to Weigh Representation at Initial Hearings*, Washington Post, January 9, 2009. Copy supplied.

Henri E. Cauvin, *Mental Health Experts Can Often Tell Defendant's Tale; Malvo's Insanity Plea Allows for Hearsay*, Washington Post, December 9, 2003. Copy supplied.

Jason Cherkis, *Rough Justice*, City Paper, January 7, 2000. Copy supplied.

Christopher Mitchell, *Harvard Should Help, City Officials Argue*, Harvard Crimson, April 4, 1990. Copy supplied.

Meenekshi Bose, *College Students Tackle Issue of Homeless*, The Daily Collegian (Pennsylvania State University), December 9, 1987. Copy supplied.

*Yale Course Teaches Students About Homelessness First Hand*, Associated Press, November 30, 1987. Copy supplied.

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

I have served as an Associate Judge of the Superior Court of the District of Columbia since July 2010. I was nominated to this position by President Obama on March 25, 2010, and confirmed by the United States Senate on June 22, 2010. The Superior Court is the trial court of general jurisdiction for the District of Columbia. As a Superior Court judge, I have served in the Civil Division (2010 to 2012), the Domestic Violence Unit (2013 to 2014), and the Felony Branch of the Criminal Division (2015 to present).

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

I have presided over approximately 400 cases to verdict or judgment.

- i. Of these, approximately what percent were:

jury trials:	15%
bench trials:	85%

civil proceedings: 60%  
criminal proceedings: 40%

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

See attached.

- 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).

1) *American Thoracic Society v. American Lung Association*, 2009 CA 4543 (D.C. Super. Ct. Dec. 10, 2015). Decision supplied.

The significant contract dispute in this litigation stemmed from the separation of two nonprofit entities ten years prior to the initiation of the case, and the agreement the parties had made regarding the calculation of certain payments. Because the documents executed by the parties at the time of the separation contained conflicting payment terms, I first had to resolve – in considering a motion for summary judgment – whether the parol evidence rule precluded the consideration of certain documents. Finding that the documents were executed as part of the same general transaction and that principles of promissory estoppel worked in favor of the plaintiff, I denied the motion for summary judgment. At the pretrial conference, I ruled on complex issues relating to the application of the statute of limitations and the wording of certain jury instructions, and then initiated settlement discussions between the parties. I continued to mediate the case in the days leading up to the scheduled trial date, eventually helping the parties to reach a mutually-beneficial resolution that avoided a long, costly, and risky trial.

Plaintiff's counsel:

David J. Cynamon  
Alvin Dunn  
Pillsbury Winthrop Shaw Pittman LLP  
1200 17th Street Northwest  
Washington, District of Columbia 20036  
(202) 663-8492

Defendant's counsel:

Jonathan L. Abram  
Hogan Lovells LLP

555 13th Street Northwest  
Washington, District of Columbia 20004  
(202) 637-5681

Brendan Marx  
Eaton & Van Winkle LLP  
Three Park Avenue, 16th Floor  
New York, New York 10016  
(212) 561-3624

2) *Cusick v. District of Columbia*, 2008 CA 6915 (D.C. Super. Ct. July 25, 2011). Decision supplied.

In this complex action, the former general counsel of the District of Columbia Fire and Emergency Management Services claimed that the District had terminated her employment due to her protected whistleblowing activities. Finding that the plaintiff had alleged that she engaged in conduct that qualified as “protected activity” under the District of Columbia’s Whistleblower Protection Act, I denied the District’s motion for summary judgment. I then presided over a relatively lengthy jury trial, which resulted in a defense verdict. No appeal was taken in the case.

Plaintiff’s counsel:

Richard Condit  
Mehri & Skalet, PLLC (formerly at Government Accountability Project)  
1250 Connecticut Avenue Northwest, Suite 300  
Washington, District of Columbia 20036  
(202) 822-5100

Counsel for the District of Columbia:

Kerslyn D. Featherstone  
Office of the Attorney General for the District of Columbia  
441 Fourth Street Northwest, Sixth Floor South  
Washington, District of Columbia 20001  
(202) 724-6600

3) *Davis v. District of Columbia*, 2005 CA 8722 (D.C. Super. Ct.).

In this case, a former employee of the District of Columbia challenged his 2004 termination under the District of Columbia Human Rights Act (DCHRA) and the District of Columbia Whistleblowers Protection Act (DCWPA). Pretrial litigation in the case raised an issue of first impression regarding the retroactivity of the 2009 amendments to the DCWPA’s statute of limitations and notice of claim provisions. After a hearing and briefing from the parties, I ruled that application

of the 2009 amendments to this lawsuit would not constitute an impermissible retroactive application of law, and denied the District's motion to dismiss the case on statute of limitations and notice of claim grounds. *See Davis v. District of Columbia*, 2010 D.C. Super. LEXIS 6 (D.C. Super. Ct. Nov. 23, 2010). I subsequently granted summary judgment for the District on the DCWPA claim, *see Davis v. District of Columbia*, 2011 WL 2173986 (D.C. Super. Ct. Apr. 12, 2011), and a jury rendered a verdict for the District on the DCHRA claim. The District of Columbia Court of Appeals affirmed the judgment in its entirety. *Davis v. District of Columbia*, No. 11-CV-1424 (D.C. July 31, 2013).

Plaintiff's counsel:

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Alderman, Devorsetz & Hora, PLLC  
1025 Connecticut Avenue Northwest, Suite 615  
Washington, DC 20036  
(202) 969-8220

Counsel for the District of Columbia:

Kerslyn D. Featherstone  
Office of the Attorney General for the District of Columbia  
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(202) 724-6600

4) *District of Columbia Housing Authority v. Reid*, 2011 LTB 34141 (D.C. Super. Ct.).

This landlord and tenant case turned on novel issues regarding the relationship between a criminal expungement statute and a civil action to evict a tenant based upon a subsequently-expunged conviction. After considering the briefs of the parties and various *amicus curiae*, I ruled that the expungement statute did apply to the plaintiff public housing authority and prevented it from basing an eviction action on expunged records, but that the fact of the expungement of the criminal case did not require dismissal of the eviction action. *See District of Columbia Housing Authority v. Reid*, 2012 D.C. Super. LEXIS 9 (D.C. Super. Ct. Dec. 17, 2012). The parties thereafter reached a settlement in the case.

Plaintiff's counsel:

Lisa J. Dessel  
Rena Schild  
Musolino & Dessel, PLLC  
1615 L Street Northwest, Suite 440  
Washington, District of Columbia 20036

(202) 466-3883

Defendant's counsel:

Hsing L. Yanker  
(formerly at Pepper Hamilton LLP; current business contact information  
unavailable)

Counsel for amicus curiae:

Beth Mellen Harrison  
Legal Aid Society of the District of Columbia  
1331 H Street Northwest, Suite 350  
Washington, District of Columbia 20005  
(202) 661-5971

The Honorable Robert Okun  
Superior Court of the District of Columbia (formerly at the Office of the United  
States Attorney)  
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(202) 879-4602

Vanessa S. Phillips  
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for the District of Columbia)  
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Kemblesville, Pennsylvania 19347  
(215) 392-4111

5) *Havilah Real Property Services, LLC v. VLK, LLC et al.*, 2008 CA 2474  
(D.C. Super. Ct. Sept. 15, 2010 & Mar. 29, 2011). Decisions supplied.

This complex civil action involving competing real estate ventures presented several extensively-litigated issues of first impression, including whether the filing of a notice *lis pendens* in connection with litigation over real property is protected by an absolute or conditional privilege as a defense to a claim of tortious interference with prospective business advantage; whether such a filing, when made in bad faith, can support a claim of malicious prosecution; and what the measure of damages for such claims should be. In two written memorandum opinions, I ruled that such filings should be conditionally rather than absolutely privileged (and that the plaintiff's tort claim for interference with prospective business advantage could thus proceed), but that District of Columbia law did not support the plaintiff's malicious prosecution claim. After multiple pretrial hearings, I presided over a lengthy jury trial which resulted in a verdict for the plaintiff on the interference with prospective business advantage claim. The

District of Columbia Court of Appeals affirmed the judgment in its entirety.  
*Havilah Real Property Services, LLC v. VLK, LLC*, 108 A.3d 334 (D.C. 2015).

Plaintiff's counsel:

Eric Rome  
June Marshall  
Eisen & Rome, P.C.  
One Thomas Circle Northwest, Suite 1010  
Washington, District of Columbia 20005  
(202) 659-2822

Defendants' counsel:

Roger W. Heald  
Hogan & Heald  
11130 Fairfax Boulevard, Suite 310  
Fairfax, Virginia 22030  
(703) 591-0003

6) *L. Thomas v. M. Thomas*, 2013 CPO 2062 (D.C. Super. Ct.).

In this Civil Protection Order (CPO) case brought in the Superior Court's Domestic Violence Branch, no dispute existed as to whether the petitioner was entitled to an order requiring the respondent to stay away from her: the respondent had already been convicted of assaulting petitioner in a separate criminal case, and did not object to a civil stay-away order. Rather, the dispute focused on whether the respondent had physically and sexually abused the couple's minor children, and whether the petitioner could be awarded sole custody of the children as a condition of the CPO. In evaluating the evidence, I considered testimony regarding incidents that occurred in other jurisdictions many years before, as well as expert testimony bearing on the child's report of sexual abuse; in determining the ultimate issue of remedy, I focused on the impact of the District's Intrafamily Offenses Act on child custody determinations. At the conclusion of the bench trial, I concluded that the petitioner had demonstrated that the respondent had sexually abused one of the children, and granted the petitioner's request for a CPO that gave her exclusive custody of the children and denied visitation rights to the respondent. No appeal was taken.

Petitioner's counsel:

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Legal Aid Society of the District of Columbia  
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Washington, District of Columbia 20005  
(202) 386-6674



Respondent's counsel:

Kanita Williams  
Solo Practitioner  
601 Pennsylvania Avenue Northwest #900S  
Washington, District of Columbia 20004  
(202) 643-4053

7) *United States v. Jackson*, 2014 CF313717 (D.C. Super. Ct.).

In this criminal case, the government indicted Mr. Jackson on charges including assault on a police officer while armed, assault with a dangerous weapon, threats to do bodily harm, and numerous firearms offenses. According to the government's witnesses, the defendant shot at a police officer at close range because he was angry about the resolution of an earlier dispute. I presided over pretrial motions hearings and a lengthy, multi-witness jury trial that raised issues regarding the limits of bias cross-examination, the mens rea requirement for the offense of threats, and the appropriateness of a special unanimity instruction on several of the charges. The jury convicted Mr. Jackson of all charges, and I sentenced him to ten years in prison. The matter is currently on appeal to the District of Columbia Court of Appeals.

Government counsel:

Christine Macey  
Office of the United States Attorney for the District of Columbia  
555 Fourth Street Northwest  
Washington, District of Columbia 20530  
(202) 252-7058

Defendant's counsel:

Harry Tun  
Solo Practitioner  
400 Fifth Street Northwest  
Washington, District of Columbia 20001  
(202) 393-2882

8) *United States v. Jones*, 2013 CF3 10586 (D.C. Super. Ct. June 2, 2015).  
Decision supplied.

In this case, the government indicted Mr. Jones as the "Petworth serial stabber," alleging that he had committed four separate stabbings in the neighborhood in 2013. Pretrial litigation involved issues regarding efforts to restore the defendant's competence to stand trial, his competence to waive the insanity

defense, and the propriety of the joinder of the various charges. I eventually found Mr. Jones competent, permitted him to waive his insanity defense, and allowed the government to prosecute charges related to all four incidents in a single trial. After a two-week trial, a jury found Mr. Jones not guilty of all charges.

Government counsel:

Philip Selden  
Office of the United States Attorney for the District of Maryland  
36 South Charles Street, Fourth Floor  
Baltimore, Maryland 21201  
(410) 209-4900

Defendant's counsel:

Betty Ballester  
Solo Practitioner  
4200 Wisconsin Avenue Northwest #106-293  
Washington, District of Columbia 20016  
(202) 244-9400

9) *United States v. Offutt*, 2014 CF2 12011 (D.C. Super. Ct.).

The indictment in this case charged the defendant with assault with a dangerous weapon, tampering with evidence, and related charges stemming from an incident in which he had allegedly shot his neighbor. Disputes about the relationship between the shooting and the alleged tampering with evidence created novel issues relating to the joinder of the charges for trial and the language in certain key jury instructions. I presided over the pretrial motions hearings and a multi-witness jury trial, which resulted in the jury convicting Mr. Offutt on some charges and acquitting him of others. The case is currently on appeal to the District of Columbia Court of Appeals.

Government counsel:

Clayton H. O'Connor  
Office of the United States Attorney for the District of Columbia  
555 Fourth Street Northwest  
Washington, District of Columbia 20530  
(202) 252-7278

Defendant's counsel:

Kevin Irving  
Solo Practitioner  
419 Seventh Street Northwest, Suite 405

Washington, District of Columbia 20004  
(202) 360-4216

10) *1433 T Street Assocs., LLC v. Tessema et al.*, 2009 LTB 21057 et seq. (D.C. Super. Ct.).

The *T Street* litigation involved a multi-year dispute over a landlord's efforts to remove all of the tenants from an apartment building. While the landlord and tenants were litigating the legality of various actions (including a rent increase) taken by the landlord in front of a city administrative agency, the landlord brought actions in Superior Court based on the tenants' failure to pay the proposed increased rents. I stayed the eviction actions and took several steps to maintain the status quo and protect all parties' property interests during the pendency of the administrative process; in particular, I determined the appropriate amount of protective order payments that the tenants needed to pay into the Court's registry to protect the landlord's potential interest should it ultimately prevail in the lawsuit, and held several multi-day hearings regarding the condition of the building, the landlord's costs in continuing to operate the building, and the appropriate level of market-based rent. Eventually, the parties settled the case, with the tenants accepting cash payments in exchange for moving out of the building.

Plaintiff's counsel:

Jeffrey Styles  
Styles & Barros  
1990 M Street Northwest, Suite 200  
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(202) 544-9433

Defendants' counsel:

Julie Becker  
Beth Mellen Harrison  
Legal Aid Society of the District of Columbia  
1331 H Street Northwest, Suite 350  
Washington, District of Columbia 20005  
(202) 628-1161

- 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) *Boucree v. Greenpoint Mortgage Funding, et al.*, 2008 CA 4951 (D.C. Super. Ct. June 30, 2011). Decision supplied.

Plaintiff's counsel:

Frederick A. Douglas  
Curtis A. Boykin  
Douglas & Boykin PLLC  
1850 M Street Northwest, Suite 640  
Washington, District of Columbia 20036  
(571) 290-4671

Defendants' counsel:

Stephan Y. Brennan  
Iliff, Meredith, Wildberger & Brennan, P.C.  
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(410) 685-1166

Michelle D. Gambino  
Greenberg Traurig  
1750 Tysons Boulevard, Suite 1000  
McLean, Virginia 22102  
(703) 749-1300

2) *Davis v. District of Columbia*, 2010 D.C. Super. LEXIS 6 (D.C. Super. Ct. Nov. 23, 2010).

Plaintiff's counsel:

John F. Karl, Jr.  
Alderman, Devorsetz & Hora, PLLC  
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(202) 969-8220

Counsel for the District of Columbia:

Kerslyn D. Featherstone  
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Washington, District of Columbia 20001  
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3) *District of Columbia Housing Authority v. Reid*, 2012 D.C. Super. LEXIS 9 (D.C. Super. Ct. Dec. 17, 2012).

Plaintiff's counsel:

Lisa J. Dessel  
Rena Schild  
Musolino & Dessel, PLLC  
1615 L Street Northwest, Suite 440  
Washington, District of Columbia 20036  
(202) 466-3883

Defendant's counsel:

Hsing L. Yanker  
(formerly at Pepper Hamilton LLP; current business contact information  
unavailable)

Counsel for amicus curiae:

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Legal Aid Society of the District of Columbia  
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Washington, District of Columbia 20005  
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The Honorable Robert Okun  
Superior Court of the District of Columbia (formerly at the Office of the United  
States Attorney)  
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Vanessa S. Phillips  
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for the District of Columbia)  
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4) *Gray v. Sobin*, 2014 D.C. Super. LEXIS 1 (D.C. Super. Ct. Feb. 14,  
2014).

Petitioner's counsel:

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Network for Victim Recovery of District of Columbia  
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Washington, District of Columbia 20011  
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Kfir B. Levy  
Mayer Brown  
1999 K Street Northwest  
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(202) 263-3136

Respondent appeared pro se.

Counsel for amicus curiae:

Arthur B. Spitzer  
American Civil Liberties Union of the Nation's Capital  
P.O. Box 11637  
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(202) 457-0800

5) *Havilah Real Property Services, LLC v. VLK, LLC et al.*, 2008 CA 2474 (D.C. Super. Ct. Mar. 29, 2011). Decision previously supplied in response to Question 13c.

Plaintiff's counsel:

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June Marshall  
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Defendants' counsel:

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Hogan and Heald  
11130 Fairfax Boulevard, Suite 310  
Fairfax, Virginia 22030  
(703) 591-0003

6) *Manniso v. Carlan*, 2012 CA 4426 (D.C. Super. Ct. May 2, 2013). Decision supplied.

Counsel for Plaintiff's attorney:

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Carr Maloney P.C.  
2020 K Street Northwest, Suite 850

Washington, District of Columbia 20006  
(202) 310-5519

Defendant's counsel:

Janine Carlan  
Arent Fox LLP  
1717 K Street Northwest  
Washington, District of Columbia 20006  
(202) 715-8506

7) *Payne v. District of Columbia Department of Employment Services and Washington Metropolitan Area Transit Authority*, 99 A.3d 665 (D.C. 2014).

Appellant's counsel:

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Koonz, McKenney, Johnson, DePaolis & Lightfoot, L.L.P.  
2001 Pennsylvania Avenue Northwest, Suite 450  
Washington, District of Columbia 20006  
(202) 659-5500

Appellee's counsel:

Mark H. Dho  
Washington Metropolitan Area Transit Authority  
600 Fifth Street Northwest  
Washington, District of Columbia 20001  
(202) 962-2373

8) *Small v. Cannady*, 2014 D.C. Super. LEXIS 4 (D.C. Super. Ct. Mar. 26, 2014).

Petitioners' counsel:

Olewwmimo (Wemi) Peters (for petitioner Small)  
Legal Aid Society of the District of Columbia  
1331 H Street Northwest, Suite 350  
Washington, District of Columbia 20005  
(202) 661-5964

Monica Trigos (for petitioner Johnson)  
Office of the United States Attorney for the District of Columbia (formerly at Break the Cycle)  
555 Fourth Street Northwest  
Washington, District of Columbia 20530

(202) 252-7768

All other parties appeared pro se.

9) *United States v. Barahona*, 2014 D.C. Super. Lexis 19 (D.C. Super. Ct. Dec. 12, 2014).

Government counsel:

Lauren Bates  
Office of the United States Attorney for the District of Columbia  
555 Fourth Street Northwest  
Washington, District of Columbia 20530  
(202) 252-7296

Defendant's counsel:

James Colt  
Solo Practitioner  
1519 North Buchanan  
Arlington, Virginia 22205  
(703) 587-1894

Counsel for amicus curiae:

Samia Fam  
Public Defender Service for the District of Columbia  
633 Indiana Avenue Northwest  
Washington, District of Columbia 20004  
(202) 628-1200

10) *United States v. Jones*, 2013 CF3 10586 (D.C. Super. June 2, 2015).  
Decision previously supplied in response to Question 13c.

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Defendant's counsel:

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4200 Wisconsin Avenue Northwest #106-293  
Washington, District of Columbia 20016  
(202) 244-9400



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

To my knowledge, certiorari has not 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.

*DeStefano v. Children's Nat'l Medical Center*, 2010 CA 1935 (D.C. Super. Ct. June 12, 2012), *rev'd in part*, 121 A.3d 59 (D.C. 2015). In a case of first impression, the Court of Appeals reversed a portion of an order I had issued on the defendants' motions for summary judgment. I ruled that, because she was not herself in the "zone of physical danger," the plaintiff's mother could not prevail in an action for negligent infliction of emotional distress. Decision supplied. Adopting the "rescuer doctrine" employed in other jurisdictions, the Court of Appeals held that the plaintiff's mother could proceed with her individual claim because the evidence could support the conclusion that her actions in attempting to assist the plaintiff placed her in the zone of danger.

*Vesta Corp. t/a Gregory Apartments v. Davis*, 2012 LTB 15502 (D.C. Super. Ct.), *remanded by* No. 12-CV-1979 (D.C. Dec. 11, 2013). After the plaintiff defaulted by failing to appear for several court proceedings, another judge granted judgment for the landlord, and the tenant was evicted. The tenant later filed a motion to restore her to possession of the premises, which I denied when the tenant appeared before me in the Landlord and Tenant Branch. The Court of Appeals remanded, ruling that I had not properly considered all of the factors necessary to determine whether to grant relief from judgment. Decision supplied. On remand, I issued an order reinstating my original judgment. My ruling on remand was not subsequently appealed.

*Fraternal Order of Police v. District of Columbia*, 2011 CA 6032 (D.C. Super. Ct. May 1, 2012), *rev'd in part*, 79 A.3d 347 (D.C. 2013). In this lawsuit filed under the District of Columbia Freedom of Information Act (FOIA), I granted in part and denied in part motions for summary judgment filed by each party, and denied plaintiff's motion for reconsideration. Decisions supplied. The Court of Appeals reversed a portion of my grant of summary judgment to the District with regard to the District's invocation of the "deliberative process exception" and the adequacy of its search for certain documents.

*Sparrow v. District of Columbia Office of Human Rights*, 2011 CA 8024 (D.C. Super. Ct. Sept. 6, 2012), *rev'd*, 74 A.3d 698 (D.C. 2013). I affirmed an administrative determination by the District of Columbia Office of Human Rights

(OHR). Decision supplied. Hearing an appeal *de novo*, the Court of Appeals reversed OHR's decision, holding one of OHR's findings was not supported by substantial evidence.

*Hollins v. Hollins*, 2003 CA 867 & 929 (D.C. Super. Ct. Mar. 16, 2011), *remanded by* No. 11-CV-442 (D.C. Aug. 23, 2012). I denied the plaintiff's request to reconsider a post-judgment opinion rendered by a recently-retired judge, or to permit him to late file an appeal. Decision supplied. The Court of Appeals remanded the case, ruling that I erred in deferring to the original trial judge's determinations and in consulting the court's records regarding electronic service of the original order in denying the motion to late-file.

- 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.

Approximately 99% of the opinions and orders I have issued are not published. Those orders and opinions are filed and stored on the Superior Court's docketing system, accessible to the public.

- 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.

*United States v. Barahona*, 2014 D.C. Super. Lexis 19 (D.C. Super. Ct. Dec. 12, 2014).

*Gray v. Sobin*, 2014 D.C. Super. LEXIS 1 (D.C. Super. Ct. Feb. 14, 2014).

*Raymond v. District of Columbia*, 2008 CA 7578 (D.C. Super. Ct. May 8, 2012). Decision supplied.

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

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

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

- a. whether your recusal was requested by a motion or other suggestion by a litigant

or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The Superior Court of the District of Columbia does not employ an automatic recusal system. Like other judges on our court, I have recused myself when I have felt that my knowledge of facts relating to the litigation or my relationship with a party created adequate grounds for recusal. No party has ever asked me to recuse myself from a case.

*United States v. Stephon McCrea*, 2014 DVM 2123 & 2014 DVM 2369: I recused from these non-jury trials because I had learned information about the complaining witness in a separate proceeding relevant to the contested issues in these cases.

*United States v. Albert Gordon*, 2013 DVM 2937: I recused because I had previously represented the Defendant.

*Javanda Beckwith v. Ronald Miller*, 2011 CPO 3803: I recused because I had previously represented a party.

*Hunt v. Sequoia Presidential Yacht Group et al.*, 2011 CA 7109: I recused because of a personal relationship with the spouse of a party.

*Hall v. Saunders*, 2011 CA 5071: I recused from this non-jury matter because I had learned facts bearing on the credibility of a party in an unrelated proceeding.

*United States v. Russell Crawford*, F-8342-99: I recused from consideration of a post-conviction motion alleging ineffective assistance of counsel because of a personal and professional relationship with trial counsel.

**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 neither held nor sought any other elected or 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.

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 clerk to the Honorable William B. Bryant on the United States District Court for the District of Columbia from 1994 to 1995.

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

I have never practiced alone.

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

1995 – 1997

E. Barrett Prettyman Fellowship Program  
Georgetown University Law Center  
111 F Street Northwest  
Washington, District of Columbia 20001  
E. Barrett Prettyman Fellow

1997 – 2005

Public Defender Service for the District of Columbia  
633 Indiana Avenue Northwest  
Washington, District of Columbia 20004  
Training Director (2004 – 2005)  
Chief, Serious Felony Section (2002 – 2004)  
Supervising Attorney, Trial Division (2001 – 2002)  
Staff Attorney, Trial Division (1997 – 2001)

2005 – 2008

Bredhoff & Kaiser, P.L.L.C.  
805 15th Street Northwest, Suite 1000  
Washington, District of Columbia 20005  
Of Counsel

2010 – present  
Superior Court of the District of Columbia  
500 Indiana Avenue Northwest  
Chambers 1610  
Washington, District of Columbia 20001  
Associate Judge

2004 – 2010, 2014 – present  
Georgetown University Law Center  
600 New Jersey Avenue Northwest  
Washington, District of Columbia 20001  
Adjunct Professor of Law (2004 – 2008, 2014 – present)  
Visiting Associate Professor of Law (2008 – 2010)

- 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 in alternative dispute resolution proceedings.

b. Describe:

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

I first began practicing law in 1995 as an E. Barrett Prettyman Fellow in the Georgetown University Law Center's Criminal Justice Clinic. In that two-year fellowship, I represented indigent defendants charged with misdemeanor and low-level felony cases in the Superior Court of the District of Columbia, and supervised third-year law students who were serving as student counsel in misdemeanor cases.

In 1997, I joined the Public Defender Service (PDS) for the District of Columbia as a Staff Attorney in the Trial Division. I spent eight years at PDS representing indigent defendants charged with crimes in the Superior Court of the District of Columbia. I began by representing defendants charged with lower-level offenses, and by 2000 was being assigned homicide, conspiracy, and other serious felonies. During my tenure at PDS, I represented hundreds of clients; I served as lead counsel in approximately 30 to 35 jury trials and 10 to 15 non-jury trials. I was

promoted to Supervising Attorney in 2001, then to Chief of the PDS Serious Felony Section in 2002 and to Training Director in 2004.

I joined the law firm of Bredhoff & Kaiser PLLC as Of Counsel in 2005. In private practice, I focused on complex civil litigation, representing parties in ERISA, RICO, labor law, employment, and other matters. I also conducted internal investigations on behalf of employers, litigated cases before various administrative agencies, and represented individuals in criminal and employment matters.

I returned to the Georgetown University Law Center in 2008 as a Visiting Associate Professor of Law, teaching full-time in the Criminal Justice Clinic. In this position, I taught a year-long clinical course for third-year law students, and closely supervised students who were serving as student counsel in misdemeanor cases and the Prettyman Fellows working with them. During this period, I also served as lead counsel on a number of serious felony and post-conviction cases.

I became an Associate Judge of the Superior Court of the District of Columbia in 2010. Since taking the bench, I have served in the Civil Division, the Domestic Violence Unit, and the Felony Branch of the Criminal Division.

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

In my work as a Prettyman Fellow, as an attorney with the Public Defender Service, and as a clinical professor at the Georgetown University Law Center, all of my clients were indigent defendants charged with criminal offenses in the Superior Court of the District of Columbia.

In the years I worked at Bredhoff & Kaiser, my typical clients were individuals, pension funds, labor unions, and other entities involved in civil litigation of various types in federal or state courts. I also conducted internal investigations on behalf of unions, law firms, and non-profit entities, and represented individuals in criminal investigations and cases.

- 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, well over 95% of my practice was devoted to litigation. Although I conducted some internal investigation or advisory work for clients, the bulk of my legal work was as a litigator in criminal and civil cases.

As a Prettyman Fellow and as an attorney with the Public Defender Service for

the District of Columbia, I appeared in court three to four days per week. While at Bredhoff & Kaiser, I appeared in court or before administrative agencies approximately 10 to 20 times per year. As a clinical professor at the Georgetown University Law Center, I appeared in court, on average, two to three times per week.

i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 15% |
| 2. state courts of record:  | 80% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 5%  |

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 20% |
| 2. criminal proceedings: | 80% |

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 would estimate that I tried approximately 50 cases to verdict over the course of my career, and litigated dispositive pretrial motions in approximately ten others. I was lead or sole counsel in virtually all of these trials; I served as junior co-counsel in three of these trials, and as associate counsel in three to five civil cases. In addition, I served in approximately 25 additional trials as counsel of record while acting as supervisory counsel, i.e., as counsel of record in which the cases were tried by law students or Prettyman Fellows under my close supervision.

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 75% |
| 2. non-jury: | 25% |

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

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

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

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

1. *United States v. Benn*, Case No. F-13098-92 (District of Columbia Superior Court) (Judge Geoffrey Alprin, presiding)

I served as lead counsel for Mr. Benn, an indigent defendant, in this first degree murder while armed case beginning in 2002, after his initial convictions were overturned on appeal. *See Benn v. United States*, 801 A.2d 132 (2002) (“*Benn I*”). In the second trial in April 2003, the government presented the testimony of five witnesses who did not previously know Mr. Benn, but who all identified him as one of the people who had taken the decedent into their custody shortly before his murder; the court denied my motion to permit the testimony of an eyewitness identification expert. The jury in the second trial acquitted Mr. Benn of murder, but convicted him of armed kidnapping and related offenses. The District of Columbia Court of Appeals remanded the case, reversing the trial court’s exclusion of eyewitness identification testimony and creating a new standard for the admissibility of such experts. *See Benn v. United States*, 978 A.2d 1257 (D.C. 2009) (“*Benn II*”). Following the remand, Mr. Benn pled guilty to a lesser charge and was released on a time-served sentence.

Co-counsel:

Christopher Flood  
Federal Defenders of New York (formerly at the Public Defender Service)  
52 South Duane Street, Tenth Floor  
New York, New York 10007  
(212) 417-8734

Opposing counsel:

Colleen Covell  
Office of the United States Attorney for the District of Colorado (formerly at the Office of the United States Attorney for the District of Columbia)  
1225 17th Street, Suite 700  
Denver, Colorado 80202  
(303) 454-0215

2. *United States v. McNeil*, Case No. F-7223-02 (District of Columbia Superior Court) (Judge Russell F. Canan, presiding)



I was appointed as lead counsel for Ms. McNeil, an indigent defendant who was charged with first degree murder while armed of her 18-month-old daughter. Ms. McNeil's defense rested on a claim of insanity, while the government contended that Ms. McNeil's actions were driven by PCP intoxication. The case required intensive focus on forensic psychiatry, pharmacology and toxicology, and implicated a seldom-used doctrine known as "settled insanity" that defines the legal boundary between intoxication and insanity. After a month-long trial in March-April 2004, Ms. McNeil was convicted of first degree felony murder as well as all but two of the other counts against her, and was sentenced to 33 years in prison. Three years later, her convictions were reversed by the District of Columbia Court of Appeals based on an objection I had made to the government's use of Ms. McNeil's post-arrest silence to rebut her claim of insanity. *See McNeil v. United States*, 933 A.2d 354 (D.C. 2007). Ms. McNeil subsequently pled guilty pursuant to an agreement under which she received a sentence of 15 years.

Co-counsel:

Kimberly Clark  
Public Defender Service for the District of Columbia  
633 Indiana Avenue Northwest  
Washington, District of Columbia 20004  
(202) 628-1200

Opposing counsel:

Rachel Carlson Lieber  
General Counsel's Office (formerly at the Office of the United States Attorney)  
Central Intelligence Agency  
Washington, District of Columbia 20505  
(703) 482-9306

The Honorable Kimberley Knowles  
Superior Court of the District of Columbia (formerly at the Office of the United States Attorney)  
500 Indiana Avenue Northwest  
Washington, District of Columbia 20001  
(202) 879-8750

3. *Fields v. Lyon Workspace Products et al.*, Case No. 1:07-cv-6894 (United States District Court for the Northern District of Illinois) (Judge Joan Lefkow, presiding)

I served as principal counsel for a class of retirees who had spent their working lives at Lyon Workspace Products' locker manufacturing factory in Montgomery, Illinois. In 2007, Lyon unilaterally changed the manner by which it calculated the

monthly health insurance premiums for its retirees, resulting in a dramatic increase in premiums that forced all of the retirees to drop out of the health plan. The class action filed in December 2007 charged that Lyon had violated the obligations created by collective bargaining agreements and the health insurance plan documents, and sought remedies under the Employee Retirement Income Security Act and the Labor Management Relations Act. In September 2008, the parties agreed to a settlement that essentially provided all of the retirees with the monetary value of the health insurance plan of which they had been deprived by Lyon's actions.

Co-counsel:

Stephen A. Yokich  
Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich  
Eight South Michigan Avenue, 19th Floor  
Chicago, Illinois 60603  
(312) 372-1361

Opposing counsel:

Eric P. Mathisen  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
Two First National Plaza, 25th Floor  
20 South Clark Street  
Chicago, Illinois 60603  
(219) 242-8666

4. *United States v. Robinson*, Case No. F-4436-01 (District of Columbia Superior Court) (Judge Frederick H. Weisberg, presiding)

I served as lead counsel for Mr. Robinson, an indigent teenager charged as an adult with assault with intent to commit murder and related offenses, and who stood trial in January 2002. During jury selection, I objected to the prosecutor's use of peremptory strikes to remove every female African-American juror from the panel, arguing that they constituted discrimination on the basis of race and gender in violation of *Batson v. Kentucky* and *J.E.B. v. Alabama*; the trial judge ruled that no prima facie showing of discrimination had been made. Mr. Robinson was convicted by the jury, but the District of Columbia Court of Appeals reversed his convictions, finding that purposeful exclusion of prospective jurors because they are black and female constitutes unconstitutional discrimination on account of both race and gender. *See Robinson v. United States*, 878 A.2d 1273 (D.C. 2005). The Court of Appeals' ruling constituted the first precedent in this jurisdiction finding that black females (or any other combined race/gender group) were a "suspect category" in the context of equal protection challenges to peremptory strikes.

Co-counsel:

Alison Flaum  
Northwestern University Pritzker School of Law (formerly at the Public Defender  
Service)  
Bluhm Legal Clinic  
375 East Chicago Avenue  
Chicago, Illinois 60611  
(312) 503-1492

Opposing counsel:

Glenn Leon  
Hewlett-Packard Enterprise (formerly at the Office of the United States Attorney)  
13600 Eds Drive  
Herndon, Virginia 20171  
(202) 425-3076

5. *Bevona v. Service Employees International Union et al.*, Docket No. 05-Civ.-  
1157 (United States District Court for the Southern District of New York) (Judge  
Denise Cote, presiding)

I was a member of a team of attorneys defending an international union and one  
of its local affiliates against a lawsuit filed in 2005 by Mr. Bevona, the deposed  
former president of the local. Just prior to leaving office, Mr. Bevona had  
awarded himself millions of dollars in severance payments, pension benefits, and  
reimbursements. When the international union and the new leadership of the  
local union refused to release the funds demanded by Mr. Bevona, he filed a  
multi-million dollar lawsuit against them, putting the members' dues and the  
credibility of the organizations at risk. Facts uncovered during the investigation  
of the case and in discovery undermined the plaintiff's claims such that the  
defendants prevailed on summary judgment on all claims in 2006.

Co-counsel for Defendants:

Gary Kohlman  
National Basketball League Players' Association (formerly at Bredhoff & Kaiser  
PLLC)  
310 Lenox Avenue  
New York, New York 10027  
(202) 497-4468

Robert Weinberg  
Robert Alexander  
Leon Dayan  
Bredhoff & Kaiser PLLC

805 15th Street Northwest, Suite 1000  
Washington, District of Columbia 20005  
(202) 842-2600

Daniel Engelstein  
David M. Slutsky  
Levy Ratner PC  
80 Eighth Avenue, Eighth Floor  
New York, New York 10011  
(212) 627-8100

Opposing counsel:

Christopher Smith  
Trivella, Forte & Smith, LLP  
1311 Mamaroneck Avenue, Suite 170  
White Plains, New York 10605  
(914) 949-9075

6. *United States v. McMillian*, Criminal No. F-5324-00 (District of Columbia Superior Court) (Judges Shellie Bowers and Rafael Diaz, presiding)

I served as lead counsel for Mr. McMillian, an indigent teenager who was charged in August 2000 with first degree murder while armed and related offenses. The defendant made admissions during a statement videotaped by police, but, after a complicated suppression hearing that spanned from November 2002 to April 2003, the court suppressed the statement on Fourth Amendment grounds. Following a three-week trial in September to October 2005, the jury acquitted Mr. McMillian of first degree murder while armed and possession of a firearm during a crime of violence, but convicted him of carrying a pistol without a license and related misdemeanors.

Co-counsel:

Hannah McElhinny  
Public Defender Service for the District of Columbia  
633 Indiana Avenue Northwest  
Washington, District of Columbia 20004  
(202) 824-2393

Opposing counsel:

Roger Kemp  
Office of the United States Attorney for the District of Columbia  
555 Fourth Street Northwest  
Washington, District of Columbia 20530

(703) 371-5218

Thomas A. Dibiase  
United States Capitol Police (formerly at the Office of the United States Attorney)  
499 South Capitol Street, Suite 820  
Washington, District of Columbia 20003  
(202) 593-3630

7. *United States v. McMillian*, Criminal No. F-4447-02 (District of Columbia Superior Court) (Judges Rhonda Reid-Winston and Michael Rankin, presiding)

I was also appointed as lead counsel for Mr. McMillian in this second case, in which he was charged in July 2002 for a double homicide and related offenses that had allegedly occurred prior to his arrest in 2000. During the same videotaped interrogation involved in Mr. McMillian's other case, Mr. McMillian made admissions related to this case. After a week-long evidentiary hearing in February 2005, the court denied the defense request to apply the suppression ruling in the earlier case pursuant to principles of collateral estoppel, but again suppressed those statements on Fourth Amendment grounds. The government filed an interlocutory appeal, and the District of Columbia Court of Appeals reversed the order suppressing the statement. *See United States v. McMillian*, 898 A.2d 922 (D.C. 2007). The trial of the case took approximately three weeks in April to May 2009, and resulted in a mistrial after the jury divided 11-1 in favor of acquittal. Mr. McMillian subsequently pled guilty pursuant to an agreement under which he was sentenced to a total term of incarceration of ten years.

Co-counsel:

Hannah McElhinny  
Public Defender Service for the District of Columbia  
633 Indiana Avenue Northwest  
Washington, District of Columbia 20004  
(202) 824-2393

Counsel to Co-Defendant Roach:

Lauckland Nicholas  
Solo Practitioner  
7826 Eastern Avenue Northwest, Suite 410  
Washington, District of Columbia 20012  
(202) 898-1550

Opposing counsel:

Roger Kemp  
Office of the United States Attorney for the District of Columbia

555 Fourth Street Northwest  
Washington, District of Columbia 20530  
(703) 371-5218

Lynn Mattucci  
(formerly at the Office of the United States Attorney; current business contact  
information unavailable)

8. *Riggs et al. v. Dayco Products, LLC, et al.*, Civil Case No. 1:05-cv-91 (United  
States District Court for the Western District of North Carolina) (Judge Lacy H.  
Thornburg, presiding)

From 2006 to 2007, I was part of a team of lawyers that represented a class of  
retirees from a parts manufacturing plant in Waynesville, North Carolina. The  
class brought suit for breach of a collective bargaining agreement and breach of  
fiduciary duty after the successor company increased the health insurance  
premiums for retirees with family coverage to an amount greater than the  
pensions received by most of the retirees. After the judge denied the defendants'  
motion for summary judgment and granted our motion in limine to preclude  
relitigation of an issue of contractual interpretation on which the class had  
prevailed in previous litigation, we negotiated a favorable settlement of the  
lawsuit.

Co-counsel:

Julia Penny Clark  
Bredhoff & Kaiser PLLC  
805 15th Street Northwest, Suite 1000  
Washington, District of Columbia 20005  
(202) 842-2600

C. Frank Goldsmith  
Goldsmith, Goldsmith & Dews, P.C.  
57 South Main Street  
Marion, North Carolina 28752  
(828) 652-3000

Opposing counsel:

Joseph J. Vogan  
Varnum, Riddering, Schmidt & Howlett, LLP  
333 Bridge Street Northwest  
Grand Rapids, Michigan 49504  
(616) 336-6666

9. *United States v. Hamilton*, 2001-FEL-4428 (District of Columbia Superior Court) Judge Judith E. Retchin, presiding)

In 2001, I was appointed as sole counsel for Mr. Hamilton, an indigent defendant charged with first degree murder while armed for the killing of his half-brother. The evidence against Mr. Hamilton was overwhelming and included a videotaped confession and physical evidence. Intensive investigation of Mr. Hamilton's background and the circumstances surrounding the family relationships led to the discovery of substantial mitigating evidence. In light of the mitigation presented to the government and the court, Mr. Hamilton was permitted to plead guilty to manslaughter and was sentenced to eight years in prison.

Opposing counsel:

Amy Jeffress  
Arnold & Porter LLP (formerly at the Office of the United States Attorney)  
600 Massachusetts Avenue Northwest  
Washington, District of Columbia 20001  
(202) 942-5968

10. *In re SEIU, SEIU Local 32 BJ, and USWA Local 74* (Arbitrator Robert Herzog, presiding)

I was part of a team of attorneys that represented the Service Employees International Union (SEIU) and SEIU Local 32 BJ against another local union in a multi-day arbitration hearing. Our case centered on our clients' contention that the president of the other local union had made material misrepresentations to SEIU in order to negotiate a disaffiliation agreement, leading to a situation in which the pension fund created for the benefit of certain workers was still controlled by a local union leader not accountable to those workers. After four days of testimony and extensive post-hearing briefing, the arbitrator ordered the other local union to turn control of the pension fund over to SEIU and SEIU Local 32 BJ, or risk rescission of the disaffiliation agreement.

Co-counsel:

Robert Weinberg  
Kathleen Keller  
Bredhoff & Kaiser PLLC  
805 15th Street Northwest, Suite 1000  
Washington, District of Columbia 20005  
(202) 842-2600

Opposing counsel:

Dino Lombardi

Lombardi & Salerno, PLLC  
52 Duane Street, Seventh Floor  
New York, New York 10007  
(212) 619-8328

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 at Bredhoff & Kaiser, a portion of my practice was devoted to conducting internal investigations and representing individuals in grand jury or other proceedings. For example, I conducted internal investigations on behalf of employers relating to claims of discrimination, harassment, and embezzlement. I also represented trial and grand jury witnesses in a variety of federal and state criminal investigations.

While at the Public Defender Service, I served on the District of Columbia Advisory Commission on Sentencing in 2003-04 as it created and promulgated the Superior Court's first Voluntary Sentencing Guidelines.

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.

Since 2014, I have co-taught Constitutional Law in the Georgetown University Law Center International Studies LL. M. program. Syllabi supplied.

From 2008 to 2010, I taught full-time as a Visiting Associate Professor of Law at the Georgetown University Law Center. I co-taught the Criminal Justice Clinic, a year-long 13-credit course that combined classwork focused on trial advocacy, criminal law and procedure, evidence, and legal ethics with closely-supervised student representation of indigent defendants in misdemeanor cases. I also taught as a Visiting Associate Professor of Law in the Criminal Justice Clinic during the 2003 to 2004 academic year, while I was working at the Public Defender Service for the District of Columbia. Syllabi attached.

From 2004 to 2008, I taught as an Adjunct Professor at the Georgetown University Law Center. I co-taught Criminal Trial Litigation, a trial practice class for LL. M. candidates in the E. Barrett Prettyman Fellowship Program. No syllabus was used.

In most years since 2006, I have also served on the faculty of the Harvard Law School



Trial Advocacy Workshop, teaching trial advocacy skills for one week. Representative syllabus supplied.

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

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.

If possible, I hope to continue teaching during my service with the court.

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

Please 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).

Please 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.

I do not anticipate that any family members or other persons, parties, categories of litigation or financial arrangements would be likely to create potential conflicts of interest. Should such potential conflicts of interest arise, I will disclose the potential conflict to the parties in the matter before me and seek their input, and refer to 28 U.S.C. 455, Canon 3 of the Code of Conduct for United States Judges, as well as other applicable canons, rules, and statutes.

- b. Explain how you will resolve any potential conflict of interest, including the

procedure you will follow in determining these areas of concern.

If faced with a potential conflict of interest, I would advise the parties in the matter before me of the potential conflict and seek their input, and refer to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, as well as any other applicable canons, rules, and statutes.

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.

I devoted most of my career as a lawyer to representing indigent defendants in criminal cases. From 1997 to 2005, I worked as a trial attorney at the Public Defender Service for the District of Columbia; from 2008 to 2010, I served as a clinical law professor in the Georgetown University Law Center Criminal Justice Clinic, supervising students representing indigent defendants in criminal cases. In those positions, I represented hundreds of low-income men and women in the District of Columbia courts. During my years in private practice (2005 to 2008), I volunteered well over 200 hours per year on cases brought by the Mid-Atlantic Innocence Project and as a member of the Board of Directors of the Washington Council of Lawyers, a voluntary bar association promoting pro bono and public interest law.

Throughout my career, I have also engaged in extracurricular training work aimed at improving the effectiveness of counsel who represent low-income litigants. While I was a lawyer, I served as the Training Director of the Public Defender Service and on the faculty of training programs sponsored by the Southern Public Defender Training Center (2008 – 2010), Equal Justice Works (2008), the National Legal Aid and Defender Association (2005), the Georgia Public Defender Standards Council (2005), the Washington Council of Lawyers (2005 – 2009), and the AFL-CIO Lawyers Coordinating Committee (2007 – 2009). Since becoming a judge in 2010, I have continued to volunteer my time as a trainer and guest lecturer on trial practice issues at programs sponsored by various law schools, bar organizations, and legal services providers.

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 January 11, 2016, I submitted a Judicial Candidate Questionnaire to Representative Eleanor Holmes Norton's District of Columbia Law Enforcement Nominating Commission. I met with the Commission on February 3, 2016, and with Representative Norton on February 22, 2016 in Washington, D.C. Since March 1, 2016, I have been in contact with officials from the Department of Justice Office of Legal Policy. On April 15, 2016, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On April 28, 2016, the President submitted my nomination to the Senate.

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

No.