

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jennifer Philpott Wilson; Jennifer Marie Philpott (maiden name)

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

United States District Court for the Middle District of Pennsylvania

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.

Philpott Wilson LLP
227 North High Street
Duncannon, Pennsylvania 17020

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

1975; Washington, D.C.

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.

1998 – 2001, Brooklyn Law School; Juris Doctorate (*summa cum laude*), June 2001

1993 – 1997, Swarthmore College; Bachelor of Arts (*cum laude*), June 1997

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.

2009 – present
Philpott Wilson LLP
227 North High Street
Post Office Box 116
Duncannon, Pennsylvania 17020

Partner

2011 – 2012

Penn State Dickinson School of Law
45 North Pitt Street
Carlisle, Pennsylvania 17013
Adjunct Faculty Member

2005 – 2009

U.S. Department of Justice
Tax Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Trial Attorney

2003 – 2005

Chadbourne & Parke LLP (now Norton Rose Fulbright)
1301 Avenue of the Americas
New York, New York 10019
Associate

2002 – 2003

United States Court of Appeals for the Third Circuit
MLK Federal Building
50 Walnut Street, Room 5032
Newark, New Jersey 07102
Law Clerk to the Honorable Julio M. Fuentes

2001 – 2002

United States District Court for the Western District of Tennessee
Clifford Davis and Odell Horton Federal Building
167 North Main Street
Memphis, Tennessee 38103
Law Clerk to the Honorable Jon Phipps McCalla

2000

United States District Court for the Southern District of New York
500 Pearl Street, Courtroom 17B
New York, New York 10007
Law Student Intern

Summer 2000

Chadbourne & Parke LLP (now Norton Rose Fulbright)
1301 Avenue of the Americas
New York, New York 10019
Summer Associate

1999 – 2001
Brooklyn Law School
250 Joralemon Street
Brooklyn, New York 11201
Research Assistant to Professor Robert M. Pitler (deceased)

1997 – 1999
District Attorney of New York
1 Hogan Place
New York, New York 10013
Paralegal

Other Affiliations (uncompensated)

2018 – present
Perry County Community Foundation
200 North 3rd Street, 8th Floor
Harrisburg, Pennsylvania 17101
Advisory Committee Member

2010 – 2014
Wheatfield Township Planning Commission
1280 New Bloomfield Road
New Bloomfield, Pennsylvania 17068
Member

2011 – present
Dellville United Methodist Church
806 Dellville Road
Duncannon, Pennsylvania 17020
Children's Ministry Co-Coordinator

2017 – 2018
Perry County Bar Association
No physical address
New Bloomfield, Pennsylvania
President

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

I have not served in the United States military. I was not required to register for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Outstanding Attorney Award from U.S. Department of Justice Tax Division (2008)

Special Act or Service Award from U.S. Department of Justice Tax Division (2006)

Chadbourne & Parke Pro Bono Award (2003)

Degree from Brooklyn Law School conferred *summa cum laude* (2001)

Brooklyn Law Review Certificate of Meritorious Service (2001)

Brooklyn Law School Moot Court Honor Society Certificate of Meritorious Service (2001)

The Order of Barristers Certificate (2001)

Donald W. Matheson Memorial Prize, awarded by Brooklyn Law School to graduating class member who in character, scholarship, and attainment, evinces the highest degree of legal capacity (2001)

Regina Crea Memorial Prize, awarded by Brooklyn Law School to graduating class member who, in the judgment of the faculty, has rendered the most devoted and disinterested service to the Law School during his or her school career (2001)

Dean Jerome Prince Prize, awarded by Brooklyn Law School to graduating class member who received the highest grade in the course of Evidence (2001)

Moot Court Honor Society Award, awarded by Brooklyn Law School to graduating class member who contributed the most to the success of the Moot Court program (2001)

Judge Kenneth B. Keating Memorial Prize, awarded by Brooklyn Law School to graduating class member who had exceptional achievement in the field of conflict of laws (2001)

Stephen Jay Penzick Memorial Award, awarded by Brooklyn Law School to graduating class member who received the highest grade in the course of Administrative Law (2001)

Rose L. Hoffer Prize, awarded by Brooklyn Law School to graduating class member who achieves excellence in the field of Torts (2001)

Distinguished Oral Advocacy Award – John J. Gibbons National Criminal Procedure Moot Court Competition (2000)

Brooklyn Law School merit scholarship (1998 – 2001)

Brooklyn Law Review – Executive Notes and Comments Editor (1999 – 2001)

Brooklyn Law School Moot Court Honor Society – President, Coach, Competitor (1999 – 2001)

Degree from Swarthmore College conferred *cum laude* (1997)

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.

Federal Bar Association, Middle District of Pennsylvania Chapter (2017 – present)

Pennsylvania Bar Association (2017 – present)

Perry County Bar Association (2009 – present)
President (2017 – 2018)

Criminal Justice Act Panel in the Middle District of Pennsylvania (2009 to present)
Panel Selection Committee (2012 – 2018)
Best Practices Committee (2014 – 2015)

Pennsylvania Association of Criminal Defense Lawyers (2017)

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.

Pennsylvania, 2009

New York, 2003

I resigned from the New York Bar in 2013 because I no longer practice law in New York.

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

United States Court of Appeals for the Third Circuit, 2003

United States District Court for the Southern District of New York, 2004

United States District Court for the Eastern District of New York, 2004

United States District Court for the Middle District of Pennsylvania, 2009

United States Court of Federal Claims, 2005

There have been no lapses in memberships.

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.

Perry County Community Foundation (2018 – present)

Attorney advisor to Susquenita High School Mock Trial Team, Pennsylvania Bar Association High School Mock Trial Competition (2017 – present)

Volunteer Classroom Instructor, Junior Achievement of South Central Pennsylvania (2011 – 2018)

Wheatfield Township Planning Commission (2011 – 2013)

Children's Ministry Co-Coordinator, Dellville United Methodist Church (2010 – 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, none of the organizations listed 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.

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.

In Search of a Smoking Gun: A Comparison of Public Entity Tobacco and Handgun Litigation, 66 Brook. L. Rev. 549 (2001). Copy Supplied.

With Mary Yelenick, *Recent Developments in United States Preemption Doctrine: Geier v. American Honda Motor Corp.*, Chadbourne & Parke Product Liability Newsletter (August 2000). I have been unable to locate a copy.

Women's Rugby Knocks Down Competition, Swarthmore Phoenix, April 25, 1997, at 8. Copy Supplied.

Swat Women Ruggers Tackle Temple, Swarthmore Phoenix, April 11, 1997, at 7. Copy Supplied.

With Amber Halsey, *Swat Women Ruggers Would Put American Gladiators to Shame*, Swarthmore Phoenix, April 4, 1997, at 4. Copy Supplied.

Women's Rugger's First Encounter Against Lehigh Proves Victorious, Swarthmore Phoenix, March 27, 1997, at 5. Copy Supplied.

Women's Ruggers Conquer Mud and UPenn, Swarthmore Phoenix, March 21, 1997, at 7. Copy Supplied.

Bucknell Slams Women Ruggers, Swarthmore Phoenix, Sept. 27, 1996, at 7. Copy Supplied.

Women's Rugby Ready for First Game Saturday Against Bucknell, Swarthmore Phoenix, Sept. 20, 1996, at 6. Copy Supplied.

Women's Rugby, Swarthmore Phoenix, Sept. 13, 1996, at 7. Copy Supplied.

No Mascot Decision Yet: New Poll Planned, Swarthmore Phoenix, Feb. 16, 1996, at 7. Copy Supplied.

Beirut: Swat Sports Extravaganza, Swarthmore Phoenix, Dec. 8, 1995, at 7. Copy Supplied.

Kentwell Receives National Honor: Div. III Coach of the Year, Swarthmore Phoenix, Dec. 8, 1995, at 8. Copy Supplied.

Mascot Voting Extended by a Week, Swarthmore Phoenix, Dec. 1, 1995, at 8. Copy Supplied.

Sue Davis, Swimming Coach Par Excellence, Swarthmore Phoenix, Dec. 1, 1995, at 8. Copy Supplied.

Women's Rugby Ties Again 0-0, Swarthmore Phoenix, Nov. 17, 1995, at 7. Copy Supplied.

Women's Rugby Falls to Tough Bucknell Squad, Swarthmore Phoenix, Nov. 10, 1995, at 7. Copy Supplied.

Coaching Controversy: Kentwell Released, Swarthmore Phoenix, Nov. 10, 1995, at 8.

Copy Supplied.

Rugby Teams Face Tough Opposition, Come Up Short in Bids for Championship Playoffs, Swarthmore Phoenix, Oct. 27, 1995, at 6. Copy Supplied.

Women's Rugby Travels to Scranton, Comes Home with Disappointing Ties, Swarthmore Phoenix, Oct. 13, 1995, at 6. Copy Supplied.

Women's Rugby Accepts 0-0 Tie, Swarthmore Phoenix, Oct. 6, 1995, at 7. Copy Supplied.

Women's Rugby Rucks Over Rutgers, Swarthmore Phoenix, Sept. 29, 1995, at 8. Copy Supplied.

Women's Rugby, Swarthmore Phoenix, Sept. 22, 1995, at 7. Copy Supplied.

Women's Rugby, Swarthmore Phoenix, Sept. 15, 1995, at 6. Copy Supplied.

Letter to the Editor, *Sidewalk Chalk Raises Unanswerable Questions*, Swarthmore Phoenix, Sept. 15, 1995, at 3. Copy Supplied.

Women's Rugby and Men's Rugby, Swarthmore Phoenix, Sept. 8, 1995, at 7. Copy Supplied.

Evil Buzzards Take Third at Temple Tourney over Scranton and LaSalle, Swarthmore Phoenix, April 28, 1995, at 10. Copy Supplied.

Men's Rugby, Swarthmore Phoenix, April 21, 1995, at 10. Copy Supplied.

Men's Rugby, Swarthmore Phoenix, April 13, 1995, at 7. Copy Supplied.

Rugby, Swarthmore Phoenix, April 7, 1995, at 10. Copy Supplied.

Men's Rugby, Swarthmore Phoenix, March 31, 1995, at 10. Copy Supplied.

Buzzards Begin Spring Season with Shutout over York, Swarthmore Phoenix, March 24, 1995, at 11. Copy Supplied.

Rugby Plays Sevens Tournament, Swarthmore Phoenix, Dec. 2, 1994, at 10. Copy Supplied.

Swat Swim Team Looks for Strong Conference Season, Swarthmore Phoenix, Nov. 18, 1994, at 11. Copy Supplied.

Women's Rugby, Swarthmore Phoenix, Nov. 11, 1994, at 10. Copy Supplied.

Swimming Stays Strong with Veterans' Spirit and First Years' Enthusiasm, Swarthmore Phoenix, Nov. 11, 1994, at 11. Copy Supplied.

Women's Rugby Makes Eastern Division Playoffs, Swarthmore Phoenix, Nov. 4, 1994, at 12. Copy Supplied.

Field Hockey, Swarthmore Phoenix, Oct. 28, 1994, at 10. Copy Supplied.

Women's Rugby, Swarthmore Phoenix, Oct. 21, 1994, at 11. Copy Supplied.

Hockey Suffers Losses, Swarthmore Phoenix, Oct. 21, 1994, at 11. Copy Supplied.

Women's Rugby, Swarthmore Phoenix, Oct. 6, 1994, at 10. Copy Supplied.

Field Hockey, Swarthmore Phoenix, Oct. 6, 1994, at 10. Copy Supplied.

Field Hockey Dominates Seven Sisters Tournament, Swarthmore Phoenix, Sept. 30, 1994, at 12. Copy Supplied.

Field Hockey, Swarthmore Phoenix, Sept. 23, 1994, at 9. Copy Supplied.

Field Hockey, Swarthmore Phoenix, Sept. 16, 1994, at 10. Copy Supplied.

Hockey Returns from Pre-Season Tour in England, Swarthmore Phoenix, Sept. 9, 1994, at 8. Copy Supplied.

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

Middle District of Pennsylvania, Criminal Justice Act Best Practices Manual (Oct. 2015). Copy Supplied.

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

None.

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

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

March 27, 2018: Panel Member, Ethical Issues in Federal Criminal Practice, Federal Defender for the Middle District of Pennsylvania, Harrisburg, Pennsylvania. This panel discussion addressed ethical issues that commonly occur in federal criminal practice for the annual Criminal Justice Act panel training program. I have no notes, transcript, or recording. The address for the Federal Defender for the Middle District of Pennsylvania is 100 Chestnut Street, Suite 306, Harrisburg, Pennsylvania 17101.

December 13, 2017: Host, Opening Remarks, Special Session of Court of Common Pleas for the 41st Judicial District to Honor Judge Keith B. Quigley and Elizabeth Quigley. I welcomed attendees to event to honor this husband and wife on the occasion of their retirement for their long-standing service to the legal community and the Perry County Bar Association. I have no notes, transcript, or recording. The Perry County Bar Association does not have a mailing address. Press report attached.

January 8, 2011: Co-Presenter, Judicial Opinion Writing, Pennsylvania New Judge School, State College, Pennsylvania. Outline supplied.

August 2000: Presenter, Welcoming Ceremony for Brooklyn Law School First Year Students, Brooklyn Law School, Brooklyn, New York. The speech was a student's welcoming remarks to the incoming class of law students. I have no notes, transcript, or recording. The address for Brooklyn Law School is 250 Joralemon Street, Brooklyn, NY 11201.

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.

James Halpin, *Prosecutors Mull 'All Options' in Ciavarella Case*, Citizens' Voice, Jan. 10, 2018. Copy Supplied (reprinted in multiple outlets).

Ben Present, *Justices: Prior for Attempted Burglary Doesn't Preclude Gun Ownership; Criminal Practice*, Legal Intelligencer, Aug. 30, 2011. Copy Supplied.

Wade Fowler, *Daughter Returns Home to Law Practice*, Perry County Times, Dec. 23, 2009. Copy supplied.

John Luciew, *Teamwork Can Be Very Trying but Susquenita's Mock Lawyers Usually Win*, Patriot-News (Harrisburg, PA), Apr. 13, 1993. Copy supplied.

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

I have not held judicial office.

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

i. Of these, approximately what percent were:

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

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

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

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

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

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions. __

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

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

i. Provide citations to all cases in which you sat by designation on a federal court of

appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

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

I have not held judicial office.

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.

Wheatfield Township Planning Commission (2011 – 2013). I was appointed by Township Supervisor Annette Mullen.

- 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.

Perry County Republican Committee, Member (2018 – present)

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

- a. Describe chronologically your law practice and legal experience after graduation

from law school including:

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

I served as a law clerk for the Honorable Jon Phipps McCalla on the United States District Court for the Western District of Tennessee from 2001 to 2002.

I served as a law clerk for the Honorable Julio M. Fuentes on the United States Court of Appeals for the Third Circuit from 2002 to 2003.

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

I have not practiced law alone.

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

2003 – 2005

Chadbourne & Parke LLP (now Norton Rose Fulbright)
1301 Avenue of the Americas
New York, New York 10019
Associate

2005 – 2009

U.S. Department of Justice
Tax Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Trial Attorney

2009 – present

Philpott Wilson LLP
227 North High Street
Post Office Box 116
Duncannon, Pennsylvania 17020
Partner

- 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.

As a member of the Perry County Bar Association, I am obligated to serve periodically as an arbitrator on an arbitration panel comprised of other members of our local bar association to arbitrate civil cases in which the claim is no more

than \$35,000. I have served on approximately four arbitration panels in ten years, but I have no notes, files, or records of the cases or dispositions.

b. Describe:

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

From 2003 to 2005, I worked as an associate at a large New York law firm, Chadbourne & Parke LLP (now Norton Rose Fulbright). I worked on civil suits in New York state court and federal court. I completed numerous research memoranda for partners, and was third chair in a products liability lawsuit in New York county court.

From 2005 to 2009, I was a trial attorney with the U.S. Department of Justice Tax Division in Washington, D.C. I represented the United States in complex tax refund litigation matters. I practiced exclusively in the field of federal taxation, and I was assigned to litigate cases in the U.S. Court of Federal Claims in Washington, D.C. I was on the trial teams for three complex tax shelter cases, each of which was a multiple-week trial. I also gained considerable experience with civil discovery, including taking depositions of various individuals across the country, preparing written discovery, and document review, as well as working with expert witnesses.

From 2009 to present, I have been a partner in Philpott Wilson LLP, a general practice in Duncannon, Pennsylvania. I have been practicing in federal court in the Middle District of Pennsylvania and the Third Circuit Court of Appeals as a criminal defense attorney. I was appointed to the Criminal Justice Act panel of defense attorneys for the Middle District in 2009, and I have been re-appointed twice. I have represented individuals accused of federal offenses in numerous cases, and have appeared before all of the active and senior judges in the Harrisburg office of the Middle District. I have taken two cases to jury trial, with favorable outcomes for my clients. I have also handled numerous plea and sentencing hearings, as well as habeas matters and appeals.

I have also been practicing in the state court in the Courts of Common Pleas in multiple jurisdictions, as well as the Pennsylvania Superior Court and Supreme Court. I have represented individual and small business clients in civil suits, criminal cases, family law matters, and appeals involving court appearances ranging from jury trials to hearings, conferences, and arguments on a routine basis. I have also served as the court-appointed Guardian ad Litem for the Court of Common Pleas in Perry and Juniata counties in numerous custody and Children and Youth Services matters.

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

From 2003 to 2005, my clients were primarily corporations, and I specialized in the field of product liability law. From 2005 to 2009, my only client was the Internal Revenue Service, and I specialized in the field of federal taxation. From 2009 to present, I have represented individual and small business clients, and I have practiced in the fields of federal and state criminal law, family law, estate planning, and civil litigation.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

I have been a litigator for my entire career. From 2005 to date, I have appeared in court frequently.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 40% |
| 2. state courts of record: | 60% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 50% |
| 2. criminal proceedings: | 50% |

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

I have tried approximately 32 cases to verdict, judgment, or final decision as the sole counsel. I have tried four cases to verdict, judgment, or final decision as associate counsel.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 22% |
| 2. non-jury: | 78% |

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.

Petition for Writ of Certiorari, *Stubbs v. United States*, – S. Ct. –, 2019 WL 1458984 (Apr. 29, 2019) (No. 18-8673). Copy supplied.

Petition for Writ of Certiorari, *Scott v. United States*, 137 S. Ct. 2294 (2017) (No. 16-8037). Copy supplied.

Petition for Writ of Certiorari, *Seeley v. United States*, 135 S. Ct. 1464 (2015) (No. 14-7945). Copy supplied.

Petition for Writ of Certiorari, *Thompson v. United States*, 572 U.S. 1143 (2014) (No. 13-9820). Copy supplied.

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

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

1. *Jade Trading, LLC v. United States*, 80 Fed. Cl. 11 (2007).

I represented the United States in this matter from 2005 to 2007. The Honorable Mary Ellen Coster Williams presided in the United States Court of Federal Claims. This tax refund case presented the issue of whether the investments of \$450,000 which generated over \$40 million in tax losses possessed economic substance. Following a lengthy bench trial, the court concluded that the United States was correct in asserting that the spread transactions lacked economic substance. As a result, the plaintiff's refund claim was denied, and the United States prevailed. This case established an important precedent for the IRS in order to dismantle a particular category of tax shelter referred to as "Son of BOSS." My role in this case included taking depositions, reviewing discovery materials, preparing fact and expert witnesses for trial, and conducting several trial examinations, as well as assisting the other trial counsel with trial examinations. Following the trial, I assisted my co-counsel in preparing the proposed findings of fact and conclusions of law for the court.

Co-counsel for the United States

Stuart Bassin, Esq.

[formerly with the U.S. Department of Justice]

The Bassin Law Firm PLLC

Washington, D.C. 20006

(202) 895-0969

Michael Raum, Esq.

[formerly with the U.S. Department of Justice]

Frederickson & Byron, P.A.
51 Broadway, Suite 400
Fargo, North Dakota 58102
(701) 237-8212

Matthew Hicks, Esq.
[formerly with the U.S. Department of Justice]
Caplin & Drysdale
One Thomas Circle, N.W.
Washington, D.C. 20005
(202) 862-7852

Counsel for Plaintiff
David Aughtry, Esq.
Chamberlain Hrdlicka
191 Peachtree Street, N.E., 46th Floor
Atlanta, Georgia 30303
(404) 658-5486

2. *Wells Fargo & Co. v. United States*, 91 Fed. Cl. 35 (2010).

I represented the United States in this matter from 2008 to 2009. The Honorable Thomas C. Wheeler presided in the United States Court of Federal Claims. This tax refund suit addressed a tax shelter referred to as a "SILO" (short for "sale in/lease out") that was designed to generate depreciation, interest and transaction deductions for the bank to use to offset taxable income for tax purposes. Following a 20-day bench trial, the court determined that the transactions at issue lacked economic substance, and therefore denied Wells Fargo over \$100 million in claimed deductions. My role in this case as the second chair consisted of conducting depositions, preparing written discovery, reviewing voluminous discovery materials, developing expert witnesses, and conducting numerous trial examinations of fact and expert witnesses. I also delivered the opening statement for the United States, which provided an important overview and explanation of the Government's position for the court in this complex tax shelter case. The decision was issued in this case after I left the Department of Justice.

Co-counsel for the United States
Cory A. Johnson
Joseph Syverson
Richard Bowles
U.S. Department of Justice
Tax Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514- 2000

Michael Ronickher (formerly Michael Roney)
[formerly U.S. Department of Justice]

Constantine Cannon LLP
1001 Pennsylvania Avenue, N.W., Suite 1300N
Washington, D.C. 20004
(202) 204-3500

Counsel for Plaintiff

David F. Abbott
Mayer Brown, LLP.
1221 Avenue of the Americas
New York, New York 10020
(212) 506-2642

3. *K2 Trading Ventures v. United States*, 101 Fed.Cl. 365 (2011).

I represented the United States in this matter from 2007 to 2009. The Honorable Mary Ellen Coster Williams presided in the United States Court of Federal Claims. This tax refund suit involved the same "Son of BOSS" tax shelter that was at issue in *Jade Trading*, but with the alleged difference that the spread transactions had some profit potential, thus demonstrating that the transactions had economic substance. The court affirmed the position of the United States that the spread transactions lacked economic substance and the tax effects generated were entirely fictional. My role in this case during discovery was second chair, and I conducted a significant number of depositions. During trial, my role was first chair, and I delivered the opening statement, conducted the majority of fact and expert witness examinations, and delivered the closing argument. With the assistance of co-counsel, I prepared proposed findings of fact and conclusions of law. The court stayed the case pending an appellate decision, and the case was thus decided after I was no longer employed at the Department of Justice.

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4. *Commonwealth v. Mark Clegg*, 27 A.3d 1266 (Pa. 2011).

I represented the appellant, Mr. Clegg, in this criminal appeal from 2010 to 2011. The Pennsylvania Supreme Court ruled in favor of Mr. Clegg's position after the Pennsylvania Superior Court had ruled against him. The opinion is authored by Justice Baer. In this case of first impression involving the interpretation of 18 Pa. Con. Stat. § 6105 (the Commonwealth's "persons not to possess" firearms statute), the Supreme Court agreed with my argument that canons of statutory interpretation support the conclusion that the absence of inchoate crimes from the statute necessarily means that a conviction for an inchoate offense does not disqualify an individual from firearm possession in the Commonwealth. As a result, the criminal charge against Mr. Clegg for unlawful possession of a firearm was dismissed.

Counsel for the Commonwealth
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5. *Soult v. Flaharty*, CV-No. 2010-256 (Pa. Ct. Com. Pl. 2011).

I represented the plaintiff, L. Catherine Soult, from 2010 to 2011. The Honorable Kathy A. Morrow, President Judge, presided over the jury trial in this civil suit in the Court of Common Pleas in the 41st Judicial District in Perry County, Pennsylvania. At the conclusion of the jury trial, the jury returned a verdict in favor of Ms. Soult on her claim that the defendant, a manufacturer of custom-made livestock feed, breached the contract for the preparation of a custom goat feed with a specified level of protein. Because the defendant failed to provide the contractually specified level of protein in the goat feed, Ms. Soult's herd of goats failed to produce milk and yielded crippled kids. The jury awarded Ms. Soult nearly \$40,000.00 in damages for her lost dairy production and crippled goats.

Counsel for the Defendants
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6. *United States v. Mathis*, No. 1:12-CR-12, 2013 U.S. Dist. LEXIS 98273 (M.D. Pa. 2013).

I represented the defendant, Julius Mathis, from 2012 to 2013. The Honorable John E. Jones, III presided in this criminal case in the Middle District of Pennsylvania. Mr. Mathis pleaded guilty to making false statements in the acquisition of firearms, but he objected to a proposed enhancement to his sentence for trafficking firearms. Following an evidentiary hearing, Judge Jones sustained the defense objection and also accepted the defendant's argument that he should

receive a downward adjustment to his sentence for acceptance of responsibility despite a pending criminal charge in state court. The result of these favorable rulings on sentencing issues was that Mr. Mathis received a significantly shorter prison sentence than he would have if the defense objections had not been raised and sustained by the court. I represented Mr. Mathis from indictment through sentencing.

Counsel for the United States

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7. *United States v. Thompson*, No. 1:11-CR-00198 (M.D. Pa.), *aff'd*, 553 Fed. Appx. 181 (3d Cir. 2014).

I represented the defendant, Justin Thompson, from 2011 to 2014. The Honorable Sylvia H. Rambo presided in this criminal case in the Middle District of Pennsylvania. Mr. Thompson pleaded guilty to a conspiracy to distribute cocaine. Because Mr. Thompson was classified as a Career Offender due to two prior drug offense convictions, his sentencing range was increased significantly. I presented several arguments on Mr. Thompson's behalf, including an argument that the Career Offender guideline range was significantly greater than necessary to address his conduct. My arguments prevailed, and resulted in a sentence of 110 months instead of the guideline range sentence of 210 to 240 months. I filed an appeal on his behalf in an effort to further reduce his sentence, but his sentence was affirmed by the Third Circuit Court of Appeals.

Counsel for the United States

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8. *Commonwealth v. Gross*, CP-50-CR-00086-2014 (Pa. Ct. Com. Pl.).

I represented the defendant, Joshua Gross, from 2014 to 2015. The Honorable Harold Woelfel presided over the jury trial in the Court of Common Pleas in the 41st Judicial District in Perry County, Pennsylvania. Mr. Gross was charged with criminal homicide and related violent offenses based on the allegation that he killed his infant daughter by means of violently shaking her ("shaken baby syndrome"). Mr. Gross consistently denied shaking or otherwise harming his daughter, and by all accounts was a devoted and loving parent. The case proceeded to a jury trial. At the conclusion of the Commonwealth's case in chief, the court granted my motion for judgment of acquittal on all charges.

Counsel for the Commonwealth

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9. *United States v. Orr*, No. 1:14-CR-00070 (M.D. Pa.).

I represented the defendant, Brandon Orr, from 2014 to 2016. The Honorable Yvette Kane presided in this multiple-defendant criminal case in the Middle District of Pennsylvania. Mr. Orr and his 20 co-defendants were accused of drug trafficking and firearms offenses by operation of an alleged gang in York, Pennsylvania, called the "Southside Gang." Following a seven-week jury trial, Mr. Orr was acquitted of the most serious offenses, and convicted only of one of the far less serious offenses. He was sentenced to 34 months. I represented Mr. Orr from indictment through sentencing.

Counsel for the United States

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10. *United States v. Blunt*, No. 1:16-CR-0050 (M.D. Pa.); No. 18-1195 (3d Cir.).

I represented the defendant, Renita Blunt, from 2015 to present. The Honorable Sylvia H. Rambo presided in this criminal case in the Middle District of Pennsylvania. Ms. Blunt and her

husband were accused of perpetrating a mail fraud scheme to steal unemployment compensation intended for military veterans. Following a one-week jury trial, Ms. Blunt was acquitted of 29 out of 31 charges. Ms. Blunt was sentenced to 29 months. I have appealed her conviction on two charges, and her appeal is now pending before the Third Circuit Court of Appeals. I represented Ms. Blunt from indictment through the appeal.

Counsel for the United States

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Counsel for the Co-defendant (Earl Hall)

Lori Ulrich, Esq.

Federal Defender for the Middle District of Pennsylvania

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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.)

Since 2009, I have represented approximately 50 defendants in state and federal criminal cases who have entered guilty pleas. During the same time, I have also been appointed by the judges in Perry and Juniata counties in the Pennsylvania Court of Common Pleas to represent the best interests of 100 children as Guardian ad Litem in family law matters.

I have never performed 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.

"Written Advocacy and Judicial Opinions." Penn State Dickinson School of Law in Carlisle, Pennsylvania, 2011-2012. I developed and taught a law school class for second and third year students interested in serving as law clerks. The class was focused on legal writing skills for upper class students, with a strong emphasis on drafting judicial opinions. Copy of 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.

The only future income anticipated is through the law firm in which I am a partner, Philpott Wilson, LLP, which partnership interest will be terminated if I am confirmed as a United States District Court judge.

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

None.

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

When my nomination is submitted to the Senate, I will file my mandated Financial Disclosure Report and provide a copy to this Committee.

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

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation where I have ever played a role. In addition, for a period of time, I anticipate recusing in all cases where my current law firm represents a party. In addition, my husband is a prosecutor in Dauphin County, Pennsylvania, and it is foreseeable that a defendant prosecuted by his office could petition the district court for habeas relief from a state court conviction prosecuted by the Dauphin County District Attorney's Office. I would be inclined to recuse in such a case due to an actual conflict if my husband was the prosecutor in the case, or an appearance of impropriety given my association by marriage with the prosecuting office. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate action,

including recusal, where necessary.

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

If confirmed, I will carefully review and address any real or potential conflicts of interest by reference to 28 U.S.C. § 455, all applicable Canons of the Code of Conduct for United States Judges, and any and all other laws, rules, practices, and procedures governing such circumstances. Furthermore, I would consult judicial decisions and Judicial Conference opinions applying the rules to particular circumstances.

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.

While at Chadbourne & Park, I represented, on a pro bono basis, the Mountain of Fire and Magical Ministries, a Brooklyn church, in a civil suit. I represented the church from the initial pleading stages, through discovery, and then negotiated a settlement in order to help the uninsured church avoid financial ruin.

In my current practice, I have accepted numerous court appointments in Perry and Juniata Counties to represent indigent clients at an hourly rate that is approximately one-third of my private hourly rate. In ten years, I have accepted court appointments to represent approximately 100 children as a Guardian ad Litem, representing the best interests of children in family law matters. I have accepted court appointments to represent approximately 20 parents in child welfare matters. I have served as conflict counsel for the public defenders in Perry and Juniata counties, and I have represented approximately 40 indigent criminal defendants in this capacity. I have devoted a substantial portion of my practice to the representation of indigent clients in order to assist members of my community with criminal and family law matters, which are some of the most personal and difficult legal issues that people confront.

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.

After observing the vacancy announcement that was posted on the website for the Middle

District of Pennsylvania, I filed an application in July 2018. Pennsylvania Senators Toomey and Casey formed a selection committee, and I was interviewed by the selection committee in Harrisburg, Pennsylvania, on August 21, 2018. The selection committee recommended me for further consideration by the Senators. I was then interviewed by two of Senator Toomey's staff members on January 24, 2019, in Harrisburg, Pennsylvania. Senator Toomey interviewed me in his office in Washington, D.C., on January 30, 2019. Senator Casey interviewed me in his office in Washington, D.C., on February 12, 2019. Senators Toomey and Casey jointly recommended me to the White House by letter from both on February 13, 2019. I interviewed with personnel from the White House and Department of Justice on February 15, 2019. I was notified on February 26, 2019, that the President approved me for a background check. Since the end of February, I have been in contact with personnel from the Department of Justice and White House Counsel's Office about providing information for this nomination.

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.