

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Angel Kelley
Formerly Angel Kelley Brown

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

United States District Judge for the District of Massachusetts

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

Office: Massachusetts Superior Court
Administrative Office:
3 Pemberton Square, 13th Floor
Boston, Massachusetts 02108

Physical Location:
Brockton Superior (Plymouth County)
72 Belmont Street
Brockton, Massachusetts 02301

Residence: Whitman, Massachusetts

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

1967; New Rochelle, New York

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

2002 – 2003, Temple University School of Law; LL.M., 2003

1989 – 1992, Georgetown University Law Center; J.D., 1992

1985 – 1989, Colgate University; B.A., 1989

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.

2013 – present

Commonwealth of Massachusetts, Superior Court

3 Pemberton Square, 13th Floor

Boston, Massachusetts 02108

Regional Administrative Judge for Plymouth County (2017 – 2020)

Associate Justice

2018 – present

Boston University School of Law

765 Commonwealth Avenue

Boston, Massachusetts 02215

Adjunct Professor (part-time)

2012 – present

Suffolk University School of Law

120 Tremont Street

Boston, Massachusetts 02108

Adjunct Professor (part-time)

2009 – 2013

Commonwealth of Massachusetts, District Court

Brockton District Court

215 Main Street

Brockton, Massachusetts 02301

Associate Justice

2007 – 2009

U.S. Attorney's Office

John Joseph Moakley United States Federal Courthouse

One Courthouse Way, Suite 9200

Boston, Massachusetts 02210

Assistant United States Attorney

2005 – 2007

Harvard University Law School

Harvard Legal Aid Bureau

23 Everett Street

Cambridge, Massachusetts 02138

Clinical Instructor

1997 – 2005

The Port Authority of New York and New Jersey
Law Department
4 World Trade Center (Current address)
150 Greenwich Street, 24th Floor
New York, New York 10007
Assistant Chief of New York Litigation Division (2005)
Senior Trial Attorney (2003 – 2005)
Staff Attorney (1997 – 2003)

1992 – 2005

Columbia University
Double Discovery Program
2920 Broadway
New York, New York 10027
Instructor (part-time)

2004 – 2005

New York University
Real Estate Institute
7 East 12th Street
New York, New York 10003
Instructor (part-time)

1993 – 1997

The Legal Aid Society
Juvenile Rights Division
111 Livingston Street
Brooklyn, New York 11201
Staff Attorney

1992 – 1993

The City of New York
Housing Preservation and Development
100 Gold Street (Current address)
New York, New York 10027
Assistant Director

Fall 1992

Bergdorf Goodman
754 5th Avenue
New York, New York 10019
Salesperson

1990 – 1992

Department of Justice
Office of International Affairs
950 Pennsylvania Avenue, Northwest (Current address)
Washington, District of Columbia 20530
Student Intern (part-time)

1990 – 1992
Georgetown University Law Center
600 New Jersey Avenue, Northwest
Washington, District of Columbia 20001
Student Supervisor (part-time)
Student Guard (part-time)
Clerical Assistant, Career Services Office (part-time)

Other Affiliations (Uncompensated):

2010 – present
Roxbury Youthworks, Inc.
841 Parker Street
Roxbury Crossing, Massachusetts 02120
Board Director

2019 – 2020
Toll House Village Condominium Association
Janek Property Management
76 Emmons Street
Franklin, Massachusetts 02038
Trustee

2016 - present
Emory University Law School
Volunteer Instructor

2008 – 2015
Harvard Law School
Volunteer Instructor

1998 – 2001
The Port Authority of New York and New Jersey
Police Academy
Instructor

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 was not required to register with 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.

Trailblazer recognition, celebrating Black Women Excellence presented by Massachusetts Black Women Attorneys (2021)

Burnham “Hod” Greeley Award presented by American Bar Association (2019)

Ida B. Wells Service Award presented by Massachusetts Black Women Attorneys Association (2014)

Shenton Service Award from Columbia University’s Double Discovery Program (2005)

Graduated with Honors from Temple University Law School (2003)

Certificate of Recognition from Port Authority of New York and New Jersey for service to families of fallen police officers lost on September 11, 2001 (2002)

Certificate of Recognition from Port Authority of New York and New Jersey for efforts on the September 11th Loss Recovery Team (2002)

Certificate of Recognition from Port Authority of New York and New Jersey for developing the law curriculum for the Port Authority Police Academy (2001)

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.

Asian-American Lawyers Association of Massachusetts (2007 – 2009)

Inns of Court, Boston, Massachusetts (approximately 2009)

Inns of Court, New York, New York (approximately 2005)

Massachusetts Bar Association (2007 – 2009)

Massachusetts Bar Association, Lawyer Well-Being Committee (2020 – present)

Massachusetts Black Lawyers Association

Board Member (2008 – 2009)

Treasurer (2007 – 2008)

Member (2005 – 2007)

Massachusetts Black Women Attorneys Association (2008 – 2009)

Massachusetts Judges Conference (2009 – present)

Massachusetts Trial Court’s Committee on Human Trafficking (2015 – 2016)

Massachusetts Trial Court’s Public Outreach Committee, Chair (2015 – present)

Massachusetts Women’s Bar Association
 Board member (2008 – 2009)
 Co-Chair of the Women of Color Committee (2007 – 2008)
 Member (2006 – 2009)

National Asian Pacific American Bar Association (2020 – present)

National Association of Women Judges (2010 – present)

National Bar Association, Judicial Council (2009 – present)

New York City Bar Association (approximately 2005)

Supreme Judicial Court’s Committee on Judicial Ethics (2016 – present)

Supreme Judicial Court’s advisory committee on Judicial Ethics (2012 – 2015)

The Justice Harry J. Elam Judicial Conference, *formerly known as* Massachusetts Black Judges Conference
 Treasurer (2011 – 2020)
 Member (2009 – 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.

New York, 1993
 Massachusetts, 2004

There have been no lapses in membership. I have been on judicial status in both New York and Massachusetts since becoming a judge in 2009.

- 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 Supreme Court (2000)
United States Court of Appeals for the First Circuit (2007)
United States District Court for the District of Massachusetts (2004)
United States District Court for the Eastern District of New York (1995)
United States District Court for the Southern District of New York (1995)

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.

Links Incorporated, Boston Chapter (2011 – present)
Parliamentarian (2019 – 2021)
Corresponding Secretary (approximately 2014)

Toll House Village Condominium Association
Trustee (2019 – 2020)

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

To the best of my knowledge, neither of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, or religion, or national origin 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.

None.

- 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.

None.

- 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.

On February 24, 2021, I testified before the Massachusetts Governor's Council on behalf of Assistant Clerk Magistrate Sharon Lalli's nomination to the District Court. Video available at <https://www.youtube.com/watch?v=zrNM4-MxE0>.

On January 16, 2013, I testified before the Massachusetts Governor's Council hearing for confirmation to the Superior Court. This was my confirmation hearing. Audio available at <https://sites.google.com/a/patrickmccabegovernorscouncil.com/mccabepatrickgovernorscouncil/honorable-angel-kelley-brown>.

On July 8, 2009, I testified before the Massachusetts Governor's Council for confirmation to District Court. This was my confirmation hearing. I have no notes, transcript, or recording.

- 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.

As Chair of the Trial Court Public Outreach Committee, each year I organize the Massachusetts judiciary's efforts in the American Bar Association's National Judicial Outreach Week program. In that capacity, I have spoken to community organizations and at middle schools and high schools over the last several years about preserving the rule of law or engaged in an interactive discussion about bail. I also regularly speak to students visiting the courthouse. I have searched my files

and the Internet and could not find dates for many of those engagements.

May 6, 2021: Moderator: “Lawyer Well-Being Week Coffee Break – Connect Social Well-Being,” Supreme Judicial Court Lawyer Well-Being Committee, Massachusetts. I moderated an open discussion on connecting to maintain social well-being. I have no notes, transcript, or recording. The address for the Supreme Judicial Court is One Pemberton Square, Boston, Massachusetts 02108.

April 1, 2021: Moderator, “Ghosts of Segregation,” Flaschner Judicial Institute, Boston, Massachusetts. Video available at <https://vimeo.com/534606128/c503dd32c9>.

February 22, 2021: Moderator, “2021 Black History Month – A Virtual Community Conversation on Confronting Racism in the Court System,” Massachusetts Judiciary, Boston, Massachusetts. Video available at <https://youtu.be/0joiDSdHvKU>. Press coverage supplied.

February 18, 2021: Panelist, “Injustice Anywhere is a Threat to Justice Everywhere - Virtual Conversation,” Chelsea Black Community and People’s AME Church, Chelsea, Massachusetts. Video supplied.

February 11, 2021: Panelist, “Virtual Community Conversation on Race,” Massachusetts Trial Court Office of Diversity, Equity, Inclusion, and Experience, Randolph, Massachusetts. I participated in a court-sponsored question-and-answer session about race and the courts. I have no notes, transcript, or recording. The address for the Trial Court is One Pemberton Square, Boston, Massachusetts 02108.

January 28, 2021: Panelist, “Pathway to the Bench: Becoming a Judge as a Woman of Color,” Massachusetts Black Women Attorneys (MBWA) and South Asian Bar Association (SABA), Massachusetts. I participated in a question-and-answer session regarding my pathway to the state court bench as a woman of color. I have no notes, transcript, or recording. The address for the organizations is 16 Beacon Street, Boston, Massachusetts 02108.

January 18, 2021: Keynote speaker, “Dr. Martin Luther King Jr. Celebration, People’s AME Church,” Chelsea, Massachusetts. Video supplied.

November 19, 2020: Panelist, “Bench-Bar Discussion: Collaborating to alleviate stressors in the courtroom and practice of law,” Massachusetts Bar Association. I participated in a question-and-answer session about stressors on litigators during the pandemic. I have no notes, transcript, or recording. The address for the Massachusetts Bar Association is 20 West Street, Boston, Massachusetts 02111.

August 21, 2020: Panelist, “Virtual Community Conversation on Race,” Massachusetts Trial Court Office of Diversity, Equity, Inclusion and Experience,

Worcester, Massachusetts. Video available at <https://youtu.be/RQ20xqJ2LnQ>.

June 22, 2020: Guest speaker, NAACP Business Meeting, Brockton, Massachusetts. Video available at <https://m.facebook.com/Brockton-Area-NAACP-253280214806906/videos/angel-kelley-associate-justice-of-the-superior-court-and-john-laing-chief-experi/1184793965187215>.

February 27, 2020: Speaker, “2020 Black History Month – Community Listening Session,” Massachusetts state court judiciary and Roxbury Community College, Roxbury, Massachusetts. PowerPoint and press coverage supplied.

June 2019: Instructor, Lawyers Without Borders. I joined a team of lawyers and judges to teach judges, lawyers, and law enforcement officers in Kenya on Wildlife Trafficking. I have no notes, transcript, or recording. The address for Lawyers Without Borders is 59 Elm Street, Suite 330, New Haven, Connecticut 06510.

April 24, 2019, Speaker, North Middle School courthouse visit. Brockton Superior Court. I participated in a question-and-answer session with middle school students about court operations. I have no notes, transcript, or recording, but press coverage supplied. The address for the North Middle School is 108 Oak Street, Brockton, Massachusetts 02301.

March 6, 2019: Participant, “Listening Session at Plymouth County House of Corrections,” Massachusetts Trial Court Office of Diversity, Equity, Inclusion, and Experience, Plymouth, Massachusetts. I participated in a question-and-answer session with inmates in the house of corrections to listen to their concerns. The topic was their experience with the courts. I have no notes, transcript, or recording. The address for the Trial Court’s diversity office is One Pemberton Square, Boston, Massachusetts 02108.

January 24, 2019: Recipient, American Bar Association Burnham “Hod” Greeley Award ceremony, American Bar Association, Las Vegas, Nevada. Remarks and press coverage supplied.

August 2018: Instructor, Lawyers Without Borders. I joined a team of lawyers and judges to teach judges, lawyers, and law enforcement officers in Tanzania on Human Trafficking. I have no notes, transcript, or recording. The address for Lawyers Without Borders is 59 Elm Street, Suite 330, New Haven, Connecticut 06510.

March 23, 2018: Speaker: “Preserving the Rule of Law,” Whitman Hanson Regional High School. PowerPoint supplied.

February 22, 2016: Panelist, Women on the Bench at Suffolk Law School,

Suffolk Law School, Boston, MA This program had a question-and-answer format and the topic was life on the bench as women judge. I have no notes, transcript, or recording. The address for Suffolk Law School is 120 Tremont Street, Boston, Massachusetts 02108.

January 2016: Instructor, Lawyers Without Borders. I joined a team of lawyers and judges to teach judges, lawyers, and law enforcement officers in Liberia on Human Trafficking. I have no notes, transcript, or recording. The address for Lawyers Without Borders is 59 Elm Street, Suite 330, New Haven, Connecticut 06510.

February 13, 2015: Panelist, "The Ethical Impact of Litigators, Who Act as if Zealous Advocacy is Synonymous with Meanness," American Bar Association, Miami, Florida. The panel was a question-and-answer format and the topic was civility in the courts. I have no notes, transcript, or recording. The address for the American Bar Association is 1050 Connecticut Avenue, Northwest, Washington, District of Columbia 20036.

2014: Panelist, "A View from the Bench, Suffolk Law School," Suffolk Law Women of Color Committee, Boston, Massachusetts. It was a question-and-answer format and the topic was life on the bench. I have no notes, transcript, or recording. The address for the Suffolk Law School is 120 Tremont Street, Boston, Massachusetts 02108.

March 27, 2014: Organizer, "Human Trafficking: A Hidden Reality," National Association of Women Judges, Weston, Massachusetts. This was a full day training for judges. I have no notes, transcript, or recording. The address for the National Association of Women Judges is 1001 Connecticut Avenue, Northwest, Suite 1138, Washington, District of Columbia 20036.

November 15, 2012: Panelist, "International Symposium on Judicial Ethics: Best Practices in the USA," Turkish Judiciary and Bar, Ankara, Turkey. I gave an overview of the process to become a judge, the judicial code of conduct and process for filing a judicial complaint. I have no notes, transcript, or recording. I am unable to identify an address for the sponsoring organization.

Additionally, I have been involved with the National Institute of Trial Advocacy since 2003. I teach practicing attorneys in Trial Skills and Deposition Skills for NITA. I am unable to locate specific dates for these activities but have taught for them two to three times a year. I have taught in regional programs, including in Boston, Massachusetts, New York, New York, Montgomery, Alabama, and Washington, District of Columbia, as well as in the National program in Louisville, Colorado and for the Southern Poverty Law Center. I have no notes, transcript, or recording. The address for NITA is 325 West South Boulder Road, Suite 1, Louisville, Colorado 80027.

- 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.

Larry Ellison, The MAMLEO Broadcast, Boston Praise Radio, Feb. 13, 2021. Video available at <https://youtu.be/ga7krxQpoeI>.

Tamisha Civil, *Confronting Racism in the Courts, a Community Conversation*, Voice of Reason live radio, Feb. 12, 2021. Video available at <https://youtu.be/6GYSa0Y7raQ>.

Tamisha Civil, Voice of Reason live radio, Feb. 22, 2020. Video available at <https://www.facebook.com/tamisha.civil.96/videos/520569398839804>.

Charles Clemons Muhammad, Touch TV, Feb. 5, 2020. Video available at <https://youtu.be/7fC1L1k6aM0>.

Larry Ellison, The MAMLEO Broadcast, Boston Praise Radio, Feb. 1, 2020. Video available at <https://www.youtube.com/watch?app=desktop&v=HjXc1gRojcM>.

Karen Holmes Ward, CityLine television, Jan. 22, 2020. Video available at <https://www.wcvb.com/article/cityline-sunday-jan-26-2020-ma-trial-court-continue-their-discussion-on-criminal-justice-reform/30631352>.

LC Awards Committee, *In Her Own Words: A Conversation with Judge Angel Kelley* (Spring 2019). 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.

In March 2013, Massachusetts Governor Deval Patrick appointed me to the Superior Court. The Superior Court has jurisdiction over civil matters asserting damages of \$50,000 or more, felony matters, administrative appeals, and requests for equitable relief. The jurisdictional threshold was raised from \$25,000 to \$50,000, effective January 1, 2020. I preside over civil lawsuits including dispositive motions, discovery disputes, conferences, and trials. I preside over all aspects of criminal cases, including arraignment, conferences, dispositive and discovery motions, as well as trials. I also review applications for search warrants.

From 2017 through 2020, I served as the Regional Administrative Judge in Plymouth County, Superior Court. I managed court operations in the county, which includes two courthouses and seven judges, in coordination with the clerk's office, probation department, and security department.

In June 2009, Massachusetts Governor Deval Patrick appointed me to the Brockton District Court. I served as a District Court Judge until my appointment to the Superior Court in 2013. Then the District Court had jurisdiction over civil lawsuits less than \$25,000, misdemeanors, and some felonies.

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

During my time on the bench, I estimate that I have presided over more than 100 trials. In the District Court, I could have a trial every day and on occasion, more than one per day.

- i. Of these, approximately what percent were:

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

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

As a state trial court judge, most of my opinions are unreported decisions that the Clerk's Office disseminates to the parties involved in the case and maintains as part of the court record. The following cases are the only opinions of mine for which I was able to locate citations on a publicly accessible database:

Bernardi Brockton, LLC v. Jackson, 2015 Mass. Super. LEXIS 445 (Sept. 16, 2015)

Patel v. Masonic Temple Ass'n of Quincy, 33 Mass. L. Rep. 76 (Mass. Super. Ct. Aug. 26, 2015)

Merchs. Preferred Ins. Co. v. Kostanantipoulos, 32 Mass. L. Rep. 310 (Mass. Super. Ct. July 10, 2014)

Lao v. C.R.T.R., 2013 Mass. Super. LEXIS 2867 (Mass. Super. Ct. Sept. 30, 2013)

- 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. Commonwealth v. Starks, 1583CV00146 (Plymouth County).

The defendant was indicted for two separate shooting incidents, one alleging first-degree murder. The Commonwealth sought to try both incidents together. One shooting took place at the home of the defendant's ex-girlfriend and the other shooting took place approximately seven hours later in a different area. The homicide victim was not connected to the victims in the earlier shooting. No weapon was recovered, nor evidence linking the defendant to the firearm or ammunition used in the shootings. The only evidence linking the defendant to the shootings was testimony that the defendant's telephone number used regularly to communicate with his ex-girlfriend appeared on the telephone of the murder victim, just prior to his death. The only evidence linking the two shootings was a match in projectiles and casings found at each scene. Defendant moved to have the indictments severed for trial, which I allowed, despite the possibility that the two trials would likely involve the same witnesses. I determined the gravity of the offenses and potential sentence warranted dispensing with any concern for judicial economy. The Commonwealth chose to proceed with the homicide indictment first. I permitted the Commonwealth to call all witnesses it deemed necessary to establish the identity of the shooter, including evidence of the telephone call with the ex-girlfriend, but precluded the Commonwealth from alleging defendant was involved in a shooting earlier in the evening at his ex-girlfriend's home. This evidence was inadmissible, under sections 404 and of the Massachusetts Evidence Guide, as character evidence and evidence of other alleged unproven crimes. The admission of such evidence was unfairly prejudicial and its effect would have substantially outweighed any probative value to establishing defendant's identity. The Commonwealth called a witness to identify the defendant's telephone number that he used to call the ex-girlfriend and called a police witness to testify that this telephone number also appeared on the murder victim's phone. The jury found the defendant not guilty in 2019. The Commonwealth entered a nolle prosequi on the second indictment for the alleged shooting at the ex-girlfriend's house.

Prosecutors: Keara Kelley and Shanan Buckingham
 Plymouth County District Attorney's Office
 166 Main Street
 Brockton, MA 02301
 (508) 584-8120

Defense Attorney: Joseph F. Krowski
 30 Cottage Street
 Brockton, MA 02301
 (508) 587-3701

2. Commonwealth v. Bealer, 1583CR00575 (Plymouth County).

Defendant was indicted for rape of his cousin. Defendant and his girlfriend visited his cousin and her husband. After a night of drinking when their significant others went to sleep, sexual intercourse took place between the defendant and his cousin. That morning, his female cousin alleged she was raped. Defendant claimed it was a consensual sexual encounter. The jury returned a not guilty verdict in 2019.

Prosecutor: Vanessa Madge
Plymouth County District Attorney's Office
166 Main Street
Brockton, MA 02301
(508) 584-8120

Defense Attorney: Kevin J. Reddington
Law Office of Kevin Reddington
1342 Belmont Street
Suite 203
Brockton, MA 02301
(508) 583-4280

3. Commonwealth v. Dominico, 1583CR00152 (Plymouth County).

This case involved an indictment for motor vehicle homicide. The Commonwealth alleged the defendant and the deceased teenage victim were both operating their separate motor vehicles under the influence of alcohol, speeding and tailgating through a residential neighborhood on New Year's Eve, when suddenly the victim's car ran off the road and flipped onto its roof, resulting in his death. During the trial in 2017, the defendant requested a grant of judicial immunity to the defense's teenage witnesses. These witnesses were friends with the deceased victim, joined him in underage drinking that evening, and observed his driving immediately before the accident. During trial, just prior to the defendant calling the juvenile witnesses, the prosecuting attorney raised the issue that these witnesses have a Fifth Amendment privilege against self-incrimination. As asserted, the privilege arose from the potential for future prosecution of the teenagers for underage drinking, the prosecutor claimed. The assistant district attorney informed the court it had no intention to petition for a grant of immunity on behalf of these witnesses, which would shield them from prosecution, and the assistant district attorney also refused the defendant's request for their immunization. Although no judge in the Commonwealth had ever granted judicial immunity to defense witnesses, case law was clear that it was available to the court when presented with unique circumstances or evidence of prosecutorial misconduct. Commonwealth v. Brewer, 472 Mass. 307 (2015). This case presented such unique circumstances, and accordingly I granted judicial immunity to the witnesses. Docket supplied. The Commonwealth took immediate appeal, pursuant to G. L. c. 211 § 3, and its petition was denied.

Prosecutor: E. Russell Eonas

Plymouth County District Attorney's Office
166 Main Street
Brockton, MA 02301
(508) 584-8120

Defense Attorney: David J. Grimaldi
929 Massachusetts Avenue, #200
Cambridge, MA 02139
(617) 661-1529

4. Commonwealth v. Brown, 1583CR00049 (Plymouth County).

This case involved an indictment for murder. In 2017, the defendant filed a motion to dismiss based in part on the presence of a police officer during grand jury testimony. I granted the motion and dismissed the case based on a decision of the Supreme Judicial Court, Commonwealth v. Holley, 476 Mass. 114 (2016), which held that the unauthorized presence of police officer witnesses during grand jury testimony of other witnesses is grounds for dismissal. Copy supplied. I stayed the dismissal to give the Commonwealth an opportunity to evaluate its options for appeal. After two weeks, the Commonwealth ultimately reported it would not file an appeal. The judgment of dismissal was entered.

Prosecutor: E. Russell Eonas
Plymouth County District Attorney's Office
166 Main Street
Brockton, MA 02301
(508) 584-8120

Defense Attorney: Joan Fund
1035 Cambridge Street (this office may be closed)
Suite 16D
Cambridge, MA 02141
(617) 945-9693

5. Terry v. Bar Management, 1382CV1440 (Norfolk County).

This case involved tort claims for assault and negligent security. Plaintiff filed suit against defendant, following his attack at a tavern. Two men, who were competing in a beer pong tournament at the bar, engaged in an altercation with plaintiff and assaulted him. Plaintiff claimed physical and psychological injuries. Earlier that evening, the assailants competed in a video-recorded beer pong tournament. The assailants showed signs of intoxication. The assailants encountered plaintiff in the second bar. Plaintiff's claims arose from the defendant's continued service of alcoholic beverages to the assailants. Plaintiff prevailed at trial in 2016. This was a lengthy trial with over 20 motions in limine

filed that involved expert testimony and use of video footage from the beer pong tournament. Docket supplied.

Plaintiff's Counsel: David Bae and Matthew Greene
Boyle and Shaughnessy Law PC
695 Atlantic Avenue, 11th Floor
Boston, MA 02111
(617) 451-2000

Defense Counsel: Marianna Flippo and Dragan Cetkovic
Dragan M. Cetkovic, PC
500 Granite Avenue, Suite 4
Milton, MA 02186
(617) 690-3501

6. Commonwealth v. Harris, 1283CR0152 (Plymouth County).

This case involved an indictment for drug trafficking. I presided over a jury-waived trial and at the conclusion of the Commonwealth's evidence, defendant's motion for a required finding of not guilty was granted from the bench in 2016.

Prosecutor: Joshua Gedraitis
Plymouth County District Attorney's Office
166 Main Street
Brockton, MA 02301
(508) 584-8120

Defense Attorney: Joseph Krowski Jr.
30 Cottage Street
Brockton, MA 02301
(508) 584-2555

7. LeDoux v. Bristol Community College, 1273CV0918C (Bristol County).

This case involved a female security officer's claims of sexual harassment and gender discrimination. The defendants moved for summary judgment on several grounds. In 2016, I denied the motion finding that there were genuine issues of material fact regarding the allegations. Copy supplied. The jury found the college liable and returned a verdict of \$2.5 million. Another Superior Court judge conducted the jury trial.

Plaintiff's Counsel: Philip N. Beauregard
32 William Street
New Bedford, MA 02740
(508) 993-0333

Defense Counsel: Daniel Gordon Cromack
Office of Attorney General, Trial Division
One Ashburton Place
Boston, MA 02108
(617) 963-2573

8. Commonwealth v. DeJesus, 1483CR00441 (Plymouth County).

Defendant was indicted for murder of one male victim, and assault and battery by means of a dangerous weapon of another. A female friend of the defendant's was engaged in providing drugs to these two male victims from New York, who were staying in a hotel for a construction project. The female friend called defendant for help alleging she was being robbed. During the struggle, one man was killed and the other injured. At trial in 2015, defendant claimed self-defense. The jury returned a not guilty verdict.

Prosecutors: Jessica Elumba and Mary Nguyen
Plymouth County District Attorney's Office
166 Main Street
Brockton, MA 02301
(508) 584-8120

Defense Attorney: Timothy J. Bradl
15 Broad Street, #240
Boston, MA 02109
(617) 276-7891

9. Kelley v. Kelley, 1083CV1153 (Plymouth County).

This was a lawsuit brought by two daughters against their biological father for sexual assault. In 2014, The father moved for summary judgment asserting the claims were barred by the statute of limitations. I denied the motion, pursuant to the discovery rule, finding the statute of limitations began to accrue when the plaintiffs knew of the appreciable harm caused by the defendant's sexual abuse, not the date of the alleged conduct. Copy supplied. At the jury trial conducted before another Superior Court judge, the jury returned a verdict in favor of the plaintiffs for \$15 million.

Plaintiff's Counsel: Kristin M. Knuutila
Knuutila Law, LLC
175 Federal Street, Suite 1425
Boston, MA 02110
(617) 600-3010

Defense Counsel: Michael J. Sacchitella
Tufankjian McDonald Welch & Sacchitella

25 Crescent Street
Brockton, MA 02301
(508) 583-3939

10. Bragdon v. Town of Fairhaven, 1273CV0707 (Bristol County).

This case was a zoning appeal. Residents of the Fairhaven community sought to enjoin the operation of wind turbines. A jury-waived trial was conducted, and the Fairhaven Zoning Board of Appeals' decision was affirmed in 2014. Copy supplied.

Plaintiffs' Counsel: Ann Ponichtera-DeNardis
Ponichtera & Denardis, PC
Ten Park Place
New Bedford, MA 02740
(508) 991-3355

Defense Counsel: Thomas P. Crotty
Thomas P. Crotty & Associates, PLLC
5 Dover Street, #5
New Bedford, MA 02740
(508) 990-9101

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

1. Lopes v. City of Brockton, 1383CV01350 (Plymouth County).

Copy supplied.

Plaintiff's Counsel: Jeffrey Rosin
O'Hagan and Meyer, PLLC
111 Huntington Avenue, Suite 2860
Boston, MA 02199
(617) 843-6800

Defense Counsel: Michael Stefanilo
Brody Hardoon Perkins and Kesten LLP
699 Boylston Street
Boston, MA 02116
(617) 880-7100

2. Commonwealth v. Noel, 1483CR0458 (Plymouth County).

Copy supplied.

Prosecutor: Jeremy Kusmin
Plymouth County District Attorney's Office
166 Main Street
Brockton, MA 02301
(508) 584-8120

Defense Counsel: Elliot Levine
26 Chestnut Street
Quincy, MA 02169
(617) 472-2424

3. Commonwealth v. Corbett, 1583CR0109 (Plymouth County).

Copy supplied.

Prosecutor: Vanessa Madge
Plymouth County District Attorney's Office
166 Main Street
Brockton, MA 02301
(508) 584-8120

Defense Counsel: Joshua Wood
Joshua J. Wood Law Offices
1342 Belmont Street, Suite 102
Brockton, MA 02301
(508) 427-1622

4. Commonwealth v. Luo and others, 1583CR0518 (Plymouth County).

Copy supplied.

Prosecutor: Jeremy Kusmin
Plymouth County District Attorney's Office
166 Main Street
Brockton, MA 02301
(508) 584-8120

Defense Counsel: Jack Atwood
88 Sandwich Street
Plymouth, MA 02360
(508) 747-1414

5. Commonwealth v. Parham, 1383CR0623 (Plymouth County).

Copy supplied.

Prosecutor: Shanan Buckingham
Plymouth County District Attorney's Office
166 Main Street
Brockton, MA 02301
(508) 584-8120

Defense Counsel: Pro se

6. Commonwealth v. Brown, 1583CR0049 (Plymouth County).

Copy previously supplied in response to Q13c.

Prosecutor: E. Russell Eonas
Plymouth County District Attorney's Office
166 Main Street
Brockton, MA 02301
(508) 584-8120

Defense Attorney: Joan Fund
1035 Cambridge Street (this office may be closed)
Suite 16D
Cambridge, MA 02141
(617) 945-9693

7. LeDoux v. Bristol Community College, 1273CV0918 (Bristol County).

Copy previously supplied in response to Q13c.

Plaintiff's Counsel: Philip N. Beauregard
32 William Street
New Bedford, MA 02740
(508) 993-0333

Defense Counsel: Daniel Gordon Cromack
Office of Attorney General, Trial Division
One Ashburton Place
Boston, MA 02108
(617) 963-2573

8. Kelley v. Kelley, 1083CV1135 (Plymouth County).

Copy previously supplied in response to Q13c.

Plaintiff's Counsel: Kristin M. Knuuttila

Knuuttila Law, LLC
175 Federal Street
Suite 1425
Boston, MA 02110
(617) 600-3010

Defense Counsel: Michael J. Sacchitella
Tufankjian McDonald Welch & Sacchitella
25 Crescent Street
Brockton, MA 02301
(508) 583-3939

9. Bragdon v. Town of Fairhaven, 1273CV0707 (Bristol County).

Copy previously supplied in response to Q13c.

Plaintiffs' Counsel: Ann Ponichtera-DeNardis
Ponichtera & Denardis, PC
Ten Park Place
New Bedford, MA 02740
(508) 991-3355

Defense Counsel: Thomas P. Crotty
Thomas P. Crotty & Associates, PLLC
5 Dover Street, #5
New Bedford, MA 02740
(508) 990-9101

10. Champa v. Weston Public School, 1281CV4475 (Middlesex County).

Copy supplied.

Plaintiff's Counsel: Peter Carr, III
Eckert Seamens Cherin and Mellott, LLC
Two International Place, 16th Floor
Boston, MA 02110
(617) 342-6800

Defense Counsel: Doris R. MacKenzie Ehrens
Murphy, Hesse, Toomey & Lehane, LLP
300 Crown Colony Drive, Suite 410
Quincy, MA 02169
(617) 479-5000

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

There are no 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.

Commonwealth v. Moniz, 1583CR00383, *rev'd*, 20-P-563 (May 7, 2021). Copy supplied. I allowed defendant's motion to vacate his guilty plea because I had not read him the statutory language regarding a particular adverse immigration consequence contained in the immigration warnings, pursuant to G. L. c. 278, § 29D, specifically that his guilty plea may result in his "exclusion from admission" to the United States. On the Commonwealth's appeal, the Appeals Court reversed, finding I substantially advised him of the pertinent immigration warning and verbatim recitation of the statute was not required.

Commonwealth v. Caldwell, 0083CR03158, *rev'd*, SJC -12907 (May 6, 2021). Copy supplied. Defendant was convicted on a joint venture theory for allegedly raping his 4-year-old niece, along with his two brothers. In his third motion for new trial, defendant asserted his counsel was ineffective because he failed to present expert testimony to suggest the complaining witness's testimony resulted from false memories developed from watching a particularly violent movie depicting brothers raping women. Defendant also asserted that newly discovered evidence indicates exculpatory evidence was withheld from the defense and such evidence would have provided impeachment material for the sole witness, who testified the defendant made a jailhouse confession. I denied defendant's motion for new trial. The Supreme Judicial Court reversed, finding the exculpatory evidence withheld was defendant's strongest basis to challenge the credibility of this witness.

Commonwealth v. DeFrancesco, 1883CR00018, *rev'd*, 99 Mass. App. Ct. 208 (2021). Copy supplied. Defendant was indicted for possession of drugs and firearms. Defendant filed a motion to suppress evidence, asserting the magistrate should not have issued a search warrant for one of multiple vehicles associated with defendant. I granted the motion to suppress, finding the search warrant affidavit failed to establish the requisite nexus between the items sought and the vehicle. The Appeals Court reversed, finding there was sufficient basis to authorize a search of the vehicle.

Commonwealth v. Ashford, 1083CR00205, *rev'd*, SJC 12874 (December 16, 2020). Copies supplied. This case involved defendant's conviction for a gun offense and sentencing pursuant to the Armed Career Criminal Act. After a jury-waived trial on the sentencing enhancement charges, another judge found the defendant guilty of the subsequent offense portion of his indictments based on two prior convictions, one of which was a conviction for assault and battery with

dangerous weapon. The case came before me on a motion for required finding of not guilty, following an appeal that was affirmed by the Appeals Court. I denied defendant's post-trial and post-appeal motion for required finding of not guilty. The Supreme Judicial Court applied a more recent decision retroactively and reversed. It held Commonwealth v. Brown, 479 Mass. 600 (2018) applies retroactively to convictions under G.L. c. 269, § 10(n). The legal effect requires the Commonwealth to prove defendant's knowledge that the firearm is loaded. The Court also held a prior conviction of assault and battery by means of a dangerous weapon must be based on intentional acts, not reckless ones, to constitute a predicate for sentencing enhancement under the Armed Career Criminal Act.

Boursiquot v. United Healthcare Services, 1983CR00267, *rev'd*, 96 Mass. App. Ct. 624 (2020). Copy supplied. This case involved an arbitration clause. Plaintiff filed suit claiming gender discrimination and retaliation. Upon commencement of an unpaid social work internship, the defendant hospital presented plaintiff an arbitration agreement that she signed along with her hiring papers. When subsequently hired for a paid position, defendant hospital provided plaintiff with new hiring papers, which did not include a new arbitration agreement. I denied defendant's motion to compel arbitration. The Appeals Court reversed my decision, ruling plaintiff's signing of the arbitration agreement required all disputes pertaining to her employment to be resolved by an arbitrator, including whether there was a valid arbitration agreement.

Leonard v. Zoning Board of Appeals of Hanover, 1683CV00024, *rev'd*, 96 Mass. App. Ct. 490 (2019). Copy supplied. This case was a consolidated action, involving a zoning dispute pertaining to outdoor space of a commercial establishment. The parties filed cross-motions for declaratory relief, regarding the interpretation of the zoning bylaws. I decided the cross-motions for a summary judgment, affirming the zoning board's determination that a special permit was required for an outdoor display, because it was not a lawful prior non-conforming use and required a special permit. Additionally, I decided the use of concrete barriers to separate the adjoining property was not a violation of the zoning bylaws and did not require a special permit. The Appeals Court affirmed my ruling in part and reversed in part. In affirming my decision, the Appeals Court also held the outdoor display was not a lawful non-conforming use and required a special permit and that the use of concrete barriers did not require a special permit. In reversing my decision, the Appeals Court held the town did not exhaust its administrative remedies, prior to seeking declaratory relief and vacated my rulings in connection with its claim. Essentially, the outcome was the same.

O'Connor v. Kadrmas Eye Care, and another, 1683CV00024, *rev'd*, 96 Mass. App. Ct. 273 (2019). Copy supplied. This case involved multiple claims and crossclaims between doctors separating from a medical practice. I allowed plaintiff's motion for summary judgment as to defendant's counterclaims for breach of fiduciary duty and breach of contract. The Appeals Court reversed my

decision on the breach of fiduciary duty claim, finding there was a genuine issue of material fact and affirmed my dismissal of defendant's breach of contract claim. Plaintiff filed claims for breach of contract and for non-payment of wages under the Wage Act. I entered summary judgment in favor of plaintiff on both claims. On plaintiff's claims, the Appeals Court affirmed in part and reversed in part. The Appeals Court reversed my ruling on the Wage Act claim, holding distributions under the stock agreement are not wages within the scope of the Wage Act and affirmed on the breach of contract claim, because defendant failed to raise a genuine issue of disputed fact.

Glottone v. Ford Motor Company, and another, 95 Mass. App. Ct. 704 (2019). Copy supplied. This case alleged a breach of expressed and implied warranties under the Lemon Law. I granted defendant's summary judgment motion, finding plaintiff was required to present expert testimony to prove the existence of a mechanical defect in the motor vehicle at the time of sale. The Appeals Court disagreed and held despite the buyer's modification and installation of a supercharger, a jury could, without expert testimony, determine the existence of a defect under the Lemon Law.

Commonwealth v. Widener, 91 Mass. App. Ct. 696 (2017). This case involved the Armed Career Criminal Act. After a jury-waived trial on the sentencing enhancement charges, I found the defendant guilty of the subsequent offense portions of his indictments based on three prior convictions, when the defendant had four prior convictions. Consequently, I sentenced the defendant to a mandatory minimum term of imprisonment of fifteen years for having three prior convictions. The Appeals Court reversed and remanded the case after deciding the sentence under the ACCA was not proper without specifying which of the four prior convictions I relied upon to enhance his sentence based on having three prior convictions. The Appeals Court reversed based on a recent SJC case that was decided after my sentence was imposed, which states that the ACCA "applies only when a defendant's previous convictions of three qualifying crimes 'arising from separate incidences' were the results of separate, sequential prosecutions." Commonwealth v. Resende, 474 Mass. 455, 469 (2016). The Appeals Court found two of defendant's previous convictions were two separate offenses, charged separately, but defendant pled guilty to both and sentence to both on the same date, which therefore did not constitute "sequential prosecutions" and were not "separate incidences," under Resende. Consequently, the Appeals Court ruled those two prior convictions could not be counted as two separate convictions eligible to be used for sentencing enhancement under the ACCA. Defendant still had three prior convictions of qualifying crimes. I therefore resentenced him to the same mandatory minimum sentence based upon the three prior convictions.

Figuerado v. Sturdy Memorial Hospital, 1373CV00489, *rev'd*, 89 Mass. App. Ct. 1134 (2016). Copy supplied. This case involved a claim of medical malpractice. I granted defendant's motion to dismiss for plaintiff's failure to post the \$6,000 bond, required within 30 days of a medical tribunal's findings. The Appeals Court held the motion should not have been granted, because the 30th day was on a

Sunday, and plaintiff was permitted to post the bond on Monday, the 31st day after the tribunal.

Champa v. Weston Public Schools, 1281CV4475, *rev'd*, 473 Mass. 86 (2015). Copy previously supplied in response to Q13d. This case involved plaintiff's request for declaratory judgment requiring disclosure of settlement agreements between the town's public school and parents of students in special education programs, regarding the payment and placement of students in out-of-district private schools. The legal issues involved several state statutes and regulations pertaining to the public records laws and any applicable exemptions. I found the agreements were a matter of public record and did not meet any exemption thereby requiring disclosure, but also determined that portions of the agreements were private and would require redaction. On appeal, the Supreme Judicial Court reversed my decision, stating I interpreted the statutes too narrowly and the records were exempt from disclosure, but nonetheless agreed with me that after proper redaction the records must be disclosed.

Sturm Corporation v. Gilbane Building Company, 1282CV0113, *rev'd*, 2014-P-1866 (July 31, 2015). Copies supplied. In this case, plaintiff alleged defamation and other claims. I granted defendant's summary judgment motion that asserted it was protected by the qualified common interest privilege for any defamatory statements. The Appeals Court disagreed and reversed, finding the defendant did not establish on the undisputed record that the statements were entitled to the qualified privilege, therefore they were not entitled to summary judgement.

Commonwealth v. Sheppard, 0931CR001613, *rev'd*, 84 Mass. App. Ct. 1135 (2014). Copy supplied. This case involved a motor vehicle accident that resulted in a fatality. Defendant filed a motion to suppress results of a blood test for narcotics. I granted defendant's motion to suppress because there was no evidence of a written consent for specifically testing for narcotics. The Appeals Court reversed and held the Commonwealth proved consent for the blood draw and for narcotics testing, in addition to alcohol testing.

Commonwealth v. Huggins, 0915CR02209, *aff'd*, 84 Mass. App. Ct. 107 (2013). Copy supplied. I denied from the bench the defendant's motion to dismiss the criminal charges against him. The Appeals Court affirmed my decision but stated that the motion did not require an evidentiary hearing and should have been decided on the written statements supporting the Commonwealth's complaint.

Commonwealth v. Poole, 1034CR3310, *rev'd*, 83 Mass. App. Ct. 1129 (2013). Copy supplied. The defendant was charged with operating under the influence of alcohol, third offense. I granted defendant's motion to suppress, finding that the police lacked reasonable suspicion to stop a motor vehicle. The Appeals Court disagreed and reversed, holding there was sufficient evidence to support reasonable suspicion for the motor vehicle stop.

- 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.

I have issued well over one hundred opinions during my near 12 years on the bench as a District and Superior Court Judge. I am unable to provide an exact number. I regularly decide both dispositive and non-dispositive motions in civil and criminal cases. The number of unpublished opinions probably constitute about 99 percent of the total. All opinions are stored in court files, maintained in the Clerk's Office, and are available to the public. Around 2015, the Massachusetts state trial courts commenced an electronic docketing system, where opinions are accessible. This system is unable to generate a list of issued 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.

I have not written any significant opinions on federal or state constitutional issues.

- 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.

In the Superior Court we are assigned to a session for three months at a time.

Superior Court Judges may move between different sessions within a courthouse or in different counties. Cases are assigned to the session, not the judge. During the three-month-sitting, each judge presides over the cases assigned to the session. Some judges may have recusal lists for cases involving family members or former law partners. The clerk's office will steer those cases to another session to avoid any conflicts of interest. It is common for the issue of recusal to arise upon the calling of a case.

While sitting in Norfolk County on a civil case, whose name I am unable to recall, an attorney sought my recusal because a member of his firm was on the Governor's Council at the time of my last confirmation hearing and his partner voted against my nomination. As required by the Massachusetts Code of Judicial Conduct, Rule 2.11, I first conducted a subjective evaluation of my ability to decide fairly and impartially the case, and then an objective analysis, to determine whether a fully informed disinterested observer might reasonably question my impartiality. I determined that I could be impartial and that a fully informed disinterested person would not question my impartiality, because I had already decided several motions in the case, within the year prior to the motion for recusal and the lawyer had not previously filed a motion for recusal. Additionally, the council member never appeared on the case and I was not aware the council member was a part of the same firm. The motion for recusal appeared to me to be an attempt at forum shopping, specifically because to have the case transferred to one of the two other judges in the courthouse the same issue would exist. These two other judges were appointed after me and their hearings would have included the same council member. Without knowledge of the council member's vote for these two judges, the case would be heard by a judge, whom the council member voted in favor of or one whom she opposed. Therefore, any conceivable question of impartiality would also exist for each civil judge in that courthouse at that time. Counsel never requested, pursuant to Superior Court Standing Order 9-80, special assignment to a judge, who did not appear before the Governor's Council during the tenure of that council member. I therefore denied the motion.

In the same county on another civil case, whose name I am unable to recall, I sua sponte recused myself from hearing a motion to be argued by the former United States Attorney, who had hired me as an Assistant United States Attorney. Even though I determined I could handle fairly and impartially the matter, I determined that, due to the relationship with my former boss, one might reasonably question my impartiality. That motion was assigned to another civil session, while I sat in that county.

While sitting in Attleboro District Court, I sua sponte recused myself from a case, whose name I am unable to recall. I was in the process of taking a plea and sentencing a defendant, when he informed me that he had been to my mother's home to perform home repairs. Because of my concerns for my mother's safety, I questioned my ability to sentence the defendant without fear of retaliation. The plea was taken by another judge.

Also, while in Attleboro District Court, I was hearing a bail argument in a case whose name I am unable to recall, when court staff alerted me that the defendant reported knowing me. I discovered the defendant appearing before me had recently been to my home to deliver a vehicle. This case was given to another session for handling.

While sitting in a Brockton Superior Court civil session, I had recently heard argument on a motion, when I discovered my husband was in the midst of a business transaction with one of the litigants to purchase a vehicle. I sua sponte recused myself from deciding the motion that was taken under advisement. Due to the temperament of the litigant, the business transaction with my husband, and because the litigant had been to my home, I decided the prudent course of action was to recuse myself from deciding the case. The motion was assigned to another session.

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 my judicial position.

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

None.

16. Legal Career: Answer each part separately.

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

I never served as a clerk to a judge.

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

I never practiced law alone.

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

1993 – 1997

The Legal Aid Society
Juvenile Rights Division
110 Livingston Street
Brooklyn, New York 11201
Staff Attorney

1997 – 2005

The Port Authority of New York & New Jersey
New York Litigation Division
4 World Trade Center, 24th Floor
New York, New York 10007
Staff Attorney (1997 – 2003)
Senior Trial Attorney (2003 – 2005)
Assistant Chief of New York Litigation division (2005)

2005 – 2007

Harvard Law School
Harvard Legal Aid Bureau
23 Everett Street
Cambridge, Massachusetts 02138
Clinical Instructor

2007 – 2009

United States Attorney's Office
Major Crimes Unit
One Courthouse Way, 9th Floor
Boston, Massachusetts 02210
Assistant United States Attorney

2009 – 2013

Commonwealth of Massachusetts Trial Court
District Court
24 Chardon Street
Boston, Massachusetts 02108
Judge

2013 – present

Commonwealth of Massachusetts Trial Court
Superior Court

3 Pemberton Square, 13th Floor
Boston, Massachusetts 02108
Judge

- 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 served as a Smalls Claims Arbitrator in New York State, Bronx County in 2004 and 2005. I sat on average once a month for two years hearing claims up to \$3,000. I heard more than 50 cases and I am unable to recall any significant matters.

b. Describe:

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

Notwithstanding the teaching components of my clinical teaching position, 100 percent of my legal career as an attorney was in public sector litigation. My practice included discovery and motion practice, as well as trials in civil and criminal cases, as defense counsel and prosecution in state and federal courts. For two years, as a Clinical Instructor/Supervising Attorney at Harvard Law School, I split my time teaching and practicing law. In 2009, I was appointed to the state District Court as a judge and then in 2013 I was appointed to the Superior Court. Both are courts of general jurisdiction.

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

From 1993 to 1997, I was a staff attorney with the Legal Aid Society, Juvenile Rights Division, serving as a Law Guardian in child protective matters, representing abused and neglected children, and served as a public defender in cases alleging juvenile delinquency and commission of status offenses in Brooklyn Family Court.

Between 1997 and 2005, I worked at The Port Authority of New York and New Jersey, Law Department. I was hired as a staff attorney and promoted to Senior Trial Attorney in 2003, then promoted again to Assistant Chief of the New York Litigation Division in 2005. As trial counsel, I was primarily engaged in civil defense litigation and represented the Port Authority in cases involving general tort claims, alleged violations of federal civil rights (*e.g.*, employment discrimination and police misconduct), insurance disputes, Federal Employers Liability Act cases involving railroads, aviation, and maritime matters. Due to my prior

criminal practice, I specialized in cases alleging police misconduct, excessive use of force and false arrest. As in-house counsel, I provided legal advice to the various operating departments and provided other legal services to the bi-state agency.

From 2005 to 2007, I taught at Harvard University Law School's Legal Aid Bureau as a Clinical Instructor/Supervising Attorney. I taught substantive family law and litigation skills. I supervised students in the handling of cases on behalf of indigent clients and victims of domestic violence, in divorce proceedings, custody disputes, and child support matters in the Probate and Family Court in Suffolk and Middlesex counties.

From 2007 until my appointment to the District Court bench in 2009, I was an Assistant United States Attorney in the Major Crimes Unit at the Boston office of the United States Attorney's Office. I prosecuted crimes such as bank robberies, drug and gun offenses, crimes against children (child pornography and sex trafficking of minors), immigration violations, federal employee embezzlement, and crimes committed on federal property.

- 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.

While working at the Legal Aid Society from 1993 through 1997, I appeared in Family Court frequently, almost daily. While working at the Port Authority of New York and New Jersey from 1997 to 2005, I was in court several days per week, in state or federal court. While working at the Harvard Legal Aid Bureau between 2005 and 2007, I appeared in the Probate and Family Court or administrative agency with my students several times per week. While working at the United States Attorney's Office, from 2007 to 2009, I appeared in federal court several times per week.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 45% |
| 2. state courts of record: | 50% |
| 3. other courts: | 1% |
| 4. administrative agencies: | 4% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 70% |
| 2. criminal proceedings: | 30% |

- 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 tried approximately 25 jury trials in New York State courts and three Federal courts (Southern District of New York, Eastern District of New York, and District of Massachusetts). I am unable to estimate the number of non-jury trials that I tried in the Brooklyn Family Court and Massachusetts Probate and Family Courts in civil and juvenile delinquency cases. Because the exact number of bench trials is unknown and too voluminous to estimate, the percentages below represent a rough estimate. I often tried several bench trials per week and they generally lasted a couple of hours.

- 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 never practiced before the Supreme Court of the United States.

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

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

- 1. United States v. Frabizio, 03-CR-10283 (D. Mass.)

The defendant was indicted for possession of child pornography. The case was initially tried before a jury in 2007. That trial resulted in a hung jury. In 2009, I was assigned as co-counsel to try this case for the second time to give the prosecution of the case a fresh perspective. The primary issue at trial was whether the pornographic images in defendant's possession were images of real children. We presented expert

testimony from a pediatrician to prove the age of the subjects and the defendant presented expert testimony to establish the ease of manipulating photographic images to make the subject appear younger. In the second trial, the jury returned a guilty verdict.

Representation: 2009

Judge and Court: The Honorable Nancy Gertner, United States District Court for the District of Massachusetts

Co-counsel:

Dana Gershengorn
Formerly Assistant United States Attorney
Currently Associate Justice of the Juvenile Court
1 Center Plaza
7th Floor
Boston, MA 02108
(617) 788-6550

Opposing counsel:

Miriam Conrad
Office of Federal Defenders
51 Sleeper Street, #5
Boston, MA 02210
(617) 223-8061

2. United States v. Riley, 08-CR-10375 (D. Mass.)

In 2009, I obtained a single indictment against a defendant for felon in possession of a firearm. I worked with an Assistant U.S. Attorney from Maine to transfer a single indictment from Maine to Massachusetts. Once transferred the indictments were consolidated, and the defendant pled guilty to both indictments.

Representation: 2009

Judge and Court: The Honorable Douglas Woodlock, United States District Court for the District of Massachusetts

I did not have co-counsel.

Opposing counsel:

Charles McGinty (retired)
Officer of Federal Defenders

51 Sleeper Street, #5
Boston, MA 02210
(617) 223-8061

3. United States v. Nguyen, 07-CR-10054 (D. Mass.)

In 2008, I joined the trial team at the trial stage. I served as second chair at trial. This case involved the making of false statements in a citizenship application. The jury returned a guilty verdict.

Representation: 2008

Judge and Court: The Honorable Nancy Gertner, United States District Court for the District of Massachusetts

Co-counsel:

Jeremy Sternberg
United States Attorney's Office
One Courthouse Way
Boston, MA 02210
(617) 748-3100

Opposing counsel:

Edward Lee
65 Franklin Street, Suite 500
Boston, MA 02110
(617) 350-6882

4. The Port Authority Asian Jade Society, and others, v. The Port Authority of New York and New Jersey, 05-CV-3835 (S.D.N.Y.)

I was sole counsel assigned to handle a race discrimination lawsuit filed by 13 plaintiffs. Thirteen members of the Asian Jade Society (Asian-American police officers association) filed a lawsuit against the Port Authority alleging race discrimination. Prior to my departure from the Port Authority, I answered the complaint, conducted initial investigation, discovery, as well as development of case strategy, then interviewed and retained trial and consulting experts. The case continued for several years after my departure from the Port Authority in 2005 and was ultimately tried before a jury in March 2009.

Representation: 2005

Judge and Court: The Honorable Miriam Cedarbaum, United States District Court for the Southern District of New York

I did not have co-counsel.

Opposing counsel:

Karen King
Cravath, Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019
(212) 474-1000

5. Taveras v. The Port Authority of NY & NJ, 03-CV-4478 (S.D.N.Y.)

In this suit alleging civil rights violations (employment discrimination), plaintiff, a New York City Police Officer, sued the Port Authority, alleging it denied plaintiff an employment opportunity with the Port Authority Public Safety Department as a police officer, due to his failure to meet the physical and visual acuity requirements. I handled the case representing the Port Authority as sole counsel from receipt of complaint through dismissal of the case. I filed the summary judgment motion and the court allowed the motion.

Representation: 2004 – 2005

Judge and Court: The Honorable Judge Shira Scheindlin, United States District Court for the Southern District of New York

I did not have co-counsel.

Opposing counsel:

Brian Raum
99 Wall Street, 19th Floor
New York, NY 10005
(212) 361-3717

6. Martin v. The Port Authority of New York and New Jersey, et. al., 110352/03

In this railroad claim pursuant to Federal Employers Liability Act, I answered the complaint on behalf of the Port Authority, conducted discovery, and negotiated a settlement of this action from receipt of the complaint in 2004. The case resulted in a multimillion-dollar settlement arising from a train derailment that caused substantial physical damages to a young patron.

Representation: 2004

Judge and Court: Judge unknown, New York Supreme Court

I did not have co-counsel.

Opposing counsel:

Michael Levine
445 Broad Hollow Road
Melville, NY 11747
(631) 293-2300

7. Traore v. Sgt. Silva et. al., 02-CV-3795 (E.D.N.Y.)

At the time I took over this case as lead counsel for the Port Authority, the case involved Section 1983 allegations of civil rights violations against five police officers, claiming police misconduct and excessive use of force. Initially, there were ten named police officers as defendants. Plaintiff was seeking compensatory and punitive damages. This case was transferred to me as sole counsel during the discovery phase. I completed discovery, filed motions in limine, and tried the case to a defense verdict.

Representation: 2004 – 2005

Judge and Court: The Honorable Sterling Johnson, United States District Court for Eastern District of New York

I did not have co-counsel.

Opposing counsel:

Fred Brian Lichtmacher and Michael Gorman
The Law Office of Fred Lichtmacher P.C.
60 East 42nd Street, Suite 2001
New York, NY 10165
(212) 922-9066

8. Hanchi v. The Port Authority of NY & NJ, 120783/03

This was a personal injury case where the plaintiff was injured using an electric hand dryer in the ladies' room at the Port Authority Bus Terminal. I handled the case as sole counsel from receipt of complaint through settlement, including filing an answer, discovery requests, motions, and negotiating a \$350,000 settlement in 2004.

Representation: 2004

Judge and Court: Judge unknown, New York Supreme Court

I did not have co-counsel.

Opposing counsel:

Greenberg & Stein
295 Madison Avenue, 20th Floor
New York, NY 10017
(212) 681-2535

9. 9/11 Insurance Litigation – SR International Co. v. World Trade Center, et. al., 01-CV-9291 (S.D.N.Y.)

The Port Authority of New York and New Jersey was self-insured and had excess insurance coverage. Following the 9/11 terrorist attacks, insurance litigation was initiated to determine whether the two plane attacks on separate buildings constituted one attack or two. The Port Authority advocated for two occurrences, which would have doubled the coverage. Immediately following 9/11, I was tapped to join a small team of attorneys involved in the initial planning and strategy development for the upcoming insurance litigation. Due to the size of the litigation, number of insurers involved, and teams of attorneys involved, I am unable to provide the names and addresses of counsel.

Representation: 2001 – 2002

Judge and Court: The Honorable Michael Mukasey, United States District Court for the Southern District of New York

Lead counsel for the Port Authority:

Megan Lee
Assistant General Counsel
4 World Trade Center
150 Greenwich Street
24th Floor
New York, NY 10007
(212) 435-3435

10. 1993 World Trade Center Bombing cases – numerous cases

As a result of the 1993 World Trade Center bombing, over 400 personal injury and business interruption separate lawsuits were filed against the Port Authority of New York and New Jersey. I participated in large-scale discovery practice and conducted depositions and document discovery as a part of a team of attorneys on behalf of the Port Authority. Due to the size of the litigation, I am unable to provide a list of names and addresses.

Representation 1997 – 2001

Judge and Court: The Honorable Stanley Sklar, New York Supreme Court

Lead counsel for the Port Authority:

James Begley
Deputy General Counsel
4 World Trade Center
150 Greenwich Street
24th Floor
New York, NY 10007
(516) 255-5086

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.)

In 2016, Chief Justice of the Trial Court appointed me to chair the newly created Trial Court Public Outreach Committee. As Chair of the Public Outreach Committee, I lead the Committee in creating opportunities for judges and other court staff to participate in community outreach projects. The ABA created this initiative in 2017 to educate the public about the role of the judiciary and the importance of judicial independence in preserving the rule of law. In Massachusetts, we have expanded our outreach efforts beyond one week and to the entire month of March. In 2019, we recruited over 180 state court judges to make visits to over 200 schools, libraries, civic, religious and community groups. In January 2019, the ABA presented me with the Burnham “Hod” Greeley award for my leadership in these efforts. In addition to our work on NJOW, I arranged Listening Sessions in the community. In Plymouth county, we initially hosted listening sessions in the Courthouse, then in the community at the public library, and in the house of corrections where criminal defendants are detained on pre-trial status or sentenced to a period of incarceration. The purpose of these listening sessions was to create opportunities for judges to engage directly with the community to hear from court-users about their experiences. The insights gained from these events have been very informative and productive in our administration of justice.

In 2018, I suggested and organized an educational program for judges called the ABC’s on Drugs: Addiction – Behavior – Consequences. This was an educational primer for judges on drug use and addiction. I created this program because many judges come from personal and professional environments removed from drug activity and only encounter this aspect of society while hearing cases. The program covered current trends in street

level drug dealing, the nature of addiction, the impact on the communities and treatment options. The presenters included a state trooper, probation officers, treatment providers and persons in recovery.

As a Superior Court Judge, I served as the Regional Administrative Judge in Plymouth County for four years. I arranged quarterly Bench-Bar meetings and educational programs for court employees, judges, and the bar. One of the educational programs was called Sentencing and Beyond, which focused on understanding the calculation of jail credit for good time, classification in the Department of Corrections (DOC), programs offered in DOC, and the interplay between probation and parole. I organized other programs such as the effective use of GPS devices, Office of Community Corrections, Re-entry services, and introduction of the new Pre-Trial Services unit in the Probation Department. Additionally, I organized a program on Cultural Awareness and Sensitivity. This program was an open dialogue with the bar to raise cultural awareness and sensitivity to ensure everyone using the courthouse is treated with dignity and respect.

As an Assistant United States Attorney, I participated in two special federal court programs as the representative from the U.S. Attorney's Office. I was one of two designated representatives from the U.S. Attorney's Office to serve in the federal court's Court Assisted Recovery Effort (CARE) program, run by then-United States Magistrate Judge Leo Sorokin. CARE is a program that intensely supervises defendants with long-term drug addiction problems when they are released back into the community. The program's goal is to keep the community safe by helping defendants create sober, gainfully employed, and law-abiding lives, through rehabilitation.

I also volunteered to serve as the liaison to a pilot re-entry program, run by then-United States Magistrate Judge Timothy Hillman. The purpose of RESTART (Re-entry: Empowering Successful Todays and Responsible Tomorrows) is to provide a comprehensive and coordinated network of services to defendants returning into the community, with the goal of reducing recidivism and aiding in their successful reintegration into society. Re-entry support and services has proven to be successful at reducing recidivism. Defendants who served long prison terms or who were incarcerated at a young age, often return to the community without support and adequate skills to survive lawfully in the community. Successful re-entry programs set goals to eliminate the contributing factors that lead individuals to return to criminal activity.

While at the United States Attorney's Office, I was designated the Point of Contact for all investigations of child sex trafficking as a part of the Justice Department's initiative against child exploitation and obscenity crimes. I also participated in Boston's Human Trafficking Task Force.

On September 11, 2001, The Port Authority of New York and New Jersey lost 87 employees, including 37 police officers. I personally knew many of these officers and taught with them at the police academy. In honor of their sacrifice, I volunteered my legal services to their families. It was my honor and duty to offer my legal services to the

families of these courageous men and women. For my volunteer work, I received a Certificate of Recognition.

I have never performed 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 taught Trial Advocacy in Fall 2018, Fall 2019, and Fall 2020 at Boston University School of Law. The course covered basic trial techniques and the art of advocacy. The students learned to deliver opening statements, conduct skilled direct and cross-examinations, and present persuasive closing arguments. Representative syllabus supplied.

I have taught one or two sections of Trial Advocacy at Suffolk University in a semester, typically in the Spring, starting from 2012, but sometimes in the Fall too. The course covered basic trial techniques and the art of advocacy. The students learned to deliver opening statements, conduct skilled direct and cross-examinations, and present persuasive closing arguments. Representative syllabus supplied.

I have served as a part of a team of instructors who teach a one-week Trial Advocacy course at Emory Law School for the Kessler-Eidson Program for Trial Techniques. I taught the course in the Spring Terms in 2016, 2017, 2018, and 2019. I am unable to locate any syllabi.

I have served as a part of a team of instructors who taught a one-week Trial Advocacy Workshop at Harvard Law School. I taught this course during the Fall Terms from 2008 through 2015. I am unable to locate any syllabi.

I served as Clinical Instructor at Harvard Law School's Legal Aid Bureau from 2005 to 2007. I taught litigation skills and joined other clinical faculty staff in teaching classes involving domestic relations and administrative hearings. I am unable to locate any syllabi.

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 contributed funds into the New York State Deferred Compensation Plan. I do not have specific plans for distribution of those funds.

I contributed funds into the Massachusetts Deferred Compensation Smart Plan. I do not have specific plans for distribution of those funds.

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.

Currently, I am scheduled to teach Trial Advocacy at Boston University Law School in the Fall of 2021. I have no other commitments. If confirmed, I am likely to resume teaching in some capacity at schools or other educational programs.

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 am unaware of any family members or other persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interests. However, if confirmed, I will recuse myself from any litigation where I have played a role in representing or advising any party to the litigation. I will also recuse myself from matters involving family members or matters in which I have financial interests. I will remain vigilant for real or potential conflicts that could give rise to an appearance of a conflict. Potential conflicts will be evaluated on a case-by-case basis. I will determine the appropriate action after review of the canons of ethics and consultation with the parties. If necessary, I will recuse myself.

- 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, to address any real or potential conflicts I will carefully consult and

will comply with the Code of Conduct for United States Judges and applicable statutes, including 28 U.S.C. § 455, any and all applicable laws, rules, and practices governing such circumstances. If appropriate, I would notify all parties of the potential conflict of interest, and consult with them about it, to determine the appropriate resolution. If appropriate, I will recuse myself.

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 dedicated my entire professional career to public interest and public service work. On my personal time, I have also served disadvantaged communities. In 2007, post-Hurricane Katrina, I volunteered one week in New Orleans, Louisiana to assist a community based non-profit organization with legal matters, involving efforts to reclaim public housing for displaced residents. As a judge, I am prohibited from providing pro bono legal services, but I continue to work with bar associations to serve the community. In 2010, I organized a community service project for the Women Bar Association's Women of Color Committee to develop programming for at-risk adolescent girls involved with Roxbury Youthworks, Inc. From that experience, I joined the Board of Roxbury Youthworks, Inc., which is a community based non-profit organization for at-risk juveniles involved with the Massachusetts child protective agency and youth services. Since 2016, I have extended my pro bono activities to include international service projects with Lawyers Without Borders, teaching in Liberia, Tanzania, and Kenya.

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 2017, I submitted my application to the bipartisan Advisory Committee on Massachusetts Judicial Nominations and interviewed with both U.S. Senators, and then the White House in 2018. The White House took no action on my application. In 2019, new members were appointed to the bipartisan advisory committee. I applied again, interviewed with the bipartisan advisory committee and my application was advanced again to the senators. No action was taken.

On January 1, 2021, Senators Elizabeth Warren and Edward Markey announced new committee members to the bipartisan Advisory Committee on Massachusetts Judicial Nominations to consider applications for federal judicial vacancies in the United States District Court for the District of Massachusetts. On January 18, 2021, I submitted my application for consideration. I interviewed with the advisory committee on February 4, 2021. I interviewed with Senators Warren and Markey on February 17, 2021. I interviewed with attorneys from the White House Counsel's Office on February 23, 2021. Since February 25, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On May 12, 2021, my nomination was submitted 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.