

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

M. Hannah Lauck  
(Mary Hannah Lauck)

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

United States District Judge for the Eastern District of Virginia

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

United States District Court  
Eastern District of Virginia  
Spottswood W. Robinson, III and Robert R. Merhige, Jr. Federal Courthouse  
701 East Broad Street, Suite 5212  
Richmond, Virginia 23219

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

1963; Alexandria, Virginia

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

1988 – 1991, Yale Law School; J.D., 1991

1982 – 1986, Wellesley College; B.A. (*magna cum laude*), 1986

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.

2005 – present  
United States District Court for the Eastern District of Virginia

Spottswood W. Robinson, III and Robert R. Merhige, Jr. Federal Courthouse  
701 East Broad Street, Suite 5212  
Richmond, Virginia 23219  
United States Magistrate Judge

2010 – 2013, 1996 – 2006  
University of Richmond, T.C. Williams School of Law  
28 Westhampton Way  
University of Richmond, Virginia 23173  
Adjunct Assistant Professor of Law

2007 – 2010  
Virginia State Bar Harry L. Carrico Professionalism Course  
707 East Main Street, Suite 1500  
Richmond, Virginia 23219  
Faculty Member (uncompensated)

2004 – 2005  
Genworth Financial, Inc.  
6620 West Broad Street  
Richmond, Virginia 23230  
Supervising Attorney, Headquarters Litigation

1994 – 2004  
United States Attorney's Office, Eastern District of Virginia  
600 East Main Street, Suite 1800  
Richmond, Virginia 23219  
Assistant United States Attorney, Criminal Division (1994 – 1999)  
Assistant United States Attorney, Civil Division (1999 – 2004)

1992 – 1994, Summer 1990  
Anderson Kill Olick & Oshinsky  
1825 Eye Street, N.W.  
Washington, D.C. 20006  
Associate (1992-1994)  
Summer Associate (Summer 1990)

1991 – 1992  
United States District Court for the Eastern District of Virginia  
Lewis W. Powell, Jr. United States Courthouse  
1000 East Main Street  
Richmond, Virginia 23219  
Law Clerk for Honorable James R. Spencer

Summer 1990  
Jones, Day, Reavis & Pogue

1425 K Street, N.W., Suite 600  
Washington, D.C. 20005  
Summer Associate

Summer 1989  
Sonosky, Chambers, & Sachse  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001  
Summer Associate

February – June 1989  
Yale Law School  
P.O. Box 208215  
New Haven, CT 06520  
Research Assistant for Professor Judith Resnik

Approximately January – September 1988  
Investor Responsibility Research Center  
(no longer in Washington, D.C.)  
Washington, D.C.  
Research Analyst

Approximately 1987 – 1988  
Temp Placements, Inc.  
(no longer in business)  
Washington, D.C.  
Receptionist

Approximately September 1986 – February 1987  
Lona Jensen Temporary Services  
(no longer in business)  
San Francisco, California  
Temporary Secretary

Summer 1986  
Rusty Scupper, Chart House, Pierce Street Annex  
(all restaurants no longer in business)  
San Francisco, California  
Waitress

Other Affiliations (uncompensated):

2009 – present  
Federal Bar Association, Richmond Chapter  
(no physical address)  
Board Member

2007 – present  
John Marshall American Inn of Court  
(no physical address)  
Board of Directors (2007 – present)  
Immediate Past President (2012 – 2013)  
President (2011 – 2012)  
Vice President (2010 – 2011)  
Secretary and Treasurer (2009 – 2010)

2007 – 2011  
St. Stephen's Preschool  
6000 Grove Avenue  
Richmond, Virginia 23226  
Board Member (2007 – 2011)  
Board President (2009 – 2010)

2004 – 2005, 2010 – 2011  
Richmond Bar Association  
707 East Main Street, Suite 1620  
Richmond, Virginia 23219  
Board of Directors (2004 – 2005)  
Honorary Vice President (2010 – 2011)

Approximately 2004  
Central Virginia Wellesley Club  
(no physical address)  
Treasurer

Approximately 1990 – 1991  
The Initiative for Public Interest Law at Yale  
127 Wall Street  
New Haven, CT 06511  
Board Member

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 U.S. military. I was not required to register for the selective service.

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

Named a Virginia Leader in the Law (2011)

Genworth's Litigation Team: Everest Award (2005)

Commendation: Eileen J. O'Connor, Assistant Attorney General Tax Division by David Hubbert, Chief Civil Trial Section, Eastern Region (*Trigon Ins. Co. v. U.S.*) (2002)

Department of Justice, United States Attorney's Office, Eastern District of Virginia: Sustained Superior Performance Awards (2002, 1999, 1998, 1997, 1996)

Commendation: District of New Jersey Fugitive Unit U.S. Marshals Service (1997)

Commendation: Timothy A. Williams, Inspector, U.S. Marshals Service (*U.S. v. Zebrowski*) (1997)

Commendation: Prosecutorial Excellence in Operation Crossfire (*U.S. v. Garner*) (1997)

Commendation: Wayne Huggins, Superintendent Virginia State Police (*U.S. v. King*) (1996)

Drug Enforcement Administration Outstanding Contribution to Field of Drug Law Enforcement (years unknown)

Phi Beta Kappa, Wellesley College (1986)

Freshman Distinction, Wellesley College (1983)

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

American Bar Association (2010 – 2011)

D.C. Bar Association (Approximately 1995 – 1997)

Federal Bar Association (2009 – present)  
Board Member (2009 – present)

Federal Magistrate Judge's Association (2005 – present)

Fourth Circuit Judicial Conference (2001 – present)  
Invitee (2001 – 2003) (No conference held 2004)  
Member (2004 – present)

John Marshall American Inn of Court (2005 – present)

Board of Directors (2007 – present)

Immediate Past President (2012 – 2013)

President (2011 – 2012)

Vice President (2010 – 2011)

Secretary and Treasurer (2009 – 2010)

Metropolitan Richmond Women's Bar Association (1994 – present)

Finance Committee (2004 – 2005)

Chair

30th Anniversary Celebration Committee (Approximately 2004)

Judicial Endorsement Committee (2003 – 2004)

Professionalism Advisory Committee

Supreme Court of Virginia and Virginia State Bar (2013 – present)

(appointed by Chief Justice Kinser of the Supreme Court of Virginia)

Richmond Bar Association (1995 – present)

Honorary Vice President (2010 – 2011)

Board of Directors (2004 – 2005)

Liaison to Publications Committee (2004)

Administration of Justice Committee (2000 – 2003, 1998 – 1999)

Chair (2003)

Publications Committee (1999 – 2002)

Chair (2001)

State – Federal Judicial Council of Virginia (2011 – present)

Virginia Bar Association (1993 – present)

Women's Bar Association of the District of Columbia (2013 – present)

10. **Bar and Court Admission:**

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

Virginia, 1993

District of Columbia, 1994

There have been no lapses in membership although I have taken judicial status in the District of Columbia and Virginia since 2005.

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

special admission to practice.

United States Court of Appeals for the Fourth Circuit, 1993  
United States District Court, Eastern District of Virginia, 1993  
Supreme Court of Virginia, 1993

There have been no lapses in membership.

**11. Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Central Virginia Wellesley Club (Approximately 1994 – present)  
Treasurer (Approximately 2004)

Historical Society for the Eastern District of Virginia (2013 – present)

St. Stephen's Preschool (2007 – 2011)  
Board Member (2007 – 2011)  
Board President (2009 – 2010)

The Club (2012 – present)

The Elizabethan Club at Yale (1991 – present)

Yale Club of Richmond (Approximately 2011 – present)

Yale Law School Class of 1991  
20th Reunion Co-Chair (2011)

Westwood Racquet Club (1994 – 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.

Neither the Westwood Racquet Club nor The Club (an academic and professional book club) initially admitted women, or, in practice, minorities. Those policies ended decades prior to my association with these institutions. To the best of my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

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

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

Op-Ed., '*Welcome to the United States*,' RICH. TIMES DISPATCH, May 28, 2006. 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.

THE SCORE PROGRAM: SECOND CHANCE – OFFENDER REHABILITATION EFFORT OVERVIEW 1 (United States District Court, E.D. Va., SCORE Team, 2009). Copy supplied.

LISA HUDSON AND M. HANNAH LAUCK, 2005 ANNUAL FINANCE COMMITTEE REPORT, METROPOLITAN RICHMOND WOMEN'S BAR ASSOCIATION (May 2005). Copy supplied.

M. HANNAH LAUCK, 2003/2004 FINAL BOARD REPORT FROM THE ADMINISTRATION OF JUSTICE COMMITTEE, RICHMOND BAR ASSOCIATION (May 2004). 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.

A thorough review of my schedule and the Internet shows that I have spoken at the following events, although it is possible I have not found a record of every presentation I have made. I indicate where I have found a copy of the notes of the talks as drafted. I often change and vary the text when I make a presentation.

May 17, 2006 – present: Naturalization Ceremony, Addressing Newly Naturalized Citizens Following Naturalization Ceremony Performed at United States Courthouse for the Eastern District of Virginia, Richmond Division. Since May 17, 2006, I have performed two Naturalization ceremonies every other month and at the conclusion of each ceremony, I address the new citizens. Notes supplied.

June 12, 2013: Introductory remarks regarding SCORE. I have made remarks introducing others at several of our SCORE graduations and gatherings. In addition to that above, the dates have been March 28, 2013 (graduation), August 22, 2012 (graduation), June 12, 2012 (intern gathering), September 30, 2011 (graduation); April 25, 2011 (graduation). Notes provided where available.

April 13, 2013: Panelist, “Justice is a Woman: Women in the Judiciary,” Virginia Women Attorneys Association Biennial Conference, Richmond, VA. Notes supplied.

March 1-2, 2013: Panelist, “Jury Selection in State and Federal Court,” American Bar Association Insurance Coverage Litigation Committee 25th Annual CLE Seminar, Tucson, Arizona. I have no notes, transcript, or recording. The address of the American Bar Association is: 321 North Clark Street, Chicago, IL 60654.

December 5, 2012: Panelist, “The Rocket Docket: Trying Cases in the Eastern District of Virginia.” I participated with other federal judges and attorneys specializing in federal practice in discussing practice and procedures in federal courts in the Eastern District of Virginia. I have no notes, transcript, or recording (video recording is available upon request and payment to the sponsor, Virginia Continuing Legal Education). The address of the Virginia Continuing Legal Education is: 105 Whitehead Road, Charlottesville, VA 22901.

October 3-7, 2011: Speaker, “The Role of the Judge in the Adversarial System and Case Management Issues,” and “Special Investigative Measures,” International Judicial Education Program sponsored by the Department of Justice

and the Department of State and hosted in Macedonia by the Republic of Macedonia in order to educate Macedonian judges. Notes supplied.

September 16, 2011: Panelist, "Discovery Issues in Federal Court: Do's & Don'ts for Employment Lawyers," Virginia Bar Association's Labor Relations and Employment Law Section Seminar, Williamsburg, VA. I have no notes, transcript, or recording. The address of the Virginia Bar Association is: 701 East Franklin Street, Suite 1120, Richmond, VA 23219.

April 28, 2011: Panelist, "Federal Practice: The Rocket Docket," Richmond Bar Association, Richmond, VA. Notes supplied.

April 1, 2011: Speaker, "Criminal Practice in Eastern District," Virginia Trial Lawyers Association, Hot Springs, VA. Notes supplied.

March 3-4, 2011: Panelist, "ICLC Idol," Parts 1 and 2. I served as one judge on a panel offering critique on trial skills during mock aspects of trial. I have no notes, transcript, or recording. The address of the American Bar Association is: 321 North Clark Street, Chicago, IL 60654.

November 6, 2010: Judge, Region IV National Moot Court Competition, Virginia Bar Association and the New York City Bar Association, Richmond, VA. I judged the final round of competition. I have no notes, transcript, or recording. The address of the Virginia Bar Association is: 701 East Franklin Street, Suite 1120, Richmond, VA 23219.

October 21, 2010: Panelist, "Viable Alternatives: Specialty Courts and the Administration of Justice," University of Richmond School of Law J. L. & PUB. INTEREST, Richmond, VA. Notes supplied.

October 4, 2010: Panelist, "Discovery Motions: Tales from the Bench," Richmond Bar Association, Richmond, VA. Notes supplied.

May 4, 2010: Panelist, "Use of Technology: High Tech, Low Tech, No Tech," Virginia Trial Lawyers Association Tort Law Seminar, Richmond, VA. Notes supplied.

December 3, 2009: Instructor, "Professionalism: A View from the Bench," Richmond, Virginia. I participated as an Instructor for the Virginia State Bar's Harry L. Carrico Professionalism Course. The discussion with new lawyers surrounded client and case scenarios that might arise in their legal practice. I have no notes, transcript, or recording. The address of the Virginia State Bar is: 707 East Main Street, Suite 1500, Richmond, VA 23219.

August 28, 2009: Panelist, "Difficult Depositions," Virginia Continuing Legal Education, Richmond, VA. Attorneys and judges discussed problems and

solutions for deposition and witness issues. I have no notes, transcript, or recording. The address of the Virginia Continuing Legal Education is: 105 Whitewood Road, Charlottesville, VA 22901.

May 4, 2009: Speaker, "Citizenship and Education," St. Christopher's School, Richmond, VA. Notes supplied.

April 20, 2009: Speaker, "Ex-Offender Reentry/Diversion: E.D. Va., Federal Probation Office, SCORE Drug Court Diversion Program," Virginia State Bar Annual Pro Bono Conference, Richmond, Virginia. Notes supplied.

March 24, 2009: Panelist, "To Be or Not To Be A Judge," George Mason University School of Law School, Fairfax, VA. I was a panelist at a seminar hosted by the National Association of Women Judges. Audio recording available at [http://www.law.gmu.edu/news/2009/to\\_be\\_or\\_not](http://www.law.gmu.edu/news/2009/to_be_or_not).

December 4, 2008: Group leader, "A View from the Bench," Virginia State Bar Harry L. Carrico Professionalism Course, Richmond, VA. Notes supplied.

October 30, 2008: Panelist, "The Art of Persuasion – Effective Written Advocacy in Trial and Appellate Courts," 2008 Annual Meeting of the Virginia Association of Defense Attorneys, Richmond, VA. Notes supplied.

May 30, 2008: Speaker, "Practice in the Rocket Docket," Old Dominion Bar Association, Richmond, VA. Notes supplied.

March 28, 2008: Panelist, "Settlement Conferences in the Eastern District of Virginia," Virginia Trial Lawyers Association Convention on Mediation, Hot Springs, VA. Notes supplied (video recording available for purchase through the VTLA).

November 8, 2007: Panelist, "Mediation in the Eastern District of Virginia," Richmond, VA. I was a panel participant at a presentation for visiting judges from Kenya facilitated through the United States District Court for the Eastern District of Virginia. Notes supplied.

October 26, 2006: Panelist, "Evidence," Richmond Bar Association, Richmond, VA. Notes supplied.

July 8, 2006: Panelist, "Hiring Good Writers," Annual Conference of National Association of Appellate Court Attorneys (NAACA), Richmond, VA. Notes supplied.

April 19, 2006: Speaker, "Cum Laude Society," St. Catherine's School, Richmond, VA. Notes supplied.

February 8, 2006: Speaker, "Do's and Don'ts in the Rocket Docket," University of Richmond School of Law, Richmond, VA. Notes supplied.

February 1, 2006: Panelist, "Panel on Women Judges," Metropolitan Women's Bar Association Luncheon, Richmond, VA. I cannot recall precisely, but I believe the panel discussed issues facing women lawyers and judges. I have no notes, transcript, or recording. The address of the Metropolitan Women's Bar Association is: P.O. Box 3945, Richmond, VA 23235.

November 18, 2005: Speaker, "Fifty-Sixth Annual Moot Court Competition," Richmond, VA. I was a speaker at the Region IV National Moot Court Competition sponsored by the Virginia Bar Association and the New York City Bar Association. Notes supplied.

November 1, 2005: Speaker, Richmond Chapter of the Federal Bar Association, Richmond, VA. I spoke at a luncheon to the bar members, thanked them for the work they do with lawyers and the courts, introduced my staff, and spoke about the federal court. Notes supplied.

September 23, 2005: Panelist, "Practice Do's and Don'ts in Federal Court," Richmond Bar Association, Richmond, VA. I participated at a Brown Bag Luncheon hosted by the Young Lawyer's Section at which I discussed practice tips for trial attorneys in federal court. I have no notes, transcript, or recording. The physical address for the Richmond Bar Association is: 707 East Main Street, Suite 1620, Richmond, VA 23219, and its mailing address is P.O. Box 1213, Richmond, VA 23218.

June 22, 2005: Speaker, "Women's Networking Forum," Genworth Corporation, Richmond, VA. Notes supplied.

May 13, 2005: Speaker, "Remarks Delivered at Investiture," Richmond, VA. Speech delivered in Federal Court during my investiture as a Magistrate Judge. 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.

As an attorney and as a magistrate judge, my policy was never to comment about on-going cases or trials, though newspapers did include quotations from my in-court statements from time to time. These have not been included here. Based on my review of my files and the Internet, I have listed the interviews I have given.

*Administration of Justice Committee Receives Feedback from Federal Judges*, RICH. BAR NEWSLETTER, Jan. 2014. Copy supplied.

Jeremy M. Lazarus, *City Judge Jenkins in Line to Succeed U.S. Judge Spencer*, RICH. FREE PRESS, Aug. 15-17, 2013. Copy supplied.

*Magistrate and Bankruptcy Judges Offer Comments to RBA Committee*, RICH. BAR NEWSLETTER, Feb. 2013. Copy supplied.

*Magistrate and Bankruptcy Judges Offer Comments to Bar Committee*, RICH. BAR NEWSLETTER, Feb. 2012. Copy supplied.

Lisa Antonelli Bacon, *Boomers & Shakers: Bev Reynolds, Linda Powell Pruitt, Hannah Lauck, and Anne Lynman Goddard: Four Power Women with Uncommon Influence*, BOOMER LIFE, Feb./Mar. 2009. Copy supplied.

Ross McKenzie, Op-Ed., *Naturalization Ceremony; "The Best Thing That Happens in Our Courthouse,"* RICH. TIMES DISPATCH, May 28, 2006. Copy supplied.

Tom Campbell, *Female Judge 'I'm Still Learning.'* RICH. TIMES DISPATCH, June 13, 2005. Copy supplied.

Tom Campbell, *Drug Ring Crackdown Quietly Producing Results*, RICH. TIMES DISPATCH, Aug. 16, 1998. Copy supplied.

Tom Campbell, *Mehrige Hears Last Case; U.S. Judge Returns to Private Practice*, RICH. TIMES DISPATCH, June 7, 1998. Copy supplied.

Tom Campbell, *16 Arrested in Drug Operation Here Linked to L.A. Street Game Bicoastal Group Ran 3 Years, Officials Say*, RICH. TIMES DISPATCH, Sept. 26, 1997. Copy supplied.

*Sixteen Accused of Shipping Cocaine from L.A. to Richmond*, WASH. POST, Sept. 26, 1997. Copy supplied.

Saundra Torry, *At Yale Law, a Gender Gap in Who Gets Clerkships Sparks Debate*, WASH. POST, May 13, 1991. Copy supplied.

Ted Gest, *Yale: Where Diversity of Ideas is Embraced but not Imposed*, US NEWS AND WORLD REPORT—AMERICA'S BEST GRADUATE SCHOOLS, Apr. 29, 1991. Copy supplied.

*"Die-in" Protests South African Investments*, UNITED PRESS INT'L, Apr. 4, 1986. Copy supplied.

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

Since my May 2005 appointment by the United States district judges in the Eastern District of Virginia, I have been a United States magistrate judge. I was, without opposition, reappointed in 2013 by the Court and via the merit selection panel process.

The authority of magistrate judges is derived from the Federal Magistrate Act of 1968, 28 U.S.C.A. § 631-37 (2006 & Supp. 2012). In the Eastern District of Virginia, the magistrate judges are given substantial authority to handle a wide range of criminal and civil cases. I am “on duty” every other week, meaning I preside over all initial proceedings, including arraignments, preliminary and bail hearings, arrests and search warrants, and grand jury matters. I also preside over all federal civil matters with consent of the parties and all federal misdemeanor offenses. In the Richmond Division, I am the judge who handles the prisoner litigation. I accept felony pleas on report and recommendation.

Magistrate judges in Richmond preside over settlement conferences for the district judges and for each other. I have mediated hundreds of cases, including complex class action and patent matters. Finally, I hold court once a week as part of our Second Chance Offender Rehabilitation Effort (“SCORE”) court for offenders released from prison on probation or supervised release.

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

I have handled hundreds of civil and criminal cases. A precise number is difficult to estimate because we do not track these numbers in chambers. I average one to two jury trials per year, with my estimate being that I have presided over approximately ten jury trials. In the past year, I presided over one civil and one criminal jury trial. I have presided over a much larger number of bench trials, including misdemeanor offenses. I estimate that, on average, I preside over two to four bench trials a month, which would total approximately 150 in my time as a magistrate judge.

- i. Of these, approximately what percent were:

jury trials:	5%
bench trials:	95%
civil proceedings:	50%
criminal proceedings:	50%

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

See attached list.

- 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).

While some cases had pending periods that overlap with other cases, the cases are roughly listed in reverse chronological order below:

1. *United States v. Bell*, No. 3:13MJ86, United States District Court for the Eastern District of Virginia.

In this case, the United States charged the defendant with driving under the influence and public intoxication on Naval Support Activity South Potomac in Dahlgren, Virginia. The driving under the influence charge went to the jury and the public intoxication charge was tried by the court. The jury returned a not guilty verdict with respect to the driving under the influence charge. I returned a guilty verdict on the public intoxication charge and sentenced the defendant to pay a \$240 fine and \$10 special assessment.

Counsel for the United States:

Michael C. Moore, Esq.  
United States Attorney's Office, Eastern District of Virginia  
600 East Main Street, 18th Floor  
Richmond, VA 23219  
(804) 819-5400

Counsel for Defendant:

Andrew Michael Stewart  
Dennis, Stewart, & Krischer PLLC  
2045 North 15th Street, Suite 200  
Arlington, VA 22201  
(703) 248-0626

2. *Drew v. Allstate*, 12CV569-JRS, United States District Court for the Eastern District of Virginia.

I mediated this insurance recovery case stemming from the death of a seven-month old infant while the insured babysat. The mother of the infant sued the

babysitter's insurance company regarding her homeowner's insurance policy as a result of the wrongful death of the child. The mother sought to overcome the babysitter's bankruptcy for collection purposes. Allstate claimed exclusions based on the business of babysitting and the commission of a crime. The mother's employer had a lien on the recovery based on its own coverage of the baby's injuries, a matter which also had to be negotiated. The settlement was the first time the parties had seen each other since the state criminal trial. Because the settlement also resolved a wrongful death claim, the state circuit court will conduct a hearing to approve the settlement.

Counsel for Plaintiff:

John Janney Rasmussen, Esq.  
Insurance Recovery Law Group PLC  
3015 East Broad Street  
P.O. Box 8049  
Richmond, VA 23223  
(804) 308-1359

Lori Lohr Smith  
Marks & Harrison PC  
2141 East Hundred Road  
Chester, VA 23836  
(804) 748-0999

Counsel for Defendant:

Ronald Weldon Cox, Jr., Esq.  
McCarthy Wilson LLP  
2200 Research Boulevard, Suite 500  
Rockville, MD 20850  
(301) 762-7770

3. *Berry v. LexisNexis Risk & Info. Analytics Grp., Inc.*, No. 3:11CV754-JRS, United States District Court for the Eastern District of Virginia.

I presided over the court's settlement of this national class action involving Fair Credit Reporting Act issues. Under this court's supervision, and with the effort of an outside mediator, two classes were formed: an injunctive class of potentially extremely high numbers (over one hundred million people), and a second class of approximately thirty-one thousand plaintiffs. At issue was the LexisNexis product "Accurant." Following the final settlement presentation in my Court, the Hon. James R. Spencer, in another hearing, granted the Motion for Preliminary Class Action Settlement and Certifying Conditional Settlement Classes. The Final Fairness Hearing occurred on December 10, 2013.



Counsel for Plaintiffs:

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

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

Counsel for Defendants:

David Neal Anthony, Esq.  
Troutman Sanders LLP  
1001 Haxall Point  
P.O. Box 1122  
Richmond, VA 23219  
(804) 697-1200

James Francis McCabe, Esq.  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105  
(415) 268-7000

Ronald Irvin Raether, Jr., Esq.  
Faruki Ireland & Cox PLL  
500 Courthouse Plaza, S.W.  
10 North Ludlow Street  
Dayton, OH 45402  
(937) 227-3700

4. *United States v. Currie*, No. 09CR519, United States District Court for the Eastern District of Virginia.

In this jury trial, the defendant was found guilty by a jury of driving under the influence at Fort Lee, a military installation that allows civilians on base to visit its regimental club for social activities. I separately made a finding of guilt as to speeding 72 miles-per-hour in a 45 miles-per-hour zone. I sentenced the defendant to two days of imprisonment, a \$360 fine, and one

year of supervised release with a special condition of participating in mental health treatment.

Counsel for the United States:

Sara Elizabeth Chase, Esq.  
Former Assistant United States Attorney  
4100 East Parham Road, Suite A  
Henrico, VA 23228  
(804) 501-0824

Counsel for Defendant:

Elizabeth W. Hanes, Esq.  
Office of the Federal Public Defender  
701 East Broad Street, Suite 3600  
Richmond, VA 23219  
(804) 343-0800

5. *United States v. Mabry*, No. 3:07CR28, United States District Court for the Eastern District of Virginia (Copy supplied).

The district judges regularly refer cases in which defendants claim their attorneys have rendered ineffective assistance of counsel by failing to file an appeal when asked. I handle all of those references in our division. I hold an evidentiary hearing when parties offer opposing sworn affidavits about whether the appeal request occurred. This case involved a one-day evidentiary hearing in which Mabry, a federal inmate, alleged his lawyer provided ineffective assistance of counsel when his lawyer failed to file a notice of appeal as instructed. After conducting the evidentiary hearing, I found that Mabry did not expressly ask his lawyer to file an appeal. My Report and Recommendation recommended dismissing Mabry's claim of ineffective assistance of counsel and recommended denying his motion to vacate, set aside, or correct his sentence brought pursuant to 28 U.S.C. § 2255. The District Court adopted my Report and Recommendation and the United States Court of Appeals for the Fourth Circuit dismissed Mabry's appeal. *United States v. Mabry*, No. 3:07CR28, (E.D. Va. Nov. 11, 2011) (Lauck, M.J.), *report and recommendation accepted and adopted*, (E.D. Va. Jan. 5, 2012) (Payne, J.), *appeal dismissed*, 475 F. App'x 920 (4th Cir. 2012) (Copy supplied).

Counsel for the United States:

Richard D. Cooke, Esq.  
United States Attorney's Office, Eastern District of Virginia  
600 East Main Street, 18th Floor

Richmond, VA 23219  
(804) 819-5400

John Staige Davis, V, Esq.  
Former Criminal Chief, United States Attorney's Office for the Eastern  
District of Virginia  
Williams Mullen  
200 South Tenth Street, 16th Floor  
Richmond, VA 23219  
(804) 420-6000

Counsel for Defendant:

William P. Irwin, V, Esq.  
P.O. Box 70612  
Richmond, VA 23255  
(804) 564-9404

6. *United States v. Bacas*, Violation Nos. 1516466, 2117788, United States District Court for the Eastern District of Virginia.

This was a bench trial wherein the United States charged the defendant with speeding at Fort Lee, Virginia. At trial, I granted the motion of the United States to dismiss one violation notice. The United States then sought to admit into evidence certificates verifying the accuracy of the tuning forks used to calibrate the radar that detected the defendant's speed. Two of the certificates were certified and two were uncertified. After reviewing the post-trial briefing I had requested, I found that the certified and uncertified certificates constituted non-testimonial admissible evidence that did not run afoul of the Confrontation Clause or the Supreme Court of the United States' decision in *Melendez-Diaz*. See *United States v. Bacas*, 662 F. Supp. 2d 481 (E.D. Va. 2009). I also found that the certified certificates constituted admissible evidence to prove the reliability of the tuning forks used to calibrate the radar device. However, I found the uncertified certificates constituted inadmissible hearsay after examining Federal Rule of Evidence 803. During the status hearing after I issued the opinion, I granted the motion by the United States to dismiss the final violation notice.

Counsel for the United States:

Sara Elizabeth Chase, Esq.  
Former Assistant United States Attorney  
4100 East Parham Road, Suite A  
Henrico, VA 23228  
(804) 501-0824

Counsel for Defendant:

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

7. *Lathon v. Wal-Mart Stores E., LP*, No. 3:09CV57, United States District Court for the Eastern District of Virginia.

This case involved a slip-and-fall personal injury action against Wal-Mart stemming from the plaintiff's slipping on an unmarked, wet floor at a Wal-Mart store in Fredericksburg, Virginia. The complaint alleged three negligence causes of action. I denied Wal-Mart's motion to dismiss and found that the individual causes of action corresponded to the duties owed by a store to its invitees as articulated by the Supreme Court of Virginia and that Federal Rule of Civil Procedure 8(d)(2) permitted a plaintiff to plead alternative theories. *Lathon v. Wal-Mart Stores E., LP*, No. 3:09CV57, 2009 WL 1172864 (E.D. Va. Apr. 29, 2009). Plaintiff's discovery efforts languished. After discovery closed, the plaintiff filed a motion to voluntarily dismiss her action without prejudice. I denied the plaintiff's motion to voluntarily dismiss without prejudice because prejudice to Wal-Mart would result but continued the trial. *Lathon v. Wal-Mart Stores E., LP*, No. 3:09CV57, 2009 WL 1810006 (E.D. Va. June 24, 2009). I denied Wal-Mart's motion to exclude the plaintiff's evidence and instead imposed the less severe sanction of reasonable attorneys' fees and continuing the trial. *Id.* After setting a new trial date, the case settled.

Counsel for Plaintiff:

Lawrence Alex Thrower, Esq.  
Law Office of Lawrence A. Thrower  
10410 Kensington Parkway, # 202  
Kensington, MD 20895  
(301) 962-5002

Counsel for Defendant:

Joseph Michael Moore, Esq.  
Donald Cameron Beck, Jr.  
Morris & Morris PC  
11 South 12th Street, Fifth Floor  
P.O. Box 30  
Richmond, VA 23218  
(804) 344-8300

8. *McDonald v. Wal-Mart Stores E., LP*, No. 3:07CV425, United States District Court for the Eastern District of Virginia.

This was a jury trial of a slip-and-fall personal injury negligence action. A minor, by and through her parent, sued Wal-Mart alleging she sustained injuries from slipping on a plastic wrap while on Wal-Mart's premises due to its negligence. Before trial, I denied the parties' cross-motions for summary judgment due to material disputes of fact as to whether Wal-Mart created the dangerous condition that caused the child's fall. *McDonald v. Wal-Mart Stores E., LP*, No. 3:07CV425, 2008 WL 153783 (E.D. Va. Jan. 14, 2008). In a second written opinion, I granted in part and denied in part Wal-Mart's motions in limine. *McDonald v. Wal-Mart Stores E., LP*, No. 3:07CV425, 2008 WL 153782 (E.D. Va. Jan. 14, 2008). I made several evidentiary findings, including granting plaintiff's motion to allow an adverse inference instruction as to the spoliation of the plastic wrap. At trial, the jury returned a plaintiff's verdict and an award of \$30,000.

Counsel for Plaintiff:

John Anthony Rockecharlie, Esq.  
Cary Breckinridge Bowen, Esq.  
Jacqueline May Reiner, Esq.  
Bowen Champlin Foreman & Rockecharlie  
1919 Huguenot Road, Suite 300  
Richmond, VA 23235  
(804) 379-1900

Counsel for Defendant:

Joseph Michael Moore, Esq.  
Donald Cameron Beck, Jr.  
Morris & Morris PC  
11 South 12th Street, Fifth Floor  
P.O. Box 30  
Richmond, VA 23218  
(804) 344-8300

9. *United States v. V.D.A.*, No. 3:05MJ791, United States District Court for the Eastern District of Virginia.

This was a bench trial involving four juvenile defendants at Fort Lee charged with conspiracy to assault a juvenile and possess a dangerous weapon, assault on a juvenile, possession of a dangerous weapon, and simple assault/resisting arrest. The record is under seal as a result of the status of the defendants. I made a finding of delinquency as to all four defendants of conspiracy to

assault a juvenile and to possess a dangerous weapon, as well as assault on a juvenile. I found one juvenile delinquent by possessing a dangerous weapon and simple assault/resisting arrest. One juvenile served one year of delinquent supervision and the other three juveniles received time served and one year of delinquent supervision.

Counsel for the United States:

Sara Elizabeth Chase, Esq.  
Former Assistant United States Attorney  
4100 East Parham Road, Suite A  
Henrico, VA 23228  
(804) 501-0824

Counsel for Defendant:

Jennifer Marie Newman, Esq.  
Seven East Franklin Street  
Richmond, VA 23219  
(804) 421-9975

Counsel for Co-Defendant:

Jeremy C. Sharp, Esq.  
Jeremy C. Sharp Attorney at Law  
710 North Hamilton Street  
Richmond, VA 23221  
(804) 358-4731

Counsel for Co-Defendant:

Horace Frazier Hunter, Esq.  
Hunter & Lipton LLP  
217 East Clay Street  
Richmond, VA 23219  
(804) 780-1235

Counsel for Co-Defendant:

Mary Elizabeth Maguire, Esq.  
Office of the Federal Public Defender  
701 East Broad Street, Suite 3600  
Richmond, VA 23219  
(804) 343-0800

10. *Bacon v. City of Richmond*, No. 3:05CV425-HEH, United States District Court for the Eastern District of Virginia.

I have mediated this case since its inception before the Honorable Henry E. Hudson in 2005 and continue to mediate the agreed settlement. The named plaintiffs brought this claim under the Americans with Disabilities Act against the City of Richmond and its School Board regarding the inaccessibility or noncompliance of the Richmond City Public Schools (“RPS”). The complaint alleged some level of noncompliance in every Richmond City School. Through mediation, the parties eventually agreed upon a five-year implementation plan, after which RPS school buildings and grounds would be ADA compliant. The settlement, whose progress is available online through the RPS website, is now in year five of five. Since 2005, I have met with the parties at least monthly, and often more frequently, reviewing what projects at which schools should commence to fulfill the dictates of the ADA, and the settlement, in the most economically feasible manner. No project has gone forward without School Board and City approval.

Counsel for Plaintiffs:

David Denman Hopper, Esq.  
Cook Heyward Lee Hopper & Feehan PC  
P.O. Box 3059  
Glen Allen, VA 23058  
(804) 747-4500

Counsel for Defendants:

Edward James Dillon, Jr., Esq.  
Virginia State Bar  
707 East Main Street, Suite 1500  
Richmond, VA 23219  
(804) 775-0500

William Delaney Bayliss, Esq.  
Williams Mullen  
200 South Tenth Street, 16th Floor  
Richmond, VA 23219  
(804) 420-6000

Beverly Joanne Agee Burton, Esq.  
Formerly with the Office of the Richmond City Attorney  
Chesterfield County Attorney’s Office  
P.O. Box 40  
Chesterfield, VA 23832  
(804) 748-1491

- 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.

The cases appear below in reverse chronological order.

1. *Lucas v. Henrico Cnty. Sch. Bd.*, No. 3:11CV5 (E.D. Va. Aug. 25, 2011), *report and recommendation adopted*, 822 F. Supp. 2d 589 (E.D. Va. 2011).

The plaintiff appeared *pro se*.

Counsel for Defendant:

Joseph Thomas Tokarz, II, Esq.  
Andrew Ramsey Newby, Esq.  
Henrico County Attorney's Office  
P.O. Box 90775  
Richmond, VA 23273  
(804) 501-4342

2. *Villines v. Walgreen Co.*, No. 3:10CV674, 2011 WL 1752113 (E.D. Va. May 6, 2011).

Counsel for Plaintiff:

Craig Douglas Miller, Esq.  
Michael Joseph Johnson, Esq.  
Simeone & Miller LLP  
1130 Connecticut Avenue, N.W., Suite 350  
Washington, D.C. 20036  
(202) 628-3050

Counsel for Defendant:

Matthew David Green, Esq.  
Michael Robert Ward, Esq.  
Morris & Morris PC  
11 South 12th Street, Fifth Floor  
P.O. Box 30  
Richmond, VA 23218  
(804) 344-8300



3. *eServs., LLC v. Energy Purchasing, Inc.*, No. 3:09CV671, 2010 WL 6195580 (E.D. Va. Oct. 15, 2010), *report and recommendation accepted and adopted*, 2011 WL 1044889 (E.D. Va. Mar. 15, 2011).

Counsel for Plaintiff:

Edward Everett Bagnell, Jr., Esq.  
Hugh McCoy Fain, III, Esq.  
Spotts Fain PC  
411 East Franklin Street, Suite 600  
Richmond, VA 23219  
(804) 697-2000

Counsel for Defendant:

Andrew Kurt Clark, Esq.  
Stephen Matthew Faraci, Esq.  
LeClair Ryan PC  
951 East Byrd Street, Eighth Floor  
P.O. Box 2499  
Richmond, VA 23218  
(804) 783-2003

Counsel for Co-Defendant:

L. Lee Byrd, Esq.  
Stephen Earl Baril, Esq.  
Sands Anderson Marks & Miller PC  
1111 East Main Street, Suite 2400  
P.O. Box 1998  
Richmond, VA 23218  
(804) 648-1636

David Carey Stratton, Esq.  
Stratton Hogg & Maddox  
P.O. Box 1530  
Pikeville, KY 41502  
(606) 437-7800

Counsel for Co-Defendant:

Joseph A. Tarantelli, Esq.  
Phillip David Scott, Esq.  
Greenebaum Doll & McDonald, PLLC  
300 West Vine Street, Suite 1100

Lexington, KY 40507  
(859) 231-8500

4. *Elso v. U.S. Immigration & Customs Enforcement*, No. 3:07CV57 (E.D. Va. July 21, 2010) (Copy supplied).

The plaintiff was pro se.

Counsel for Defendant:

Robert P. McIntosh, Esq.  
United States Attorney's Office, Eastern District of Virginia  
600 East Main Street, 18th Floor  
Richmond, VA 23219  
(804) 819-5400

5. *A Soc'y Without a Name for People Without a Home Millennium-Future-Present v. Virginia*, No. 3:09CV480 (E.D. Va. Feb. 17, 2010), *report and recommendation accepted and adopted*, 699 F. Supp. 2d 787 (E.D. Va. 2010), *aff'd*, 655 F.3d 342 (4th Cir. 2011), *cert. denied*, 132 S. Ct. 1960 (Apr. 16, 2012).

Counsel for Plaintiff:

Henry W. McLaughlin, III, Esq.  
The Law Office of Henry McLaughlin, P. C.  
707 East Main Street, Suite 1375  
Richmond, VA 23219  
(804) 205-9020

Martin Douglas Wegbreit, Esq.  
Central Virginia Legal Aid Society, Inc.  
101 West Broad Street  
P.O. Box 12206  
Richmond, VA 23241  
(804) 648-1012

Counsel for Defendant:

Stephen Michael Hall, Esq.  
8128 Bendemeer Road  
Richmond, VA 23235  
(804) 360-5079

Counsel for Co-Defendant:

Nicholas Foris Simopoulos, Esq.  
Office of the Richmond City Attorney  
900 East Broad Street  
Room 300  
Richmond, VA 23219  
(804) 646-7940

Beverly Joanne Agee Burton  
Formerly with the Office of the Richmond City Attorney  
Chesterfield County Attorney's Office  
P.O. Box 40  
Chesterfield, VA 23832  
(804) 748-1491

Counsel for Co-Defendant:

Christina Michelle Jones, Esq.  
McGuireWoods LLP  
901 East Cary Street  
Richmond, VA 23219  
(804) 775-1000

Eric Blaine Martin, Esq.  
McGuire Woods LLP  
901 East Cary Street  
Richmond, VA 23219  
(804) 775-1000

6. *Premier Pet Prods., LLC v. Travelers Prop. Cas. Co. of Am.*, 678 F. Supp. 2d 409 (E.D. Va. 2010).

Counsel for Plaintiff

Collin Jefferson Hite, Esq.  
Hirschler Fleischer PC  
2100 East Cary Street  
P.O. Box 500  
Richmond, VA 23218  
(804) 771-9500

Margaret Schneidman Brownell, Esq.  
Matthew Adam Guttman, Esq.  
Maslon Edelman Borman & Brand LLC  
3300 Wells Fargo Center

90 South Seventh Street  
Minneapolis, MN 55402  
(612) 672-8200

Counsel for Defendant:

John Becker Mumford, Jr., Esq.  
Kathryn Elizabeth Kasper, Esq.  
Hancock Daniel Johnson & Nagle PC  
4701 Cox Road, Suite 400  
Glen Allen, VA 23060  
(804) 967-9604

7. *Cappetta v. GC Servs. Ltd.*, 266 F.R.D. 121 (E.D. Va. 2009).

Counsel for Plaintiff:

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

Jason Meyer Krumbein, Esq.  
Krumbein Consumer Legal Services Inc.  
5310 Markel Road, Suite 102  
Richmond, VA 23230  
(804) 303-0204

Matthew James Erausquin, Esq.  
Consumer Litigation Associates PC  
1800 Diagonal Road, Suite 600  
Alexandria, VA 22314  
(703) 273-7770

Richard John Rubin, Esq.  
1300 Canyon Road  
Santa Fe, NM 87501  
(505) 983-4418

Counsel for Defendant:

Brian Brooks, Esq.  
O'Melveny & Myers LLP  
1625 Eye Street, N.W.

Washington, D.C. 20006  
(202) 383-5300

Charles Michael Sims, Esq.  
John MacDonald Robb, III, Esq.  
LeClairRyan PC  
951 East Byrd Street  
Richmond, VA 23219  
(804) 783-2003

David Matthew Schultz, Esq.  
Todd Stelter, Esq.  
Hinshaw & Culbertson LLP  
222 North LaSalle Street, Suite 300  
Chicago, IL 60601  
(312) 704-3000

James Curie Skilling, Esq.  
Williams & Skilling PC  
4801 Radford Avenue, Suite A  
Richmond, VA 23230  
(804) 447-0307

8. *In re Extradition of Tawakkal*, No. 3:08MJ118, 2008 WL 3895578 (E.D. Va. Aug. 22, 2008).

Counsel for the United States:

G. Wingate Grant, Esq.  
United States Attorney's Office, Eastern District of Virginia  
600 East Main Street, 18th Floor  
Richmond, VA 23219  
(804) 819-5400

Counsel for Defendants:

Marvin David Miller, Esq.  
1203 Duke Street  
Alexandria, VA 22314  
(703) 548-5000

9. *Barnette v. Brook Road, Inc.*, 457 F. Supp. 2d 647 (E.D. Va. 2006).

Counsel for Plaintiff:

John Cole Gayle, Jr., Esq.  
The Consumer Law Group  
5905 West Broad Street, Suite 303  
Richmond, VA 23230  
(804) 282-7900

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

Counsel for Defendant:

Kenneth Francis Hardt, Esq.  
Sinnott, Nuckols & Logan PC  
13811 Village Mill Drive  
Midlothian, VA 23114  
(804) 378-7600

Counsel for Co-Defendant:

Alan Durrum Wingfield, Esq.  
David Neal Anthony, Esq.  
Troutman Sanders LLP  
1001 Haxall Point  
P.O. Box 1122  
Richmond, VA 23219  
(804) 697-1200

Counsel for Co-Defendant:

Mark Campbell Shuford, Esq.  
Spencer LLP  
6806 Paragon Place, Suite 200  
Richmond, VA 23230  
(804) 285-5200

10. *Barnette v. Brook Road, Inc.*, 429 F. Supp. 2d 741 (E.D. Va. 2006).

Counsel for Plaintiff:

John Cole Gayle, Jr., Esq.  
The Consumer Law Group  
5905 West Broad Street, Suite 303  
Richmond, VA 23230  
(804) 282-7900

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

Counsel for Defendant:

Kenneth Francis Hardt, Esq.  
Sinnott, Nuckols & Logan PC  
13811 Village Mill Drive  
Midlothian, VA 23114  
(804) 378-7600

Counsel for Co-Defendant:

Alan Durrum Wingfield, Esq.  
David Neal Anthony, Esq.  
Troutman Sanders LLP  
1001 Haxall Point  
P.O. Box 1122  
Richmond, VA 23219  
(804) 697-1200

Counsel for Co-Defendant:

Mark Campbell Shuford, Esq.  
Spencer LLP  
6806 Paragon Place, Suite 200  
Richmond, VA 23230  
(804) 285-5200

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

I have conducted an exhaustive search of opinions issued in cases I have decided, nearly all of which are unpublished. I list those cases below in which the Supreme

Court of the United States considered certiorari. In no case was certiorari granted.

*Keck v. Virginia*, No. 3:10CV555, 2011 WL 4589997 (E.D. Va. Sept. 9, 2011) (Lauck, M.J.), *report and recommendation adopted*, 2011 WL 4573473 (E.D. Va. Sept. 30, 2011) (Payne, J.), *aff'd*, 470 F. App'x 127 (4th Cir. 2012), *cert. denied*, 133 S. Ct. 444, 184 L. Ed. 2d 261 (Oct. 9, 2012)

*Versatile v. Johnson*, No. 3:09CV120, 2011 WL 5119152 (E.D. Va. June 22, 2011) (Lauck, M.J.), *report and recommendation accepted and adopted*, 2011 WL 5119259 (E.D. Va. Oct. 27, 2011) (Hudson, J.), *aff'd*, 474 F. App'x 385 (4th Cir. 2012), *cert. denied*, 133 S. Ct. 1261, 185 L. Ed. 2d 204 (Feb. 19, 2013)

*Jacob v. Johnson*, No. 3:10CV253, 2011 WL 1167477 (E.D. Va. Mar. 28, 2011) (Lauck, M.J.), *appeal dismissed*, 440 F. App'x 215 (4th Cir. 2011), *cert. denied sub nom. Jacob v. Clarke*, 132 S. Ct. 1614, 182 L. Ed. 2d 218 (Feb. 21, 2012)

*Hall v. Dir., Va. Dep't of Corr.*, No. 3:09CV647, 2010 WL 3522966 (E.D. Va. Sept. 7, 2010) (Lauck, M.J.), *appeal dismissed*, 429 F. App'x 354 (4th Cir. 2011), *cert. denied sub nom. Hall v. Clarke*, 132 S. Ct. 1105, 181 L. Ed. 2d 989 (Jan. 17, 2012)

*Ocon-Parada v. Young*, No. 3:09CV87, 2010 WL 2928590 (E.D. Va. July 23, 2010) (Lauck, M.J.), *appeal dismissed*, 399 F. App'x 788 (4th Cir. 2010), *cert. denied*, 131 S. Ct. 2975, 180 L. Ed. 2d 257 (June 6, 2011)

*Salinas v. Dillman*, No. 3:09CV510, 2010 WL 2757116 (E.D. Va. July 12, 2010) (Lauck, M.J.), *appeal dismissed*, 401 F. App'x 816 (4th Cir. 2010), *cert. denied*, 131 S. Ct. 2459, 179 L. Ed. 2d 1224 (May 16, 2011)

*Amr v. Moore*, No. 3:09CV667, 2010 WL 3153977 (E.D. Va. June 21, 2010) (Lauck, M.J.), *report and recommendation adopted*, 2010 WL 3154567 (E.D. Va. Aug. 9, 2010) (Payne, J.), *aff'd*, 411 F. App'x 584 (4th Cir. 2011), *cert. denied*, 132 S. Ct. 526, 181 L. Ed. 2d 369 (Oct. 31, 2011), *reh'g denied*, 132 S. Ct. 1139, 181 L. Ed. 2d 1012 (Jan. 17, 2012)

*Amr v. Moore*, No. 3:09CV667, 2010 WL 3154575 (E.D. Va. June 21, 2010) (Lauck, M.J.), *report and recommendation adopted*, 2010 WL 3154567 (E.D. Va. Aug. 9, 2010) (Payne, J.), *aff'd*, 411 F. App'x 584 (4th Cir. 2011), *cert. denied*, 132 S. Ct. 526, 181 L. Ed. 2d 369 (Oct. 31, 2011), *reh'g denied*, 132 S. Ct. 1139, 181 L. Ed. 2d 1012 (Jan. 17, 2012)

*Amr v. Moore*, No. 3:09CV667, 2010 WL 3154576 (E.D. Va. June 21, 2010) (Lauck, M.J.), *report and recommendation adopted*, 2010 WL 3154567 (E.D. Va. Aug. 9, 2010) (Payne, J.), *aff'd*, 411 F. App'x 584 (4th Cir. 2011), *cert. denied*, 132 S. Ct. 526, 181 L. Ed. 2d 369 (Oct. 31, 2011), *reh'g denied*, 132 S. Ct. 1139, 181 L. Ed. 2d 1012 (Jan. 17, 2012)



*A Soc'y Without a Name for People Without a Home Millennium-Future-Present v. Virginia*, No. 3:09CV480 (E.D. Va. Feb. 17, 2010) (Lauck, M.J.), *report and recommendation adopted*, 699 F. Supp. 2d 787 (E.D. Va. 2010) (Payne, J.), *aff'd*, 655 F.3d 342 (4th Cir. 2011), *cert. denied*, 132 S. Ct. 1960, 182 L. Ed. 2d 772 (Apr. 16, 2012)

*Rangel v. Stansberry*, No. 3:08CV782, 2010 WL 114925 (E.D. Va. Jan. 12, 2010) (Lauck, M.J.), *aff'd*, 385 F. App'x 291 (4th Cir. 2010), *cert. denied*, 131 S. Ct. 1033, 178 L. Ed. 2d 853 (Jan. 18, 2011)

*Taylor v. Hinkle*, No. 3:08CV306, 2009 WL 2424087 (E.D. Va. Aug. 6, 2009) (Lauck, M.J.), *motion reconsider denied*, 2010 WL 114379 (E.D. Va. Jan. 11, 2010), *appeal dismissed*, 387 F. App'x 387 (4th Cir. 2010), *cert. denied*, 131 S. Ct. 660, 178 L. Ed. 2d 493 (Nov. 29, 2010), *reh'g denied*, 131 S. Ct. 1627, 179 L. Ed. 2d 619 (Mar. 7, 2011)

*Taylor v. Hinkle*, No. 3:08CV306, 2009 WL 604344 (E.D. Va. Mar. 6, 2009) (Lauck, M.J.), *appeal dismissed*, 387 F. App'x 387 (4th Cir. 2010), *cert. denied*, 131 S. Ct. 660, 178 L. Ed. 2d 493 (Nov. 29, 2010), *reh'g denied*, 131 S. Ct. 1627, 179 L. Ed. 2d 619 (Mar. 7, 2011)

*Hearne v. Davis*, No. 3:08CV171, 2008 WL 5234689 (E.D. Va. Dec. 15, 2008) (Lauck, M.J.), *appeal dismissed*, 325 F. App'x 171 (4th Cir. 2009), *cert. denied*, 558 U.S. 997 (2009)

*Jiminez v. Vaughan*, No. 3:07CV639, 2008 WL 2329767 (E.D. Va. June 5, 2008) (Lauck, M.J.), *aff'd*, 341 F. App'x 890 (4th Cir. 2009), *cert. denied*, 558 U.S. 1149 (2010)

*Educ. Media Co. at Va. Tech, Inc. v. Swecker*, No. 3:06CV396, 2008 U.S. Dist. LEXIS 45590 (E.D. Va. Mar. 31, 2008) (Lauck, M.J.), *rev'd in part, vacated in part, and remanded*, 602 F.3d 583 (4th Cir. 2010), *cert. denied*, 131 S. Ct. 646, 178 L. Ed. 2d 479 (Nov. 29, 2010)

*Linder v. Friedman*, No. 3:07CV292 (E.D. Va. Dec. 6, 2007) (Lauck, M.J.), *report and recommendation accepted and adopted*, 2008 WL 80228 (E.D. Va. Jan. 7, 2008) (Williams, J.), *aff'd*, 283 F. App'x 168 (4th Cir. 2008), *cert. denied*, 555 U.S. 1125 (2009)

*Harrell v. Gaines*, No. 3:05CV454, 2005 WL 5671583 (E.D. Va. Dec. 22, 2005) (Lauck, M.J.), *report and recommendation adopted*, 2006 WL 4389741 (E.D. Va. June 22, 2006) (Spencer, J.), *aff'd*, 203 F. App'x 492 (4th Cir. 2006), *cert. denied*, 551 U.S. 1150 (2007)

- 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.

*Harris v. Dir., Va. Dept. of Corr.*, No. 3:04CV70 (E.D. Va. Feb. 27, 2006) (copy supplied), *rev'd and remanded*, 282 F. App'x 239 (4th Cir. 2008).

Harris sought a writ of habeas corpus under 28 U.S.C. § 2254, which I dismissed as having been filed outside the one-year statute of limitations. I found that Harris's writ of mandamus, filed in state court, did not toll the statute of limitations applicable to his writ of habeas corpus because the writ of mandamus did not qualify as a "properly filed application for State post-conviction or other collateral relief" regarding his underlying conviction. In an unpublished decision, the United States Court of Appeals for the Fourth Circuit reversed, finding the writ of mandamus properly filed because, even though it was time barred, it followed rules and laws governing filing in a court with jurisdiction. *Harris v. Dir., Va. Dept. of Corr.*, 282 F. App'x 239, 240, 241-42, 244 (4th Cir. 2008).

*Educ. Media Co. at Va. Tech, Inc. v. Swecker*, No. 3:06CV396, 2008 U.S. Dist. LEXIS 45590 (E.D. Va. Mar. 31, 2008), *rev'd in part, vacated in part, and remanded*, 602 F.3d 583 (4th Cir. 2010), *cert. denied*, 131 S. Ct. 646 (Nov. 29, 2010). *Educ. Media Co. at Va. Tech, Inc. v. Swecker*, No. 3:06CV396 (E.D. Va. Sept. 7, 2012) (on remand) (copy supplied), *rev'd sub nom. Educ. Media Co. at Va. Tech, Inc. v. Insley*, 731 F.3d 291 (4th Cir. 2013).

This case involved a challenge by college newspapers to two Virginia regulations restricting college publications from advertising alcoholic beverages except in reference to restaurants, and by using certain words, while forbidding other words, such as advertising "Polynesian Drinks," "Exotic Drinks," or "Speakeasy." In a case of first impression, under the test articulated in *Central Hudson Gas & Electric Corporation v. Public Service Commission*, 447 U.S. 557 (1980), I found that Virginia alcohol regulations 3 VAC 5-20-40(A) & (B)(3), were unconstitutional because neither regulation directly advanced the substantial governmental interest of reducing underage binge drinking, meaning they did not present a reasonable fit between the means and the ends of the regulatory scheme. In a two-to-one decision on *de novo* review, the Fourth Circuit reversed and remanded as to the second regulation, concluding that it was narrowly tailored to advance a substantial governmental interest. *Educ. Media Co. at Va. Tech, Inc. v. Swecker*, 602 F.3d 583 (4th Cir. 2010).

On remand, and constrained by the Fourth Circuit's decision, I found the second regulation survived an as-applied First Amendment challenge. On appeal, a new panel of the Fourth Circuit, whose only consistent member switched from writing the majority opinion to writing the sole dissent, found that the regulation failed the fourth prong of the *Central Hudson* test on an as-applied basis. As I had found in my first decision addressing the facial challenge, the Fourth Circuit found in this second appeal that, as applied, the regulation violated the First Amendment because

it prevented the dissemination of truthful, non-misleading advertisements to the majority of readers who were older than 21 years of age.

*Lucas v. Henrico Cnty. Sch. Bd.*, No. 3:11CV5, 2012 WL 1665428 (E.D. Va. Apr. 12, 2012), *report and recommendation adopted in part and rejected in part*, 2012 WL 1665427 (E.D. Va. May 11, 2012).

In this 2012 decision, where the district judge had published his 2011 adoption of my recommendations as to a motion to dismiss, I recommended granting defendant's Federal Rule of Civil Procedure 12(c) motion for judgment on the pleadings to dismiss plaintiff's remaining claims of conspiracy to retaliate in violation of the Rehabilitation Act of 1973 and the ADA and abuse of process. I recommended dismissal because the statute of limitations barred the plaintiff's conspiracy to retaliate claim and because the plaintiff failed to state a claim for abuse of process. I recommended denying without prejudice plaintiff's motion to amend, and made the day of oral argument on the motion for judgment on the pleadings, because the plaintiff did not attach a copy of her proposed amended complaint. The district court adopted my Report and Recommendation except with respect to the characterization of the dismissal. The district court dismissed the action with prejudice and denied the plaintiff's motion to amend with prejudice.

*United States v. Brown*, No. 3:08CR488-6, (E.D. Va. Jan. 3, 2013), *report and recommendation accepted and adopted as modified*, 2013 WL 3967335 (E.D. Va. Aug. 1, 2013), *appeal docketed*, No. 13-7263 (4th Cir. Aug. 6, 2013).

This case involved a one-day evidentiary hearing in which the defendant, a federal inmate, alleged his lawyer provided ineffective assistance of counsel when his lawyer failed to file a notice of appeal as instructed. After conducting the evidentiary hearing, I found that the defendant did not expressly ask his lawyer to file an appeal. My Report and Recommendation recommended dismissing the defendant's claim of ineffective assistance of counsel and recommended denying his motion to vacate, set aside, or correct his sentence brought pursuant to 28 U.S.C. § 2255. Defendant filed objections, including objecting to the finding that the defendant pled guilty to a criminal information, instead of an indictment. The District Court accepted defendant's objection on this point only, and adopted my Report and Recommendation as modified to reflect that the defendant pled guilty to an indictment.

*Ray v. Amelia Cnty. Sheriff's Office*, No. 3:06CV834 (E.D. Va. Aug. 3, 2007), *report and recommendation accepted and adopted*, (E.D. Va. Aug. 22, 2007), *vacated and remanded*, 302 F. App'x 209 (4th Cir. 2008) (Copy supplied).

In an unpublished decision, the United States Court of Appeals for the Fourth Circuit reversed a decision by the Hon. Robert E. Payne adopting my Report and Recommendation that a motion to dismiss plaintiff's Age Discrimination in Employment Act claim be granted. The underlying decision dismissed the case

because plaintiff's own complaint articulated a legitimate, non-discriminatory basis for her dismissal. The Fourth Circuit vacated the District Court's order dismissing plaintiff's ADEA claim and remanded for further proceedings.

*Gitter v. Cardiac & Thoracic Surgical Assoc., Ltd.*, 3:07CV546 (E.D. Va. July 15, 2008), *report and recommendation accepted and adopted*, (E.D. Va. Sept. 24, 2008), *aff'd in part, vacated in part, and remanded*, 338 F. App'x 348 (4th Cir. 2009), *on remand*, (E.D. Va. Dec. 22, 2009), *report and recommendation accepted and adopted*, 2010 WL 629843 (E.D. Va. Feb. 19, 2010), *vacated and remanded*, 419 F. App'x 365 (4th Cir. 2011) (first decision supplied).

The district judge twice adopted my Report and Recommendation granting defendants' motion for summary judgment because the parties, a doctor and hospital group, had not entered into a binding contract. The United States Court of Appeals for the Fourth Circuit reversed in part twice. In the most recent decision, the issue surrounded whether the doctor could establish reasonable reliance on emails that he had been hired when he had submitted answers of questionable veracity on his credentialing application to the hospital with which he sought employment. One judge dissented to the reversal.

*Sewraz v. Nguyen*, No. 3:08CV90 (E.D. Va. Sept. 15, 2009), *report and recommendation accepted and adopted*, 2010 WL 517898 (E.D. Va. Feb. 10, 2010), *vacated and remanded sub nom. Sewraz v. Long*, 407 F. App'x 718 (4th Cir. 2011).

The district judge adopted my Report and Recommendation to dismiss a *pro se* federal inmate's action alleging numerous state law and conspiracy claims against his ex-wife, a defense attorney, and a law firm where the inmate had made conclusory allegations regarding the alleged conspiracy between his ex-wife and other defendants. Because the inmate did not meet his obligation to plead factual content to allow the court to draw reasonable inferences that an agreement or conspiracy existed, I recommended dismissal. The Fourth Circuit vacated and remanded, finding the District Court abused its discretion in dismissing the complaint.

*Global Title, LLC v. St. Paul Fire & Marine Ins. Co.*, No. 3:09CV550, 2011 WL 1597446 (E.D. Va. Feb. 18, 2011), *report and recommendation accepted and adopted*, 788 F. Supp. 2d 453 (E.D. Va. 2011), *vacated and remanded sub nom. First Tenn. Bank Nat'l Ass'n v. St. Paul Fire & Marine Ins. Co.*, 501 F. App'x 255 (4th Cir. 2012).

The district judge adopted my Report and Recommendation in this insurance coverage dispute stemming from a mortgage loan transaction and consequent litigation involving several parties. I recommended granting St. Paul Fire and Marine Insurance Company's cross-motion for summary judgment, and granting judgment in favor of St. Paul on all counts of St. Paul's third amended counterclaim and crossclaim for declaratory judgment. I recommended that First Tennessee's

claims asserted in the initial lawsuit and intervening complaint against Global Title did not trigger St. Paul's duty to defend or indemnify Global Title. The Fourth Circuit reversed, finding a possibility of coverage under the applicable insurance policy and that St. Paul was obligated to defend Global Title against First Tennessee's claims.

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

As a Magistrate Judge, nearly all of my opinions are unpublished. In a few instances, a judge adopting my Report and Recommendation has published his adoption of my Report and Recommendation. I issue hundreds of orders on non-dispositive matters, including scheduling and discovery matters. I also handle some matters on a regular basis, such as finding whether a felony guilty plea is knowing and voluntary, and recommending that a district judge enter a finding of guilt. I have conducted 400 to 500 such hearings, and issued the concomitant Report and Recommendation in each.

The Eastern District adopted electronic filing in 2007, meaning that all decisions I have issued since that time can be found through the court's Case Management Electronic Filing System (CM/ECF). LEXIS and Westlaw also report many of my cases. I estimate that approximately 100 to 125 more decisions, or about five to ten percent, exist that cannot be located on LEXIS or Westlaw. These either were not captured by LEXIS or Westlaw, or they predate the Eastern District of Virginia undertaking electronic filing. These decisions are stored in the Court's hard copy files.

- 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 list below, in reverse chronological order, five significant decisions on constitutional matters:

*Joyner v. O'Neal*, No. 3:10CV406, 2012 WL 560199 (E.D. Va. Feb. 21, 2012)

*Bond v. Story*, No. 3:09CV147, 2011 WL 5599390 (E.D. Va. Nov. 17, 2011)

*Massenburg v. Adams*, No. 3:08CV106, 2011 WL 1740150 (E.D. Va. May 5, 2011)

*Puranda v. Johnson*, 3:08CV687, 2009 WL 3175629 (E.D. Va. Sept. 30, 2009), *appeal dismissed*, 367 F. App'x 453 (4th Cir. 2010)

*Barnard v. Piedmont Reg'l Jail Auth.*, No. 3:07CV566 (E.D. Va. July 17, 2009),  
*report and recommendation adopted*, 2009 WL 2872510 (E.D. Va. Sept. 3, 2009)

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

I have not sat by designation on 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.

I decide recusal issues in accordance with 28 U.S.C. §§ 144 and 455, and the Code of Conduct for United States Judges. My office maintains a list of cases in which I was involved as an Assistant United States Attorney. Before I review an incoming case, my office matches it against that list to determine whether or not I have a conflict as to any party.

Similarly, my office maintains a list of stock holdings that my husband, my children, or I have. Those are checked against any incoming cases and, if a conflict exists, I do not preside over the case. I have a system through which I, and my office, are informed immediately upon any change in holdings. I review that list periodically to ensure it is up to date.

When I handle a settlement conference, I do not "preside" over the case, and the conflict rules are less clear. Parties are freer to shape the nature of the mediation they seek. When I last sought input, the ethics division of the Administrative Office for United States

Judges had no final position on whether a judge can, during settlement, preside over a conference when “upon notice and without objection” he or she owns even just one share of stock. Early in my judgeship, I issued notices of potential conflict in an abundance of caution, including in mediation. These did not constitute actual conflicts, nor can I find an instance of recusal, except as noted below. I generally inform parties about stock ownership when conducting settlement conferences.

I handle a large number of cases brought by *pro se* litigants. I cannot recall ever recusing on a *pro se* litigant’s case. A thorough review of the cases I handled showed one case in which a *pro se* prisoner sought recusal, which I denied:

*Goodman v. Everett*, No. 3:06-CV-849 (E.D. Va. Dec. 31, 2007). Goodman brought a claim pursuant to 42 U.S.C. § 1983 alleging that he had been transferred to a prison where other inmates threatened to harm him. The Honorable Richard L. Williams presided, but I handled some of the initial screening orders. Goodman moved to recuse both judges on the case because, he claimed, the defendants had so clearly filed a response lacking a basis in fact that my preliminary ruling favoring defendants demonstrated incompetence, bias against prisoners, and corruption. He also objected to the informal service agreement in place with the Attorney General of the Commonwealth of Virginia. I denied the motion to recuse because I did not harbor extrajudicial bias in the case.

I have recused sua sponte in two cases.

*Gen. Elec. v. Open MRI of S. Va.*, No. 3:06CV705-RLW (E.D. Va. June 15, 2007). I ultimately did not conduct the settlement conference because of my stock ownership in a GE retirement plan and because I had recently left a GE Company. No party had objected to my handling the conference.

*Francisco v. Verizon S., Inc.*, No. 3:09CV737 (E.D. Va. Sept. 16, 2010). I entered a recusal order after informing parties of the conflict. I realized, after deciding a preliminary issue, that I owned Verizon stock. The parties did not seek re-briefing of the issue with the new judge. I did not handle this case after the decision. The case was dismissed by a different judge on the defendant’s motion for summary judgment.

**15. Public Office, Political Activities and Affiliations:**

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

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

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

In the summer of 1984, I had a paid internship with the Democratic Policy Committee in the United States Senate, where I created a daily report listing quotes of Democratic Senators from news programs.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

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

From 1991 to 1992, I served as a law clerk to the Honorable James R. Spencer, United States District Court for the Eastern District of Virginia

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

I have not 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.

1992 – 1994  
Anderson Kill Olick & Oshinsky  
1825 Eye Street, N.W.  
Washington, D.C. 20006  
Associate

1994 – 2004  
United States Attorney's Office, Eastern District of Virginia  
600 East Main Street, Suite 1800  
Richmond, Virginia 23219  
Assistant United States Attorney, Criminal Division (1994 – 1999)  
Assistant United States Attorney, Civil Division (1999 – 2004)



2004 – 2005  
Genworth Financial, Inc.  
6620 West Broad Street  
Richmond, Virginia 23230  
Supervising Attorney, Headquarters Litigation

- 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 did not serve as a mediator or arbitrator in my law practice.

b. Describe:

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

From 1992 to 1994, I worked in private practice. I was employed by Anderson Kill Olick & Oshinsky (“Anderson Kill” which is now part of Dickstein, Shapiro), a Washington, D.C., branch of a New York law firm. Anderson Kill specializes in insurance recovery cases, but generally does so for large corporations seeking products liability or environmental coverage. I handled aspects of a products liability case while at Anderson Kill, handling depositions, summary judgment briefing, and attending court for hearings and the trial.

From 1994 to 1999, I was an Assistant United States Attorney handling criminal prosecution. The majority of my cases involved large scale drug organizations such as the L.A. Crips and the Hell’s Angels. I also prosecuted some white collar cases, including fraud and environmental charges. I handled several large scale jury trials, as well as misdemeanor cases and trials, and I defended and argued my own cases on appeal. During my tenure as a criminal prosecutor, then-Managing AUSA James B. Comey organized an Appellate Review Committee that reviewed every appellate brief filed out of Richmond. I was one of four attorneys to serve on that committee.

From 1999 to 2004, I worked on civil cases as an Assistant United States Attorney. The civil docket is varied, including medical malpractice, Title VII, immigration, and tax cases. When an employee or agency was sued, I represented the United States in those cases. The civil docket involves both trial work and participating in mediation on behalf of the United States.

From 2004 to 2005, I served as one of two Supervising Attorneys over litigation at the headquarters of a Fortune 500 company, Genworth

Financial, Inc. In that capacity, I directed large scale litigation conducted by outside counsel, and assured compliance with regulations so that legal concerns did not arise.

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

From 1992 to 1994, at Anderson Kill, I spent the bulk of my time handling a case for one large corporation seeking upper layers of insurance on a products liability matter.

From 1994 to 1999, as a criminal prosecutor representing the United States, I worked closely with federal investigative agencies such as the Federal Bureau of Investigation and the Drug Enforcement Administration as they investigated crimes.

From 1999 to 2004 as a civil Assistant United States Attorney, my clients were federal agencies or employees. I worked with agency employees to defend particular events or decisions, as well as policies. Nearly all of these cases arose after an agency had been sued.

From 2004 to 2005, I worked closely with the General Counsel of Genworth Financial to advise the Chief Executive Officer about any existing or impending litigation matters. We worked on compliance and managing any large scale 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.

100% of my career has involved litigation. As an associate at Anderson Kill, I appeared in Delaware Chancery Court occasionally, assisting lead counsel when motions were argued and trial began. From 1994 to 1999, I appeared in the United States District Court for the Eastern District of Virginia weekly if not daily, on criminal matters. I would occasionally appear in the United States Court of Appeals when a defendant appealed a verdict. From 1999 to 2004, as a civil Assistant United States Attorney, I still appeared frequently in the United States District Court for the Eastern District of Virginia, although less than weekly. I also appeared in Virginia Circuit Courts if a federal employee was subpoenaed as a witness. From 2004 to 2005, while at Genworth, I guided outside counsel in litigation, but I did not appear in court.

- i. Indicate the percentage of your practice in:  
Rough estimates would be:

1. federal courts: 95%

2. state courts of record: 5%
3. other courts: 0%
4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 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 15 to 20 criminal or civil cases (jury and bench trial) to verdict. When I first became a prosecutor, I was second chair in several cases. As I became more senior, I was generally lead or sole counsel, though I sometimes still served as co-counsel.

i. What percentage of these trials were:

1. jury: 5%
2. non-jury: 95%

- 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 appeared 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.

While some cases had pending periods that overlap with other cases, the cases are roughly listed in chronological order below:

1. *Hoechst Celanese Corp. v. Nat'l Union Fire Ins. Co.*, No. 89C-SE-35-1-cv (1992 – 1994), before the Hon. Richard Gebelein, Delaware Superior Court.

In this coverage action, Anderson Kill Olick and Oshinsky represented Hoechst Celanese, which sought products liability coverage for issues surrounding plastic piping. Anderson Kill filed several summary judgment motions on separate insurance coverage issues. As an associate, I worked on the notice summary judgment motion and on depositions from 1992 to 1994. While we won a ruling that Hoechst Celanese had given proper notice of the claim, the court denied other summary judgment motions. I went with counsel to summary judgment arguments in court, and to trial. The case settled on the first or second day of trial.

Co-Counsel for the Plaintiff:

Lorelie Masters, Esq.  
Jenner & Block LLP  
1099 New York Avenue, N.W., Suite 900  
Washington, D.C. 20001  
(202) 639-6000

Timothy W. Burns, Esq.  
Perkins Coie  
One East Main Street, Suite 201  
Madison, WI 53703  
(608) 663-7460

Counsel for the Defendant:

Marlene Monteleone  
Bivona & Cohen PC  
88 Pine Street  
New York, NY 10005  
(202) 363-3100

2. *United States v. King*, No. 3:93CR40 (1994), before the Hon. Richard L. Williams, United States District Court for the Eastern District of Virginia.

The defendant attempted to manufacture methamphetamine in the Cary Street row house where he lived with his children. He claimed he was experimenting with wood preservatives for a business to sell pilings for the Chesapeake Bay, for which he had created a sham business. I was the sole prosecutor of this case after the defendant returned from fugitive status and came back to Richmond. The defendant waived a jury trial at the last minute, and the court found him guilty of all counts after a bench trial.

Counsel for Defendant:

Ray Carpenter (deceased)

3. *United States v. Smith*, No. 3:94CR79 (1995), before the Hon. James R. Spencer, United States District Court for the Eastern District of Virginia.

This was a multi-defendant, multi-count action charging drug conspiracy and money laundering. The group charged was called the “Whitcomb Court Crew” or the “Cook Em Up Crew.” They operated an open air drug market in a low income residential area. Four defendants went to trial before a jury. I was second chair, assisting at trial with pretrial briefing, witness preparation, witness examination, cross-examination, and closing statement. All defendants were convicted. Along with lead counsel, I also handled the appeals that followed, including those filed by some defendants who had pled guilty. On appeal, all convictions were affirmed.

Co-Prosecutor:

John Douglass, Esq.  
Former Assistant United States Attorney  
University of Richmond School of Law  
28 Westhampton Way  
University of Richmond, VA 23173  
(804) 289-8740

Counsel for Defendant Sedgwick:

Craig Cooley, Esq.  
3000 Idlewood Avenue  
Richmond, VA 23221  
(804) 358-2328

Counsel for Co-Defendant James:

Peter Eliades, Esq.  
Eliades & Eliades  
408 North Sixth Avenue  
Hopewell, VA 23860  
(804) 458-6366

Counsel for Co-Defendant Pulliam:

Janipher Robinson, Esq.  
Robinson and Greene  
2415 Westwood Avenue

Richmond, VA 23230  
(804) 321-1728

4. *United States v. Rivenbark*, No. 3:94CR93 (1995), before the Hon. Robert R. Merhige, United States District Court for the Eastern District of Virginia.

I was sole counsel in two jury trials involving the defendant. The defendant tried to steal his neighbor's ten million dollar estate, which his neighbor had left in an educational trust for the impoverished children of Weems, Virginia. The victim of the fraud had amassed his money by playing stock options, despite a lifetime serving as a tugboat captain with a sixth grade education. As a felon, the defendant also illegally possessed weapons, including an assault rifle. Judge Merhige separated the fraud trial from the weapons trial. Both jury trials resulted in a guilty verdict in 1995. The convictions were sustained on appeal, which I also handled as sole counsel.

Counsel for Defendant:

Joseph Kaestner (deceased)

Brian Pitney, Esq.  
Sands Anderson Marks & Miller, PC  
1111 East Main Street, Suite 2400  
Richmond, VA 23219  
(804) 648-1636

5. *United States v. Zebrowski*, No. 3:96CR41 (1996 – 1999), before the Hon. James R. Spencer, United States District Court for the Eastern District of Virginia.

This was a sixteen defendant drug conspiracy, in which I served as second chair. The charges stemmed from a multi-year investigation (including a Title III wiretap) of an organization that shipped multi-kilo amounts of cocaine, both crack and powder, between New Jersey, Virginia, and Florida. The lead charge alleged that the defendant operated a continuing criminal enterprise, the kingpin statute. Money laundering charges were included in the multi-count indictment. During the course of the conspiracy, the lead defendant was stopped on Interstate 95 in Virginia with approximately 3.5 kilos of powder cocaine and over \$300,000 cash in his car. Each defendant pled guilty, leading to further indictments. We ultimately charged the source from Columbia for drug-related conduct. We did not extradite the source from Colombia as there was an open case in Florida against him.

Lead Prosecutor:

The Honorable David J. Novak  
Former Criminal Chief, United States Attorney's Office for the Eastern District of Virginia  
United States Magistrate Judge, Eastern District of Virginia

701 East Broad Street  
Richmond, VA 23219  
(804) 916-2270

Counsel for Co-Defendant Zebrowski:

Jeffrey Everhart, Esq.  
Rice Everhart & Baber  
4100 East Parham Road, Suite C  
Richmond, VA 23228  
(804) 672-1087

Counsel for Co-Defendant Harris:

Robert J. Wagner, Esq.  
Office of the Federal Public Defender, Suite 3600  
701 East Broad Street  
Richmond, VA 23219  
(804) 343-0800

6. *United States v. Reid*, No. 3:98CR064 (1998), before the Hon. James R. Spencer, United States District Court for the Eastern District of Virginia.

This case followed the prosecution of the Zebrowskis, which is described above. The defendant, with four others, was charged with conspiracy to distribute power cocaine. The defendant received kilogram quantities from the Zebrowskis and re-distributed the cocaine in Maryland. I was second chair. Judge Spencer denied the defendant's motion to suppress after hearing evidence and argument in open court. After a full day of trial and into the second day before the jury, the defendant decided to plead guilty as charged.

Lead Prosecutor:

The Honorable David J. Novak  
Former Criminal Chief, United States Attorney's Office for the Eastern District of Virginia  
United States Magistrate Judge, Eastern District of Virginia  
701 East Broad Street  
Richmond, VA 23219  
(804) 916-2270

Counsel for Defendant:

John Zwerling, Esq.  
Zwerling Leibig & Moseley PC  
114 North Alfred Street

Alexandria, VA 22314  
(703) 835-9664

Mark Rochon, Esq.  
Miller & Chevalier  
655 Fifteenth Street, N.W., Suite 900  
Washington, D.C. 20005  
(202) 626-5800

7. *United States v. Garner*, No. 3:97CR104 (1997 – 1999), before the Hon. Robert R. Merhige, Jr., United States District Court for the Eastern District of Virginia.

I was the lead prosecutor in this seventeen defendant drug conspiracy case, dubbed Operation Crossfire. The charges stemmed from a multi-year investigation of a continuing criminal enterprise. This conspiracy operated between California and Virginia. Defendant and others, all associated with the L.A. Crips, procured and shipped multi-kilo amounts of powder cocaine to Richmond via UPS. A second defendant led the Richmond end of the organization, which received the cocaine, cooked it into crack, and sold it. The proceeds of the sales were sent to California by Western Union. Over seven million dollars of Western Union wires were identified. All defendants pled guilty (including to continuing criminal enterprise for the lead defendant) and several “cold homicides” were resolved. One cold homicide was resolved by a separate guilty plea to murder in state court.

Counsel for Defendant Garner:

Gerald Zerkin, Esq.  
Office of the Federal Public Defender  
701 East Broad Street, Suite 3600  
Richmond, VA 23219  
(804) 343-0800

Counsel for Co-Defendant W. Peyton:

Reginald Barley, Esq.  
2025 East Main Street, Suite 210  
Richmond, VA 23223  
(804) 783-8468

8. *United States v. Lewis*, No. 3:93CR139 (1999 – 2001), before the Hon. Robert E. Payne, United States District Court for the Eastern District of Virginia.

This case, which involved a Hell’s Angels organization, initially was indicted and tried by John Douglass. The defendant became a fugitive, and I later worked on his extradition from Mexico. Although I had formally joined the Civil Division, I tried the case with another Assistant United States Attorney because Professor Douglass



had left the office. The defendant led the chapter of the Hell's Angels that tried to establish its home base in Hopewell, Virginia. He fled when initially indicted in 1993 (before I had joined the U.S. Attorney's Office). Along with other illegal conduct, the defendant and his organization attempted to manufacture and sell large quantities of methamphetamine. He was charged in a 25-count indictment with operating a continuing criminal enterprise and with money laundering. The jury found him guilty on nearly all charges, including the continuing criminal enterprise and money laundering counts. The convictions were sustained on appeal, which I handled with co-counsel.

Co-Lead Prosecutor:

Stephen W. Miller, Esq.  
United States Attorney's Office, Eastern District of Virginia  
600 East Main Street, Suite 1800  
Richmond, VA 23219  
(804) 819-5400

Counsel for Defendant:

David Whaley, Esq.  
Law Office of C. David Whaley LLC  
9 East Franklin Street  
Richmond, VA 23219  
(804) 643-0147

9. *Trigon Ins. Co. v. United States*, No. 3:00CV365 (2002 – 2003), before the Hon. Robert E. Payne, United States District Court for the Eastern District of Virginia.

I worked closely with counsel in the Tax Division of the Department of Justice on this case. In a case of first impression, Trigon (formerly Blue Cross Blue Shield) sued the IRS, challenging decisions to deny Trigon tax refunds owed when Blue Cross Blue Shield became subject to taxation in 1986. This case involved a series of challenging motions and hearings before Judge Payne. The trial lasted at least seven days in which I facilitated logistics and handled some witnesses. Equally extensive post-trial briefing and argument followed. Judgment was entered in favor of the United States because the plaintiff could not reliably establish the value of the contracts for which it claimed deductions. After a motion to reconsider, Judge Payne entered final judgment for the United States, but ordered fees to be paid to the plaintiff for spoliation of electronic drafts prepared by some expert witnesses.

Lead Counsel for the United States:

Charles P. Hurley, Esq.  
Former Tax Division Trial Attorney  
Mayer Brown

1999 K Street, N.W.  
Washington, D.C. 20006  
(202) 263-3000

Counsel for Plaintiff:

Gilbert E. Schill, Esq.  
McGuireWoods LLP  
901 East Cary Street  
Richmond, VA 23219  
(804) 775-1000

10. *Austin v. Dep't of Def.*, No.3:02CV598 (2002 – 2003), before the Hon. Richard L. Williams, United States District Court for the Eastern District of Virginia.

I was lead counsel in this case that consolidated seven complaints of discrimination brought by police officers at the Defense Supply Center, a federal property. Based on allegations about training and other policies, the officers complained that racial discrimination existed in the department. Because the case involved departmental policies, I led negotiations to see if programmatic changes could address the plaintiffs' concerns. The case was subsequently settled.

Co-Counsel (second chair) for the United States:

Tara Casey, Esq.  
Former Assistant United States Attorney  
University of Richmond School of Law  
28 Westhampton Way  
University of Richmond, VA 23173  
(804) 289-8740

Counsel for Plaintiff:

Curtis Hairston, Jr., Esq.  
McEachin & Gee PC  
4719 Nine Mile Road  
Henrico, VA 23223  
(804) 226-4111

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

I have never performed any lobbying, nor have I registered as a lobbyist.

The most significant legal activity I have undertaken as a magistrate judge is the formation of a Second Chance-Offender Rehabilitation Effort (“SCORE”) court for offenders released from prison on probation or supervised release. This program attempts to offer necessary resources to re-enter society successfully. The program targets offenders who have a documented history of substance abuse, and offers court supervision to assist in rehabilitation when violations occur. The SCORE program seeks to develop long-term crime-free life rather than reincarceration due to drug use. When we began designing the program in 2007 or 2008, it was one of six in the nation. We were the first federal re-entry court in Virginia. This effort has been well received within the community.

The SCORE team consists of the two Magistrate Judges, the U.S. Probation Office, the U.S. Attorney’s Office, the Federal Public Defender, and treatment professionals. Other SCORE members, including the Clerk’s office and community volunteers, are integral to the success of the program we now have.

The reentry court is an intensive rehabilitation process that relies on the existing probation supervision process for drug screening, supervision, education, employment and community service. In order to graduate, our participants must be drug-free for at least six months, but generally they have been drug-free for a much longer time period. Participants usually have gotten a GED or vocational training, a valid operator’s license, and are working unless disabled. The program is designed to save court resources and taxpayer dollars when participants engage in a substance-free and crime-free life. The alternative option, incarceration, would be costly to taxpayers as well as less desirable for the participants.

I have also been extensively involved with bar organizations. Each organization promotes community and civic involvement. For instance, the John Marshall American Inn of Court (JMIOC) encourages longstanding practitioners and judges, through educational and other opportunities, to mentor and provide career support to younger lawyers. Like all Inns of Court, the JMIOC encourages an open discussion about professionalism beyond knowing the law. The Metropolitan Richmond Women’s Bar Association (MRWBA) similarly provides an environment where women lawyers can engage with each other to better each other’s professional lives, to enrich the bar, and to encourage community involvement so that the bar betters the greater Richmond area. Like the Richmond Bar Association, the MRWBA has an active set of pro bono initiatives. For instance, members of the MRWBA prepared a domestic violence pamphlet – made available in English and Spanish – that distilled rights and resources available to those subject to domestic violence. The MRWBA has made these informational pamphlets available in local Juvenile and Domestic Relations Courts, and at places in the community who serve as a resource to women in need.

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.

2010 – 2013, Adjunct Assistant Professor, John Marshall Scholars Program, University of Richmond, T.C. Williams School of Law. The John Marshall Scholars is a class for the academic scholarship students. First, second, and third year students participate. This class discussed legal topics of interest, with an emphasis on engaging students in practical application of those topics. We have discussed leadership, medical ethics, and the financial crisis. The John Marshall Scholars Program hopes to promote excellence, and to expose students to the breadth of service their legal careers could encompass. Spring 2013 syllabus supplied.

1996 – 2006, Adjunct Assistant Professor, Lawyering Skills III – Trial Advocacy (Fall Semester) and Lawyering Skills IV – Appellate Advocacy (Spring Semester), University of Richmond, T.C. Williams School of Law. These classes are required for all second year law students at the University of Richmond. Fall 2004 and Spring 2006 syllabi 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.

I do not have such sources of income.

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 confirmed, I have no plans, commitments, or agreements to pursue outside employment. I have ceased teaching at the University of Richmond Law School due to time constraints.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I would decide recusal issues in accordance with 28 U.S.C. §§ 144 and 455, and the Code of Conduct for United States Judges. I would continue the practice my office currently undertakes to maintain a list of cases in which I was involved as an Assistant United States Attorney. Before addressing any case, I would ask staff to match that case against my conflict list to determine whether or not I have a conflict as to any party.

Similarly, my office would continue to maintain a list of stock holdings that my husband, my children, or I have. Those would be checked against any incoming cases and, if a conflict exists, I would not preside over the case. I would continue to use the current system through which I, and my office, are informed immediately upon any change in holdings. I would review that list periodically to ensure it is up to date.

I do not know of any other conflict that any family members, parties, categories of litigators, or financial arrangements that could present potential conflicts of interest other than those identified immediately above.

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

To the extent such potential conflicts were to arise, I would resolve them through careful adherence to 28 U.S.C. §§ 144 and 455, and the Code of Conduct for United States Judges.

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 Anderson Kill, I assisted on a case in which a woman sought a bone marrow transplant to treat her cancer. The insurance coverage had been denied because the treatment was considered experimental.

At the United States Attorney's Office and as Magistrate Judge, my ability to provide pro bono legal services has been restricted. However, I have considered engagement with bar organizations an important aspect of community service. All of the bar groups I have served with have significantly contributed to the Richmond community and the Commonwealth in varied and meaningful ways. For example, these bar organizations engage in pro bono services, tutoring, and providing information to litigants to increase access to the courts.

I also have served on the Board and, eventually, as Board President of my daughter's former preschool at St. Stephen's Church, a not-for-profit preschool which is part of the Episcopal Church associated with St. Christopher's and St. Catherine's school.

We do most of our community service as a family and through the schools where my husband teaches and my children attend. Over the years, this has been extensive and hands on. Generally, we have focused our service on schools, health/cancer programs, military needs, and animal shelters. As for schools, our family has collected and donated school supplies regularly for St. Andrew's School (a Richmond City Episcopal School for needy students) and, last year, for Connor's Heroes Backpack Project. For six years we have helped clean and supply other after-school community programs such as the Peter Paul Development Center and the William Byrd Community House, which provide a safe and educational environment in troubled neighborhoods for children to do homework, eat a healthy snack, or play. Through Peter Paul Development Center, we have helped "adopt" families during the holidays for the past ten years—raising money, purchasing gifts, and wrapping them.

Because we know people well who have been touched by these diseases, we have participated in collection, and/or fundraising walks, for breast cancer, cystic fibrosis, pancreatic cancer, and diabetes (including juvenile diabetes). Over the past twelve years we have regularly participated in food drives for the Virginia Food Bank and a few times for Ronald McDonald House. We have joined in as the schools sent out "Hero Boxes" for military members serving away from their home. Finally, there is an active community in Richmond that supports the welfare of abandoned animals. We have donated supplies to the local SPCA, the Richmond Animal Shelter (a no kill facility), and Hooligan's Rest, another shelter/placement program.

**26. Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of

Investigation personnel concerning your nomination.

In May 2013, Senators Mark Warner and Timothy Kaine asked the Virginia State Bar to evaluate candidates for a vacancy on the U.S. District Court for the Eastern District of Virginia. On June 6, 2013, I submitted an Evaluation Questionnaire to the Virginia State Bar and 11 other Bar Organizations. On July 8, 2013, nine of the eleven organizations conducted in-person interviews. I interviewed with all organizations who gave me the opportunity to do so. On July 22, 2013, I was interviewed in Washington, D.C. by senior staff for Senators Warner and Kaine. On July 31, 2013, I was interviewed in Washington, D.C. by Senators Warner and Kaine. On August 6, 2013, I was called by a member of Senator Warner's staff and told that my name would be sent with one other person's to the White House for consideration for this judgeship. Since August 14, 2013, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On September 12, 2013, I was interviewed by officials from the White House Counsel's Office and the Department of Justice in Washington, D.C. On December 19, 2013, the President submitted my nomination to the Senate. On January 6, 2014, the President submitted my renomination 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.

AFFIDAVIT

I, M. HANNAH LAUCK, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

January 3, 2014  
(DATE)

M. Hannah Lauck  
(NAME)

Kathy B Hancock #220352  
(NOTARY)

Subscribed, sworn & acknowledged  
this 3<sup>rd</sup> day of January, 2014.

Comm Exp. 1-31-17