UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   Robert Leon Wilkins

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

   United States Circuit Judge for the District of Columbia Circuit

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

   United States District Court for the District of Columbia
   333 Constitution Avenue, N.W.
   Washington, D.C. 20001

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

   1963; Muncie, Indiana

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.

   1982 – 1986, Rose-Hulman Institute of Technology; B.S. (*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.

   2011 – present
   United States District Court for the District of Columbia
   333 Constitution Avenue, N.W.
   Washington, D.C. 20001
   United States District Judge
2002 – 2011
Venable LLP
575 Seventh Street, N.W.
Washington, D.C. 20004
Partner

2001 – 2002
Curry & Wilbourn
One Massachusetts Avenue, N.W., Suite 800
Washington, D.C. 20001
Contract Attorney (part-time)

1990 – 2001
Public Defender Service for the District of Columbia
633 Indiana Avenue, N.W.
Washington, D.C. 20004
Contract Attorney (part-time) (2001)
Staff Attorney (1990 – 1995)

September 1990
DeFur Voran LLP
400 South Walnut Street, Suite 200
Muncie, IN 47305
Law Clerk

1989 – 1990
United States District Court for the Southern District of California
940 Front Street
San Diego, CA 92101
Law Clerk to the Honorable Earl B. Gilliam (since deceased)

Summer 1988
Harvard Law School
Placement at Various Addresses
Republic of South Africa
C. Clyde Ferguson Human Rights Fellow

Summer 1987
ACLU National Prison Project
1616 P Street, N.W., Suite 340 (former address)
Washington, D.C. 20036
Summer Law Clerk

September 1986 – June 1987
Harvard Law School
1563 Massachusetts Avenue
Cambridge, MA 02138
Assistant at student word processing center
(Work/study program)

Summer 1986
Ball Corporation
1509 South Macedonia Avenue (former address)
Muncie, IN 47302
Summer Engineering Intern

Other Affiliations (uncompensated):

2000 – 2011
Anacostia Coordinating Council
2401 Shannon Place, S.E.
Washington, D.C. 20020
Board of Trustees

2006 – 2011
District of Columbia Access to Justice Foundation
c/o Venable LLP
575 Seventh Street, N.W.
Washington, D.C. 20004
Board of Directors

2003 – 2011
District of Columbia Bar Foundation
2000 P Street, N.W., Suite 530
Washington, D.C. 20036
Advisory Committee

2002 – 2008
Public Defender Service for the District of Columbia
633 Indiana Avenue, N.W.
Washington, D.C. 20004
Vice Chair of Board of Trustees (2007 – 2008)
Board of Trustees (2002 – 2007)

Union Temple Baptist Church
1225 West Street, S.E.
Washington, D.C. 20020
Trustee
2004
Proud Legacy L.L.C.
(No physical address)
Managing Member

1999 – 2003
National African American Museum & Cultural Complex, Inc.
(From my private residence)
President of Board of Trustees

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

I have not served in the military. I have registered for selective service.

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

**Professional**:

Honor Alumni Award, Rose-Hulman Institute of Technology (2005)
Henry W. Edgerton Civil Liberties Award, American Civil Liberties Union Fund of the
National Capital Area (2001)
Pro Bono Attorney of the Year, American Civil Liberties Union of Maryland (2001)
“Practitioner of the Year,” University of Maryland Black Law Students Association
(1999)

**Academic**:

   Executive Editor (1988 – 1989)
   Editor (1987 – 1988)
C. Clyde Ferguson Human Rights Fellow (Summer 1988)
Herman A. Moench Distinguished Senior Commendation (awarded by the faculty and
   professional staff to the senior in the upper half of the graduating class who has
demonstrated exemplary character) (1986)
Marathon Oil Outstanding Minority Scholarship Award (1985 – 1986)
National Achievement Scholarship (1982)
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
District of Columbia Access to Justice Commission  
  Vice-Chair (2005 – 2008)
District of Columbia Access to Justice Foundation  
  Board of Directors (2006 – 2011)
District of Columbia Advisory Commission on Sentencing
District of Columbia Bar Foundation Advisory Committee
District of Columbia Juvenile Justice Advisory Group
District of Columbia Truth-In-Sentencing Commission
Judicial Council for the District of Columbia Circuit
National Association of Criminal Defense Lawyers
National Bar Association
Public Defender Service for the District of Columbia  
  Vice Chair of Board of Trustees (2007 – 2008)
  Board of Trustees (2002 – 2007)
Standing Committee on *Pro Bono* Legal Services of the Judicial Conference of the  
  District of Columbia Circuit  
  Court Liaison (2011 – present)
Washington Bar Association

10. **Bar and Court Admission:**

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

   Massachusetts, 1990  
   District of Columbia, 1991  

   There have been no lapses in membership.

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

   Supreme Court of the United States, 1994  
   United States Court of Appeals for the District of Columbia Circuit, 1996  
   United States Court of Appeals for the Federal Circuit, 2006  
   United States Court of Appeals for the Second Circuit, 2010  
   United States District Court for the District of Columbia, 1996  
   United States District Court for the District of Maryland, 2002
United States District Court for the Eastern District of Wisconsin, 2008

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.

American Civil Liberties Union (2003 – 2010)
Anacostia Coordinating Council (2000 – 2011)
    Board of Trustees (2000 – 2011)
Harvard Law School Alumni Association (2005 – present)
Hillcrest Community Civic Association (2001 – present)
Lambda Chi Alpha Fraternity, Theta Kappa Chapter, Rose-Hulman Institute of Technology (1982 – present)
Lawyers Club of Washington (2007 – present)
Minority Media & Telecommunications Council (2004)
National Museum of African American History and Culture Plan for Action
    Chair, Site and Building Committee (2002 – 2003)
Union Temple Baptist Church (1991 – 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.

Lambda Chi Alpha, founded in 1909, is a social fraternity that admits only males. I took no action to change that policy. To my knowledge, none of the other organizations 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.

This list represents the published material I have identified through searches of my files and internet databases. I have tried my best to list all of them here, although there may be some that I have not been able to identify or locate.


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.

This list represents the reports, memoranda and policy statements I have identified through searches of my files and internet databases. I serve and have served on multiple bar association committees and non-profit boards that may have issued statements with or without my personal involvement. I have tried my best to list all of them here, although there may be some that I have not been able to identify or locate.


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.

This list represents the testimony, official statements and other communications relating to matters of public policy or legal interpretation that I have identified through searches of my files and internet databases. I serve and have served on multiple bar association committees and non-profit boards that may have issued communications with or without my personal involvement. I have tried my best to list all of them here, although there may be some that I have not been able to identify or locate.

July 28, 2010, United States Senate, Committee on the Judiciary, Confirmation Hearing on Nomination to be a United States District Judge for the District of Columbia. Transcript and written responses to questions for the record supplied.


April 21, 2003, Memorandum to James Hayes, Staff of Senator Ted Stevens, regarding the National Museum of African American History and Culture. Copy supplied.


From 1998 to July 2000, I served on the Advisory Commission on Sentencing, as a representative of the Public Defender Service. Although I do not have personal copies of any minutes and the meetings were not public, in searching the internet, I have recently learned that the D.C. Sentencing and Criminal Code Revision Commission has posted minutes from some of the Advisory Commission’s meetings in 2000 and later. The following minutes are attached:

January 12, 2000, Meeting. Minutes supplied.
February 2, 2000, Meeting. Minutes supplied.
February 16, 2000, Meeting. Minutes supplied.
February 23, 2000, Meeting. Minutes supplied.
March 1, 2000, Meeting. Minutes supplied.
March 8, 2000, Meeting. Minutes supplied.
March 15, 2000, Meeting. Minutes supplied
July 19, 2000, Meeting. Minutes supplied

I wrote letters to or appeared before the Council of the District of Columbia, Committee on the Judiciary on numerous occasions, as Chief of Special Litigation and as a staff attorney, to present information or positions on behalf of the Public Defender Service for the District of Columbia,


From 1997 to 1998, I served on the District of Columbia Truth-In-Sentencing Commission. This Commission was created by Congress in the National Capital Revitalization and Self-Government Improvement Act of 1997 to review and make recommendations regarding sentencing law in the District of Columbia. As Chief of Special Litigation, I served as the representative of the Public Defender Service for the District of Columbia on this Commission and presented the views of the agency to the body.


December 9, 1997, Commission Meeting. Transcript supplied.


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

This list represents the presentations I have identified through searches of my files and Internet databases and discussions with others to help refresh my memory. I serve and have served on multiple bar association committees and non-profit boards and in these capacities have frequently participated in public events. I have tried my best to list all of them here, although there may be some that I have not been able to identify or locate.


April 13, 2013: Speaker, “Following Your Faith,” Men’s Empowerment Conference, Calvary Missionary Baptist Church, Muncie, IN. Notes supplied.
April 9, 2013: Master of Ceremonies, Reception hosted by the Standing Committee on Pro Bono Legal Services of the Judicial Conference of the District of Columbia Circuit to recognize law firms for their pro bono service, United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.


February 22, 2013: Speaker, Black History Month Program, White & Case LLP, Washington, D.C. Powerpoint supplied. (I gave the same remarks as those supplied for the February 26, 2013 event.)

February 8, 2013: Panelist, Effective Trial Advocacy in Employment Cases, Annual Conference of the Metropolitan Washington Employment Lawyers Association (“MWELA”), Washington, D.C. I have no notes, transcript or recording. The address of MWELA is 400 North Washington Street, Suite 300, Alexandria, VA 22314.

November 30, 2012: Speaker, Law Clerk Speaker’s Forum about my personal career path to the bench, United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

November 8, 2012: Speaker, Luncheon question and answer session with group of attorneys participating in training about effective trial advocacy, National Institute of Trial Advocacy, Washington, D.C. I have no notes, transcript or recording. The address of NITA is 1685 38th Street, Suite 200, Boulder, CO 80301.

October 26, 2012: Speaker, Remarks at the Investiture Ceremony of the Honorable Tracie M. Hunter, Hamilton County Juvenile Court, Cincinnati, OH. Remarks and press coverage supplied.

October 5, 2012: Speaker, Presentation to incoming law clerks on legal research, United States District Court for the District of Columbia, Washington, D.C. Notes supplied.


September 10, 2012: Presiding Judge, Remarks at Attorney Admissions Ceremony regarding the need for civility and for pro bono service, United States
District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

June 3, 2012: Speaker, Remarks at Social Justice Sunday church service, Sargent Memorial Presbyterian Church, Washington, D.C. I have no notes, transcript or recording, but the topics of the remarks were similar to those at the Men's Prayer Breakfast on April 10, 2011, for which remarks have been provided. The address of Sargent Memorial is 5109 Nannie Helen Burroughs Avenue, N.E., Washington, D.C. 20019.

May 18, 2012: Speaker, Remarks during Litigation Skills Training Workshop about my career and the importance of pro bono service, Washington Council of Lawyers, Washington, D.C. I have no notes, transcript or recording. The address of the Washington Council of Lawyers is 555 Twelfth Street, N.W., Suite 210, Washington, D.C. 20004.


March 29, 2012: Master of Ceremonies, Reception hosted by the Standing Committee on Pro Bono Legal Services of the Judicial Conference of the District of Columbia Circuit recognizing law firms for their pro bono service, United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

March 21, 2012: Judge on Three-Judge Panel, Ames Moot Court Semi-Final Competition, Harvard Law School, Cambridge, MA. I have no notes, transcript or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, MA.

February 10, 2012: Speaker, Law Clerk Speaker's Forum about my personal career path to the bench, United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

December 13, 2011: Presiding Judge, Remarks at Naturalization Ceremony, United States District Court for the District of Columbia, Washington, D.C. I
have no notes, transcript or recording, but the remarks would have been similar to those that I made on September 11, 2012, for which notes have been provided. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.


December 5, 2011: Presiding Judge, Remarks during Attorney Admissions Ceremony regarding the need for civility and for pro bono service, United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

November 15, 2011: Speaker, Remarks during meeting of Sigma Delta Tau Legal Fraternity regarding my personal career path to the bench and effective litigation tactics, Sigma Delta Tau, Washington, D.C. I have no notes, transcript or recording. The address of Sigma Delta Tau is 1412 Primrose Road, N.W., Washington, D.C. 20012.


October 27, 2011: Master of Ceremonies, Reception hosted by the Standing Committee on Pro Bono Legal Services of the Judicial Conference of the District of Columbia Circuit recognizing federal government lawyers for their pro bono service, United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.

October 4, 2011: Speaker, Presentation to incoming law clerks on legal research, United States District Court for the District of Columbia, Washington, D.C. (I used the same notes as those supplied for the event on October 5, 2012).

September 17, 2011: Panelist, “Road to the Robe: Mapping a Path to the Bench” panel discussion during the Celebration of Black Alumni, Harvard Law School, Cambridge, MA. I have no notes, transcript or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, MA 02138.
September 1, 2011: Speaker, Introductory meeting and question and answer session with the United States Attorney and staff of the civil and criminal divisions, United States Attorney for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States Attorney for the District of Columbia is 555 Fourth Street, N.W., Washington, D.C. 20530.


July 20, 2011: Speaker, Introductory meeting and question and answer session with clerk’s office staff, United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.


April 10, 2011: Speaker, Remarks at Men’s Prayer Breakfast, Sargent Memorial Presbyterian Church, Washington, D.C. Remarks supplied.


March 25, 2011: Speaker, Remarks at Law Clerk Speaker’s Forum regarding my personal career path to the bench. United States District Court for the District of Columbia, Washington, D.C. I have no notes, transcript or recording. The address of the United States District Court for the District of Columbia is 333 Constitution Avenue, N.W., Washington, D.C. 20001.


March 11, 2009: Master of Ceremonies, Reception in Celebration of Mary Church Terrell Postage Stamp, Venable LLP, Washington, D.C. I have no notes, transcript or recording. The address of Venable LLP is 575 Seventh Street, N.W., Washington, D.C. 20004.


January 21, 2008: Speaker, Martin Luther King Day Celebration, Rose-Hulman Institute of Technology, Terre Haute, IN. Remarks, Powerpoint, and press coverage supplied.


March 14, 2007: Speaker, Guest lecture for Professor James Forman to criminal procedure class, Georgetown University Law Center, Washington, D.C. I have
June 10, 2006: Speaker, Remarks at Men’s Day Program, Calvary Missionary Baptist Church, Muncie, IN. Notes supplied.

April 1, 2006: Panelist, “Racial and Religious Profiling: Its Definition & Legality in a Post-September 11th World,” National Association of Muslim Lawyers, George Washington University Law School, George Washington University Muslim Law Students Association, Muslim Advocates, Capital Area Muslim Bar Association, Washington, D.C. I have no notes, transcript or recording. The address of the National Association of Muslim Lawyers is 315 Montgomery Street, Eighth Floor, San Francisco, CA 94104.

February 22, 2006: Speaker, Black History Month – The Founding of the National Museum of African American History & Culture, American Academy of Physician Assistants, Alexandria, VA. I have no notes, transcript or recording. The address of the American Academy of Physician Assistants is 2318 Mill Road, Suite 1300, Alexandria, VA 22314.


July 19, 2005: Speaker, Remarks at “Celebrating Diversity” program, Ameren Corporation, St. Louis, MO. Notes and Powerpoint supplied.

March 16, 2005: Speaker, Guest lecture for Professor James Forman at criminal procedure class, Georgetown University Law Center, Washington, D.C. I have no notes, transcript or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, N.W., Washington, D.C. 20001.


of the HLSA and BLSA at the Washington College of Law is 4801 Massachusetts Avenue, N.W., Washington, D.C. 20016.

September 18, 2002: Speaker, Guest lecture for Professor Cynthia Jones on racial profiling issues at criminal law class, American University Washington College of Law, Washington, D.C. I have no notes, transcript or recording. The address of the American University, Washington College of Law is 4801 Massachusetts Avenue, N.W., Washington, D.C. 20016.


December 8, 2000: Panelist, Panel on Racial Profiling issues during “Race, Police and the Community” Conference, Harvard Law School, Cambridge, MA. I have no notes, transcript or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, MA 02138.

October/November 2000, Panelist, Proposals for the Criminal Justice Agenda of Incoming Administration, Criminal Practice Institute/Appellate Practice Institute, the Georgetown University Criminal Justice Clinic, and the Criminal Law and Individual Rights Section of the D.C. Bar, Washington, D.C. I have no notes, transcript or recording, but press coverage is supplied. The address of the Public Defender Service for the District of Columbia is 633 Indiana Avenue, N.W., Washington, D.C. 20004.


April 2000: Panelist, Panel on unknown legal topic, District of Columbia Judicial Conference, Washington, D.C. I have no notes, transcript or recording. The
address of the District of Columbia Court of Appeals is Historic Courthouse, 430 E Street, N.W., Washington, D.C. 20001.


Unknown date, 2000: Panelist, Panel on Racial Profiling issues, Delaware State Judicial Conference, Unknown city in Delaware. I have no notes, transcript or recording. The address of the Delaware Supreme Court is 55 The Green, Dover, DE 19901.


October 8, 1999: Panelist, “Police Brutality, Driving While Black and the New Juvenile Justice Bill: The System v. The Community,” National Conference of Black Lawyers Annual Conference, Detroit, MI. I have no notes, transcript or recording. The address of the National Conference of Black Lawyers is P.O. Box 240583, Borough Hall, NY 11424.

August 8, 1999: Panelist, “Race and the Criminal Justice System,” American Bar Association, Atlanta, GA. I have no notes, transcript or recording, but press coverage is supplied. The address of the American Bar Association is 321 North Clark Street, Chicago, IL 60654.

April 17, 1999: Panelist, “Driving While Black?: A Study in Search and Seizure,” National Bar Association Judicial Council, Brooklyn, NY. I have no notes, transcript or recording. The address of the National Bar Association is 1225 11th Street, N.W., Washington, D.C. 20001.

Unknown date, 1999: Panelist, Unknown topic, National Conference of State Governments meeting, Unknown location. I have no notes, transcript or recording. I included this event based upon my vague recollection, but I have no specific recollection of the event, its location, or the sponsor.


January 19, 1997: Speaker, “Civil Rights from the 1960’s to the 1990’s – Has Anything Really Changed?” Celebration of Martin Luther King Day, South Orange Civic Association, South Orange, NJ. Remarks supplied.


December 1, 1998, Speaker, Forum on Presence of Minority Faculty, Civil Liberties Union at Harvard and the Harvard Foundation, Cambridge, MA. I have no notes, transcript or recording, but press coverage is supplied. The address of Harvard University is Massachusetts Hall, Cambridge, MA 02138.

October 24, 1988: Speaker, Introduction of Reverend Jesse Jackson, Sr. at event, Harvard University, Cambridge, MA. Remarks 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.

I have generally not given interviews since becoming a judge. Prior to taking the bench, I had many occasions to be interviewed by various media outlets. I have thoroughly searched my files and Internet databases in an effort to produce as complete a list of these as I could, but it is still possible there are some I was not able to identify or locate.


David A. Harris, PROFILES IN INJUSTICE 8-10 (The New Press 2002). Copy supplied.


“The Bottom Line with Kweisi Mfume,” WBAL-TV, Baltimore, MD, June 1999. I have been unable to obtain a copy of the recording.


"ACLU Moves to Have Maryland State Police Held in Contempt," (press release), November 14, 1996.


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 March 1, 2011, I have served as a United States District Judge for the United States District Court for the District of Columbia. I was nominated by President Obama on May 20, 2010, and confirmed by the United States Senate on December 22, 2010. The United States District Court is the trial court within the federal court system that hears nearly all categories of civil and criminal matters over which there is federal subject-matter jurisdiction.

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

In the past two years as a United States District Judge, I have presided over hundreds of civil and criminal cases, including ten civil cases that went to judgment following a trial. One case was tried twice because of a hung jury during the first trial, and one case required a jury trial on some claims and a bench trial on other claims.

i. Of these, approximately what percent were:

- jury trials: 75%
- bench trials: 25%
- civil proceedings: 100%
- criminal proceedings: 0%

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

Please 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).

The cases are listed in alphabetical order.


The Plaintiff in this matter, 3M Company, filed an eight-count complaint against Defendants Davis, Davis & Associates, PLLC and Davis–Block LLC (collectively, the “Davis Defendants”); Porton Capital Technology Funds and Porton Capital, Inc. (collectively the “Porton Defendants”); and Boulter, asserting a number of claims, including commercial defamation, tortious interference with contract and prospective business relations, and civil
conspiracy. Thereafter, all Defendants (except Boulter, who had not been served) filed motions to dismiss pursuant to either Rule 12(b)(2) or 12(b)(6) of the Federal Rules of Civil Procedure. In addition, those Defendants also filed a “special motion to dismiss pursuant to the District of Columbia Anti-SLAPP Act of 2010.” After those motions were filed, the District of Columbia was permitted to intervene “solely for the limited purpose of presenting argument to defend the validity of the Anti-SLAPP Act.” Following extensive briefing and argument, I granted the Porton Defendants’ motion to dismiss for lack of personal jurisdiction and the Davis Defendants’ motion to dismiss for failure to state a claim, for all claims except the commercial defamation claim. I also held that the special motion to dismiss procedure mandated by the D.C. Anti-SLAPP Act conflicts in several fundamental respects with the Federal Rules of Civil Procedure, and, accordingly, I held that the Act cannot apply to a federal court sitting in diversity pursuant to Hanna v. Plumer, 380 U.S. 460 (1965), and its progeny. The Davis Defendants and the District noted interlocutory appeals from the order denying the special motion to dismiss pursuant to the Anti-SLAPP Act, but those appeals were later dismissed following a settlement between the Plaintiff and the Davis Defendants. Boulter was eventually served and, like the defendants before him, filed a motion to dismiss pursuant to Federal Rules 12(b)(2) and 12(b)(6) and a “special motion to dismiss” pursuant to the D.C. Anti-SLAPP Act. I granted the motion to dismiss for lack of personal jurisdiction, and once again, denied the special motion to dismiss. None of the parties (including the District as intervenor) appealed any of the rulings relating to claims against the Porton Defendants, and the entire case is therefore terminated.

Plaintiff’s counsel:

Kenneth John Pfahler
SNR Denton US LLP
1301 K Street, N.W., Suite 600 East Tower
Washington, D.C. 20005
(202) 408-6468

Michael J. Collins
Bickel & Brewer
1717 Main Street, Suite 4800
Dallas, TX 75201
(214) 653-4000

Davis Defendants’ counsel:

Raymond Gerard Mullady, Jr.
Blank Rome
Watergate

Plaintiffs—five Washington, D.C. residents and an animal rights organization—sued the National Park Service and Department of the Interior over a plan to reduce the deer population in Washington, D.C.’s Rock Creek Park (“Park”) that would likely involve shooting and killing deer either with guns or with bows and arrows. Plaintiffs claimed that the government, in developing its plan, failed to comply with the laws establishing the Park itself and the National Park Service, as well as the National Environmental Policy Act. The action was brought pursuant to the Administrative Procedure Act. Both parties moved for summary judgment. Following extensive briefing and argument, I found that plaintiffs had not met their burden of showing that the deer management plan was arbitrary, capricious or an abuse of discretion, given the abundant evidence in the administrative record showing that the deer population in the Park is above what scientists have concluded is healthy for the long-term management of the Park and the reasoned consideration of various alternative plans. I therefore granted the defendants’ motion for summary judgment and denied the plaintiffs’ motion for summary judgment. The matter is pending before the Court of Appeals.

Plaintiffs’ counsel:

Katherine A. Meyer
Meyer Glitzenstein & Crystal
1601 Connecticut Avenue, N.W., Suite 700
Washington, D.C. 20009
(202) 364-4092

Defendants’ counsel:

Caitlin Brynna Imaki  
United States Department of Justice  
Environmental & Natural Resources Division; Natural Resources Section  
601 D Street, N.W., Suite 3137  
Washington, D.C. 20004
(202) 305-0247


Plaintiffs International Swaps and Derivatives Association and Securities Industry and Financial Markets Association (collectively “Plaintiffs”) challenged a recent rulemaking by Defendant United States Commodity Futures Trading Commission (“CFTC”) setting position limits on derivatives tied to 28 physical commodities. The CFTC promulgated the Position Limits Rule pursuant to the Dodd–Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank”). The central question for the Court was whether the CFTC promulgated the Position Limits Rule based on a correct and permissible interpretation of the statute at issue. I held that the relevant Dodd-Frank amendments to the Commodity Exchange Act of 1936 lent themselves to more than one plausible interpretation, and therefore the CFTC was required to interpret the ambiguities in the statute before promulgating the regulation. Accordingly, I granted the Plaintiffs’ motion for summary judgment. The matter is pending before the Court of Appeals.

Plaintiffs’ counsel:

Eugene Scalia  
Gibson, Dunn & Crutcher LLP  
1050 Connecticut Avenue, N.W., Suite 900  
Washington, D.C. 20036
(202) 955-8500

Defendant’s counsel:

Jonathan L. Marcus  
United States Commodity Futures Trading Commission  
1155 21st Street, N.W.  
Three Lafayette Centre  
Washington, D.C. 20581
(202) 418-5649

Plaintiff Libertarian National Committee, Inc. ("LNC") has been left a bequest that it is unable to take in one lump sum payment because Defendant Federal Election Commission ("FEC") believes that because Plaintiff is a political party and due to the large amount of the bequest, to do so would violate the Federal Election Campaign Act ("FECA"). The FEC instead required that the LNC receive annual payments from the bequest at the maximum contribution amount a living individual could donate. Thus the LNC would receive the full bequest, but over a number of years. The LNC is challenging the constitutionality of FECA as applied to bequests under the theory that bequests should be immediately available in full. The LNC sought to enjoin the FEC from enforcing FECA with respect to bequests and also requested certification of one question to the en banc United States Court of Appeals for the District of Columbia. The motion for certification was granted in part and denied in part, and the question of whether the FEC's restriction violated the First Amendment rights of the LNC was certified to the en banc Court of Appeals for its consideration. The matter is pending before the Court of Appeals.

Plaintiff's counsel:

Allen Joseph Dickerson  
Center for Competitive Politics  
124 South West Street, Suite 201  
Alexandria, VA 22314  
(703) 894-6800

Alan Gura  
Gura & Possessky, PLLC  
101 North Columbus Street, Suite 405  
Alexandria, VA 22314  
(703) 835-9085

Defendant's counsel:

Kevin Paul Hancock  
David Brett Kolker  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463
(202) 694-1000


Plaintiffs McCutcheon and the Republican National Committee challenged the aggregate campaign contribution limits Congress enacted in the Federal Elections Campaign Act of 1971 ("FECA") as unconstitutional. FECA currently imposes contribution limits stratified to track both the identity of the contributor and the identity of the receiver. Individuals, however, cannot necessarily contribute as much as they might wish within these limits; they must also comply with a second regulatory tier: a set of aggregate contribution limits. In an opinion written by Circuit Judge Janice Rogers Brown and joined by all members of the three-judge panel, the challenge was dismissed. Plaintiffs appealed the matter to the Supreme Court, and the Supreme Court noted probable jurisdiction on February 19, 2013.

Plaintiffs' counsel:

James Bopp, Jr.
Bopp, Coleson & Bostrom
One South Sixth Street
Terre Haute, IN 47807
(812) 232-2434

Defendant's counsel:

David Brett Kolker
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463
(202) 694-1629


This is a class action lawsuit brought by Plaintiff McKinney on behalf of herself and all other similarly situated beneficiaries, seeking to recover unpaid interest on additional death benefit amounts that were paid, or that should have been paid, by the United States Postal Service pursuant to an Annuity Protection Program. Pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3), I found that the proposed class satisfied numerosity, commonality, typicality, and adequacy prerequisites for class certification as well as predominance requirement for maintainability, but deferred full ruling on the certification
motion pending limited discovery efforts aimed at the manageability aspect of the Rule’s “superiority” prong. After this limited discovery was completed, I concluded that the proposed class action satisfied the “superiority” prong of Rule 23(b)(3), and I granted the motion for class certification and appointed class counsel. The case is currently in the discovery phase and still pending.

Plaintiff’s counsel:

David U. Fierst
Robert L. Bredhoff
Stein, Mitchell & Muse LLP
1100 Connecticut Avenue, N.W., Suite 1100
Washington, District of Columbia 20036
(202) 737-7777

Defendant’s counsel:

Jane M. Lyons
United States Attorney for the District of Columbia
555 Fourth Street, N.W.
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(202) 514-7161


A total of eight related class action lawsuits were brought in four different jurisdictions, arising out of the September 2011 theft of computer tapes containing personally identifiable and protected health information of approximately 4.9 million active duty and retired service members and their families. The Defendants in the actions are Science Applications International Corporation (SAIC), TRICARE Management Activity, the U.S. Department of Defense and the Secretary of Defense. SAIC, a common defendant in each of the eight lawsuits, succeeded in having this matter assigned by the Judicial Panel on Multidistrict Litigation (JPML) for coordinated pretrial proceedings pursuant to 28 U.S.C. 1407. The JPML assigned the matter to me, and I have therefore consolidated all eight cases for pretrial proceedings and discovery, entered a preliminary scheduling order, appointed interim lead and liaison counsel for the putative plaintiff class, ordered the plaintiffs to file an amended consolidated complaint, and set a briefing schedule on motions to dismiss. The case is currently pending.

Lead Plaintiffs’ counsel:

Tracy Diana Rezvani
Rezvani Volin & Rotber P.C.
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Washington, D.C. 20036
(202) 350-4270

Richard L. Coffman
The Coffman Law Firm
505 Orleans Street, Suite 505
Beaumont, TX 77701
(409) 833-7700

Counsel for Defendant SAIC:

Kenneth Lee Chernof
Arnold & Porter LLP
555 12th Street, N.W.
Washington, D.C. 20004
(202) 942-5940

Counsel for Federal Defendants:

Paul Freeborne
United States Department of Justice, Civil Division
20 Massachusetts Avenue, N.W., Room 6108
Washington, D.C. 20001
(202) 353-0543


This case is an outgrowth of the 2009 collapse of a group of companies owned or controlled by Robert Allen Stanford. Stanford allegedly sold more than $7 billion worth of certificates of deposit ("CDs") that were issued by the Stanford International Bank, Ltd. ("SIBL"), an Antiguan bank. The CDs were marketed by the Stanford Group Company, a now-defunct broker-dealer that was registered with the SEC and that was a member of the Securities Investor Protection Corporation ("SIPC"). The Securities and Exchange Commission ("SEC") contends that Stanford actually misappropriated billions of dollars and operated a fraudulent "Ponzi scheme" in which obligations of the CDs were paid using the proceeds from the sale of new CDs rather than from earnings, liquid assets or reserves. The SEC brought an action seeking an order compelling the SIPC to file application under the Securities Investor Protection Act ("SIPA") for a protective decree with the United States District
Court for the Northern District of Texas. If filed, the SIPC application would have sought to commence a liquidation proceeding in the Texas federal court pursuant to Section 5(a)(3) of SIPA, but the SIPC refused to file. This was the first instance in the 42 years since SIPA was enacted that the SEC had ever filed such an application; thus there were several issues of first impression. In the first opinion, I ruled that the action could be prosecuted as a summary proceeding, rather than by a full court trial at common law. In the second opinion, I denied the application because the SEC failed to meet its burden, by a preponderance of the evidence, of proving that SIPC has “refus[ed] . . . to commit its funds or otherwise to act for the protection of customers of any member of SIPC.” The matter is pending before the Court of Appeals.

Plaintiff’s counsel:

Matthew T. Martens
United States Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549
(202) 551-4481

Defendant’s counsel:

Eugene Frank Assaf Jr.
Kirkland & Ellis LLP
655 15th Street, N.W.
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(202) 879-5196

Josephine Wang
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Pursuant to Section 5 of the Voting Rights Act of 1965, Texas sought a declaratory judgment that Senate Bill 14 (“SB 14”), a newly-enacted law requiring in-person voters to present a photo ID, “neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race[,] color,” or “member[ship] [in] a language minority group.” 42 U.S.C. §§ 1973c(a), 1973b(d)(2). To satisfy Section 5’s effect requirement, Texas was required to demonstrate that SB 14 will not “lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise.” *Beer v. United States*, 425 U.S. 130, 141 (1976). In an opinion written by Circuit Judge David S. Tatel and joined by all members of
the three-judge panel, the Court found that Texas had failed to meet its burden of proof and that, if implemented, SB 14 would likely have a retrogressive effect. Accordingly, Texas's request for a declaratory judgment was denied. The issue of whether Section 5 of the Voting Rights Act is unconstitutional is still pending in our court, but Texas has also appealed the matter to the Supreme Court.

Plaintiff’s counsel:

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Office of the Attorney General
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(512) 475-4330

Adam K. Mortara
Bartlit Beck Herman Palenchar & Scott LLP
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Chicago, IL 60654
(312) 494-4469

Defendant’s counsel:

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United States Department of Justice
Civil Rights Division, Voting Section
950 Pennsylvania Avenue, N.W.
NWB-Room 7202
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(202) 305-7766

Intervenors’ counsel (principal ones):

Ezra David Rosenberg
Dechert LLP
902 Carnegie Center, Suite 500
Princeton, NJ 08540
(609) 955-3200

Debo P. Adegbile
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(212) 965-2249
Nancy Abudu  
American Civil Liberties Union Foundation Inc.  
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Atlanta, GA 30303  
(404) 523-2721

Chad W. Dunn  
Brazil & Dunn  
4201 FM 1960 West, Suite 530  
Houston, TX 77068  
(281) 580-6310

Joseph Gerald Hebert  
Law Office of Joseph Gerald Hebert  
191 Somervelle Street, Suite 405  
Alexandria, VA 22304  
(703) 628-4673


Defendants Talbott and Ransom pled guilty to conspiracy to commit bank fraud, conspiracy to commit mail fraud, and conspiracy to defraud the government. From 2004 to 2011, the defendants engaged in three distinct fraudulent schemes, resulting in millions of dollars in losses to their victims. While operating a property management company, the defendants stole the rental payments and security deposits from their clients, and they issued numerous fraudulent bills for services that were not rendered or that were inflated. The defendants also engaged in mortgage fraud schemes in which they twice refinanced their home and provided forged lien release documents to the settlement company so that they could fraudulently take possession of the loan proceeds. The defendants also filed false federal and D.C. tax returns. The total amount of the fraud was nearly $3 million. After the defendants pled guilty, I sentenced them to lengthy terms of incarceration. Both defendants have appealed the length of their sentences, and both matters are pending before the Court of Appeals.

Counsel for the government:

David S. Johnson  
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(202) 252-7962

45
Counsel for defendant Talbott:

Matthew G. Kaiser
The Kaiser Law Firm, PLLC
1750 K Street, N.W., Suite 200
Washington, D.C. 20006
(202) 640-2850

Counsel for defendant Ransom:

Joseph Roll Conte
Law Offices of J.R. Conte, P.L.L.C.
400 Seventh Street, N.W.
Washington, D.C. 20004
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d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

The cases are listed in alphabetical order.


Plaintiff’s counsel:

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Defendants' counsel:

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Plaintiffs' counsel:

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Plaintiffs’ counsel:

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Matthew M. Hoffman  
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Defendant’s counsel:

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Plaintiff’s counsel:  
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Defendant’s counsel:

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Counsel for Plaintiffs:

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199 Liberty Street, S.W.
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[Note that the defendants were never served and never made an appearance.]


Plaintiff's counsel:

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Washington, D.C. 20549
(202) 551-4481

Defendant’s counsel:

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Plaintiff’s counsel:

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


f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
Lesesne v. Doe, --- F.3d ----, 2013 WL 1405763 (D.C. Cir. Apr 09, 2013). In this case, a former inmate at the District of Columbia jail brought a pro se action against the District of Columbia, the Department of Corrections and corrections officials alleging constitutional claims based on deliberate indifference to his medical needs and common law claims of intentional infliction of emotional distress. I granted the defendant’s motion to dismiss, finding that the federal constitutional claims should be dismissed for failure to exhaust administrative remedies pursuant to the Prison Litigation Reform Act (PLRA), and that the common law claims failed to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) (copy supplied). The Court of Appeals partially reversed my order, holding that the exhaustion requirements of the PLRA did not apply to this plaintiff because he was not incarcerated at the time he filed the lawsuit, an argument that was made for the first time on appeal by counsel appointed as amicus. The Court of Appeals affirmed the dismissal of the common law 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 district court judge, I have filed all of my memorandum opinions using the federal judiciary’s electronic filing system, which automatically publishes each opinion on the court website. In addition, Westlaw, Lexis and other publishers gather those opinions from the court website to include in their electronic databases. Therefore, I believe that I have no unpublished opinions.

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.


Colbert v. Cincinnati Police Dep't, 867 F. Supp. 2d 34 (D.D.C. 2011)


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.

The District Court uses an automated conflict check system. I maintain a list of
persons, parties and law firms who cannot appear before me due to an actual
conflict of interest or the appearance of such a conflict, and the system
automatically flags any such matters. Due to my recent former partnership with
Venable LLP, I still recuse myself from all matters where Venable LLP is counsel
or a party. In addition, I recuse myself from any matter that was pending in the
Public Defender Service for the District of Columbia during my time of service in
that office. No party has ever asked me to recuse from a case.

Sher v. SAF Financial, Inc., 1:11-mc-00088-JDB. I recused sua sponte. Venable
represented an interested party in the underlying dispute.

Popal et al. v. Fiore et al., 1:11-cv-00801-JEB. I recused sua sponte. Venable
represented a party.

Goodman et al. v. Merck Sharp & Dohme Corp. et al., 1:11-cv-00954-HHK. I
recused sua sponte. Venable represented a party.

Brown v. United States, 1:11-cv-01734-RWR. I recused sua sponte. The
petitioner was challenging his conviction, and at the time of his conviction, he
was represented by the Public Defender Service for the District of Columbia
while I was employed there.

Venable represented a party.

Najmah Rashad v. Washington Metropolitan Area Transit Authority, 12-cv-
00863-RMC. I recused sua sponte. Venable represented a party.
Douglas v. District of Columbia Housing Authority et al., 1:12-cv-01418-ESH. I recused sua sponte. Venable represented a party.

United States v. Torres, et al., 1:11-cr-00219-ABJ. I recused sua sponte. I approved wiretap requests that were used to procure evidence during the grand jury investigation; therefore a different judge should be assigned to handle the case after an indictment is returned, in case a motion to suppress that evidence is filed and the wiretap authorization must be reviewed.

Bishop et al v. Merck Sharp & Dohme Corp. et al., 1:12-cv-00281-RBW. I recused sua sponte. Venable represented a party.

Sibley v. Obama, 1:12-cv-01832-JDB. I recused sua sponte. Because plaintiff’s lawsuit challenged President Obama’s qualifications to serve as President, I recused due to volunteer work for the 2008 Obama for President campaign prior to taking the bench.


Delta Sigma Theta Sorority, Inc. v. Bivins et al., 1:13-cv-00252-BAH. I recused sua sponte. Plaintiff was represented by close personal friend and former employer.

United States v. Jesse Jackson, Jr., Criminal No. 13-cr-58 and United States v. Sandra Stevens Jackson, Criminal No. 13-cr-59. On February 15, 2013, these cases were assigned to me. On February 19, 2013, I offered to recuse sua sponte; disqualification was waived by all parties on that same date. The Defendants are the son and daughter-in-law of Reverend Jesse Jackson, Sr. During law school, I served as a co-chair of Harvard Law School Students for Jackson, supporting Reverend Jackson’s 1988 presidential campaign, and I introduced him at a campus event that year. On March 21, 1999, while an attorney, I appeared as a guest on a show hosted by Reverend Jackson on the CNN network entitled “Both Sides with Jesse Jackson” to discuss my Wilkins v. State of Maryland civil rights lawsuit. Because of that prior relationship, I offered to recuse from the cases, but the prosecution and both Defendants agreed to waive any potential disqualification and asked that I stay on the case. Subsequently, on April 12, 2013, Harvard Law School Professor Charles Ogletree entered an appearance as counsel for Jesse Jackson, Jr. Because of my close professional and personal relationship with Professor Ogletree, I recused from both cases on April 16, 2013.

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.

2005 – 2008
District of Columbia Access to Justice Commission
Appointed by the District of Columbia Court of Appeals

2002 – 2003
Appointed by the United States Senate

1998 – 2000
District of Columbia Advisory Commission on Sentencing (now known as the District of Columbia Sentencing and Criminal Code Revision Commission)
Pursuant to D.C. Law 12-167, one member of the commission was required to be a representative of the Public Defender Service of the District of Columbia, and Jo-Ann Wallace, the Director of the agency, appointed me to serve as that representative.

1998 – 2000 (approximate)
District of Columbia Juvenile Justice Advisory Group
Pursuant to administrative order of the Mayor of the District of Columbia, one member of the Advisory Group was required to be a representative of the Public Defender Service of the District of Columbia, and Jo-Ann Wallace, the Director of the agency, appointed me to serve as that representative.

1997 – 1998
District of Columbia Truth-In-Sentencing Commission
Pursuant to Public Law 105-33, one member of the commission was required to be a representative of the Public Defender Service of the District of Columbia, and Jo-Ann Wallace, the Director of the agency, appointed me to serve as that representative.

I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

Jackson for President (1988), Co-chair of Harvard Law School Students for Jackson, provided voluntary assistance with voter registration and canvassing.
Obama for President (2008), Member of Committee of Lawyers for Obama, provided voluntary assistance with fundraising, canvassing and vetting.

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 1989 to 1990. I served as a law clerk to the Honorable Earl B. Gilliam (now deceased), District Judge on the United States District Court for the Southern District of California.

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

   From August 2000 to May 2002, I primarily did non-legal volunteer work advocating for the creation of a national museum dedicated to African American history and culture. I also practiced alone as a contract attorney out of my home during that time for the Public Defender Service for the District of Columbia and for Curry & Wilbourn.

   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.

   September 1990
   DeFur Voran LLP
   400 South Walnut Street, Suite 200
   Muncie, IN 47305
   Law Clerk

   1990 – 2002
   Public Defender Service for the District of Columbia
   633 Indiana Avenue, N.W.
   Washington, D.C. 20004
   Staff Attorney (1990 – 1996)

   2001 – 2002
   Curry & Wilbourn
   One Massachusetts Avenue, N.W., Suite 800
   Washington, D.C. 20001
Contract Attorney (part-time)

2002 – 2011
Venable LLP
575 Seventh Street, N.W.
Washington, D.C. 20004
Partner

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

I have never served as a mediator or arbitrator.

b. Describe:

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

When I started practicing law in 1990 following my clerkship, my practice consisted exclusively of criminal appellate and trial work.

I served in the Public Defender Service for the District of Columbia from 1990 to 2000. From 1990 to 1995, I was principal counsel in several appeals to the District of Columbia Court of Appeals, including interlocutory appeals involving complex issues, such as collateral estoppel and preventive detention, and appeals following convictions for serious offenses such as murder, armed robbery and mayhem. In addition, I was lead trial counsel in hundreds of cases before the Superior Court of the District of Columbia, beginning with juvenile matters, then misdemeanors and concluding with serious felonies such as rape, kidnapping, armed robbery and murder. Around 1995, my practice began to include some civil work, primarily in consent decree enforcement, but it remained primarily a criminal practice.

From August 2000 to May 2002, my practice was as a part-time contract attorney for Curry & Wilbourn and the Public Defender Service, and I worked almost exclusively on civil matters. For Curry & Wilbourn, I worked on civil rights, commercial law, real property and trust and estate litigation matters. For the Public Defender Service, I served as lead counsel in the constitutional challenge to the newly enacted District of Columbia sex offender registration statute in the district court and in the United States Court of Appeals for the District of Columbia Circuit.

While at Venable from 2002 to 2011, my practice consisted of white collar criminal defense, intellectual property litigation and complex commercial
litigation arising from business disputes, primarily in federal courts around the country. I was first or second chair in numerous litigation matters in a variety of subject areas, including patents, trademarks, bankruptcy, products liability, corporations and civil rights at the trial court level. In addition, I managed or assisted with appellate matters in the District of Columbia Court of Appeals, the United States Court of Appeals for the Federal Circuit and the United States Court of Appeals for the Second Circuit.

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

From 1990 to 2002, my typical clients were indigent individuals who were facing charges or had been convicted or adjudicated in either the juvenile delinquency or adult criminal justice systems. During that time, I specialized in criminal law, and to a lesser degree, civil rights law. From 2002 to 2011, my typical clients were individuals and companies facing investigation or charges in white collar criminal matters or companies, both large and small, involved in intellectual property or commercial disputes. During that time, I maintained my specialties in criminal and civil rights law and began to develop a specialty in patent 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.

From 1990 to 1996, my practice was 100% litigation, and I appeared in court very frequently. From 1996 to 2002, my practice was approximately 50% litigation and 50% public policy, though I still appeared in court fairly frequently. From 2002 to 2011, nearly 100% of my practice was in litigation, and I appeared in court frequently.

i. Indicate the percentage of your practice in:
   1. federal courts: 30%
   2. state courts of record: >65%
   3. other courts:
   4. administrative agencies: <5%

ii. Indicate the percentage of your practice in:
   1. civil proceedings: 30%
   2. criminal proceedings: 70%

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 25 to 30 cases to verdict or final decision over my entire career, the vast majority during my tenure with Public Defender Service for the District of Columbia. I estimate that of those trials, I was sole counsel in approximately 70% of those cases, chief counsel in approximately 15% and associate counsel in approximately 15%.

i. What percentage of these trials were:
   1. jury: 80%
   2. non-jury 20%

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 represented parties seeking certiorari review in the following matters, serving as the primary author of each petition for writ of certiorari:


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.

The *Wilkins* case was a "racial profiling" civil rights lawsuit that arose out of an incident in which I and three family members were stopped and detained for a search by a drug-sniffing dog by the Maryland State Police while returning from a funeral in Chicago. In 1995, we reached a landmark settlement that required systematic statewide compilation and publication of highway traffic stop and search data by race. In 1998, we filed a new lawsuit on behalf of the Maryland NAACP and several individuals as a putative class action, alleging that the Maryland State Police engaged in "racial profiling" in traffic stops and searches along I-95 in Maryland, and litigation to enforce the settlement agreement in the *Wilkins* case was consolidated with the *NAACP* case. In 2003, the parties agreed to resolve the demands for equitable relief in the *Wilkins* case and the *NAACP* case by entering into another landmark consent decree that required that the Maryland State Police take a number of further actions, including hiring an independent consultant, installing video cameras in its vehicles, requiring an internal investigation of all citizen complaints of racial profiling, assigning a senior officer to review all racial profiling complaints and data, and providing the Maryland NAACP with quarterly reports containing detailed information on the number, nature, location and disposition of racial profiling complaints. The portion of the *NAACP* case involving the requests for damages by individual motorists was settled in April 2008. These cases and the data have been examined and described in thousands of books, scholarly articles and popular media publications and inspired an Executive Order by President Bill Clinton, legislation in the House and Senate, and legislation in at least twenty-eight states prohibiting racial profiling and/or requiring data collection. I was the lead plaintiff in the *Wilkins* case, but I also participated in the *Wilkins* and *NAACP* cases as co-counsel, assisting the lead lawyers in the case with legal research, litigation strategy, drafting pleadings and settlement negotiations.

Co-counsel:

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Defendants' counsel:

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Betty Stemley
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I represented Kimberly-Clark, which owns a patent for endotracheal tubes with an innovative feature that helps prevent fluid from leaking past the tube’s cuff and aspirating into the lungs of intubated patients, thereby helping to prevent those patients from contracting pneumonia. Kimberly-Clark sought a preliminary injunction against Tyco Healthcare, which had recently begun marketing an endotracheal tube in the United States that copied the patented feature. The parties engaged in expedited fact and expert discovery in advance of an evidentiary hearing on the request for a preliminary injunction. Following the hearing, the court ruled that Kimberly-Clark had established a likelihood of success on the merits with its showing that the patent was valid and was being infringed, but the court ruled that
Kimberly-Clark would not suffer irreparable harm pending trial and that the public interest would not be served by a preliminary injunction. Subsequently, the case was resolved by settlement, with Tyco agreeing to license Kimberly-Clark’s patented technology. I served as lead counsel for Kimberly-Clark.

Co-counsel:

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(202) 344-4000

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Opposing counsel:

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New York, NY 10169  
(212) 351-3400


I represented the plaintiff, Janssen Pharmaceutica, the owner of a patent for pharmaceutical beads used in an innovative antifungal medication in a lawsuit against Eon Labs. Eon had received FDA approval to manufacture and market a generic version of the antifungal medication, and Janssen brought suit pursuant to the federal Hatch-Waxman Act to obtain injunctive relief against Eon. Following a bench trial, the court reached a split verdict, rejecting Eon’s challenges to the validity of the patent, but also finding that Eon’s formulation of the medication did not infringe Janssen’s patent. The case was appealed to the Federal Circuit, and the trial court ruling was affirmed. I acted as second chair in the case and assisted with all aspects of the case from discovery, through motions practice, trial and appeal.

Co-counsel:

Vicki Margolis
Vice President and Chief Counsel, Intellectual Property and Global Marketing, Kimberly-Clark Corporation
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(920) 721-2609

Opposing Counsel:

Richard J. Basile
St. Onge Steward Johnston & Reens LLC
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Stamford, CT 06905
(203) 324-6155


I acted as lead counsel for plaintiffs in a class action lawsuit challenging the District of Columbia Sex Offender Registration Act on constitutional and Privacy Act grounds, obtaining temporary, preliminary and permanent injunctive relief in the District Court. While the case was on appeal, the Supreme Court of the United States upheld the sex offender registration statutes of Connecticut and Alaska, and based on those rulings, the U.S. Court of Appeals for the D.C. Circuit reversed the injunctions in part.

Co-counsel:

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Opposing counsel:

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Lisa A. Bell
PCT Law Group
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This case was brought pursuant to 42 U.S.C. § 1981, alleging that Newman was discriminated against while shopping at a Borders bookstore in Washington. Borders filed a motion to dismiss, which was granted in part and denied in part, and the matter proceeded through discovery. The parties reached a confidential settlement of the matter. I represented Borders, serving as co-lead counsel in the case.

Co-counsel:

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Opposing counsel:

John Relman
Relman, Dane & Colfax PLLC
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In this case, I represented the Public Defender Service for the District of Columbia in various challenges brought by Chase to his termination from the agency. In a case of first impression, the D.C. Court of Appeals was asked to construe the impact of the passage by Congress of the National Capital Revitalization and Self-Government Improvement Act of 1997 upon the status of the Public Defender Service. The court held that Revitalization Act altered the charter of the Public Defender Service such that its employees were not subject to the same personnel procedures as employees of the District of Columbia government, upholding the agency’s right to terminate Mr. Chase. I served as lead counsel in the matter, overseeing the briefing and strategy on appeal and in prior proceedings before an administrative law judge and the District of Columbia Superior Court.

Co-counsel:

John Cooney, Venable LLP
Opposing counsel:

Michael Lasley
Michael Lasley & Associates
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Mr. Martin was convicted of first-degree murder in the D.C. Superior Court, and I represented him in the appeal of the conviction and in subsequent proceedings. This was my very first case with the Public Defender Service, and I wrote the brief and argued the appeal. The D.C. Court of Appeals reversed the conviction, holding that the trial court erred by refusing to grant a mistrial when Mr. Martin’s co-defendant pled guilty in the middle of trial and made statements during his guilty plea that were exculpatory as to Mr. Martin. Following the reversal, I was junior counsel in the trial court, where we actively litigated bond review and collateral estoppel motions leading up to his retrial, and I played a lead role in the briefing and argument of the appeals of those issues. Mr. Martin eventually entered an *Alford* plea to voluntary manslaughter.

Co-counsel:

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Roy Conn III
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Opposing counsel:

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Steven Durham  
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Washington, D.C. 20004

Stacey Sovereign  
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McLean, VA 22101  
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This matter involved a consent decree entered in the District of Columbia Superior Court in 1986 on behalf of juveniles detained in secure facilities pending trial or following adjudication. I served as co-lead counsel for the plaintiffs, litigating the violation of various consent decree provisions due to overcrowding and inadequate medical care, housing conditions, food and education. I tried two contested civil contempt proceedings to verdict, including a landmark motion to place the school of the Oak Hill detention center school in receivership due to repeated educational failures, particularly violations of federal special education requirements. The Court of Appeals reversed the receivership order.

Co-counsel:

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Washington, D.C. 20036  
(202) 778-1800

Donna Wulkan  
1020 16th Street, N.W., Suite 602  
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Opposing counsel:

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D.C. Appleseed Center for Law & Justice  
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(202) 289-8007

Richard Love  
Office of the Attorney General of the District of Columbia  
441 Fourth Street, N.W.  
Washington, D.C. 20001  
(202) 724-6635


I represented Ms. Smith in a series of cases, including a case in the Superior Court of the District of Columbia charging her with two counts of stalking, two counts of blackmail and three counts of felony threats. This was a landmark prosecution for at least two reasons. First, the case was unique because it was the first blackmail case to be tried in the District of Columbia in at least 20 years. Secondly, the case was unique because it was one of the first prosecutions under the District of Columbia’s new stalking statute. Following extensive motions practice and lengthy hearings, Judge Henry Greene granted the defense motions to dismiss the stalking counts on constitutional grounds. Following a trial on the remaining charges, Ms. Smith obtained not guilty verdicts on all counts except one blackmail count, on which there was a hung jury. The government appealed the dismissal of the stalking charges, and the Court of Appeals reversed and reinstated those charges. Ms. Smith eventually pled guilty to a misdemeanor charge. I was co-lead counsel in the case.

Co-counsel:

Tanya Chutkan,  
Boies Schiller & Flexner LLP  
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(202) 237-2727

Opposing counsel:

Eric Yaffe  
Gray, Plant, Mooty, Mooty & Bennett PA  
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600 New Hampshire Avenue, N.W.
Washington, D.C. 20037  
(202) 295-2222

Michael N. Levy  
Bingham McCutchen LLP  
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Washington, D.C. 20006  
(202) 373-6680


I was appointed to represent Mr. Gibson following an incident in which he and another man attempted to rob a taxi driver using an inoperable BB gun. The taxi driver stopped his car in a busy intersection, resisted, disarmed Mr. Gibson, and was fighting with Mr. Gibson when an off-duty police officer in his street clothes came upon the scene. The off-duty officer approached the men, pulled his gun and was pointing it at the men when a police squad car came upon the scene. After exiting the squad car, one of those officers shot the off-duty officer, killing him. Mr. Gibson was arrested at the scene and charged with armed robbery of the taxi driver and felony murder of the off-duty police officer. The case and the incident received a great deal of media attention and scrutiny due to the death of the police officer and the circumstances of the shooting. Following vigorous advocacy, the felony murder charges were dismissed and Mr. Gibson was permitted to plead guilty to armed robbery. I acted as lead counsel in the case, though I was assisted and supervised by co-counsel.

Co-counsel:

David Reiser  
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1800 M Street, N.W., Suite 1000  
Washington, D.C. 20036  
(202) 778-1800

Opposing counsel:

Thomas Connolly  
Wiltshire & Grannis LLP  
1200 18th Street, N.W., 12th Floor  
Washington, D.C. 20036  
(202) 730-1300

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List
any client(s) or organization(s) for whom you performed lobbying activities and describe
the lobbying activities you performed on behalf of such client(s) or organizations(s).
(Note: As to any facts requested in this question, please omit any information protected
by the attorney-client privilege.)

I spent a substantial amount of time from 2003 to 2011 on a litigation matter in which I
represented Enron Creditors Recovery Corp. in an adversary proceeding that was
originally filed in the United States Bankruptcy Court for the Southern District of New
York, seeking to recover $1.1 billion in payments made on commercial paper notes prior
to maturity and just six weeks prior to Enron’s bankruptcy filing. Enron alleged that,
after its financial difficulties became public, the market for its commercial paper
collapsed and its commercial paper dealers and note-holders pressured Enron to draw on
its $3 billion revolver and to prepay the notes at their accrued par value, which was
substantially in excess of their market value. Enron sought to recover the $1.1 billion in
prepayments as voidable preferences under the Bankruptcy Code from approximately 200
defendants. Enron recovered the equivalent of approximately $500 million in
settlements, and three defendants who did not settle were awarded summary judgment by
the United States District Court for the Southern District of New York, and that ruling
was affirmed by the U.S. Court of Appeals for the Second Circuit.

In addition, I was involved in several significant non-litigation legal activities. First, I
was involved with the District of Columbia Truth-in-Sentencing Commission and the
District of Columbia Advisory Commission on Sentencing, serving as the representative
of the Public Defender Service for the District of Columbia on those bodies, which were
tasked with making legislative and policy recommendations to the Council for the
District of Columbia. Secondly, I was appointed by the United States Senate to serve on
the National Museum of African American History and Culture Plan for Action
Presidential Commission, and I chaired its Site and Building Committee. In addition to
studying various policy and administrative issues, this Presidential Commission
addressed legal issues relating to subjects such as governance of federal agencies and the
Smithsonian, appropriations and fundraising, and building on the National Mall. The
Presidential Commission also drafted proposed legislation and made recommendations to
Congress. Finally, I was invited to provide testimony or participate in panel discussions
in numerous meetings on the subject of racial profiling, including before the United
States Senate, the United States House of Representatives, the United Nations, the
American Bar Association, and various other organizations.

I have not engaged in lobbying activities or registered as a lobbyist.

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

I have not taught any courses. I occasionally have spoken to a class as a guest lecturer,
and I have helped supervise and teach at trial advocacy workshops.
20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

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

I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during my time with the court.

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


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.

Due to my recent former partnership with Venable LLP, I still recuse myself from all matters where Venable LLP is counsel or a party. At some point in the next few years, I plan to stop recusing from all Venable matters, and I would instead recuse myself only from 1) cases in which Venable LLP is either a party or counsel for a party and the litigation involves events that occurred prior to my departure from the firm, 2) cases involving matters in which I may have played some role in the past, and 3) cases involving a former client with whom I had a long-standing relationship or about whom I gained confidential information or knowledge that may be potentially relevant to the litigation. In addition, I would
consider and disclose, as appropriate, any other relationships with the parties or counsel in all matters and recuse myself as appropriate. Parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest during my initial service in the position to which I have been nominated would include family members, relatives, close friends, former clients, former partners, or matters pending in any law firm in which I was formerly associated. In addition, I would recuse myself from any matter that was pending in the Public Defender Service for the District of Columbia during my time of service in that office.

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

If confirmed, I will handle all matters including actual or potential conflicts of interest through the careful and diligent application of the Code of Conduct for United States Judges as well as other relevant Canons and statutory provisions.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association’s Code of Professional Responsibility calls for “every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have actively served the disadvantaged throughout my entire legal career. I currently serve as the Court liaison to The Standing Committee on Pro Bono Legal Services of the Judicial Conference of the District of Columbia Circuit. During my ten-year tenure with the Public Defender Service for the District of Columbia, I served the disadvantaged virtually full-time. From 1992 prior to my joining Venable in 2002, I donated thousands of hours of my time to the Wilkins v. State of Maryland and NAACP et al. v. Maryland State Police cases. During my time with Venable from 2002 to 2011, I continued my work on those two cases, and I also represented clients in other pro bono matters involving child custody, social security disability, asylum, public information act requests and other matters, for a total of more than 1500 hours from 2002 to 2011.

26. **Selection Process:**

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.
On March 15, 2013, an official from the White House Counsel’s Office spoke to me about my potential interest in serving on the United States Court of Appeals for the District of Columbia Circuit. After that day, I was in contact with officials from the Office of Legal Policy at the Department of Justice and the White House Counsel’s Office. On May 2, 2013, I interviewed with attorneys from the White House Counsel’s Office and the Department of Justice in Washington, D.C. On May 17, 2013, I met with the White House Counsel in Washington, D.C. On June 4, 2013, President Obama submitted my nomination to the United States 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, Robert L. Wilkins, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

6/24/2013
(DATE)

Robert L. Wilkins
(NAME)

Patricia K. Michalowski
(NOTARY)

District of Columbia: SS
Subscribed and sworn to before me, in my presence, this 24th day of June, 2013

Patricia K. Michalowski, Notary Public, D.C.