

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Julia Eleanor Kobick

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 of the Massachusetts Attorney General
1 Ashburton Place, 20th Floor
Boston, Massachusetts 02108

I currently reside in Cambridge, Massachusetts.

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

1983; Boston, Massachusetts.

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.

2008 – 2010, Harvard Law School; J.D., *magna cum laude*, 2010

2007 – 2008, Boston College Law School; no degree received

2005 – 2007, Pace University; M.S., 2007

2001 – 2005, Harvard College; A.B., *cum laude*, 2005

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
Office of the Massachusetts Attorney General
1 Ashburton Place, 20th Floor
Boston, Massachusetts 02108
Deputy State Solicitor (2021 – present)
Assistant Attorney General (2013 – 2021)

2012 – 2013
Honorable Ruth Bader Ginsburg
Supreme Court of the United States
1 First Street, Northeast
Washington, DC 20543
Law Clerk

2011 – 2012
Honorable Michael A. Chagares
United States Court of Appeals for the Third Circuit
Frank R. Lautenberg Post Office and Courthouse
2 Federal Square, Room 357
Newark, New Jersey 07102
Law Clerk

2010 – 2011
Honorable F. Dennis Saylor IV
United States District Court for the District of Massachusetts
Donohue Federal Building
595 Main Street
Worcester, Massachusetts 01608
Law Clerk

2009 – 2010
Professor Jon Hanson
Harvard Law School
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138
Research Assistant

Summer 2009
Hogan & Hartson LLP (now Hogan Lovells US LLP)
Columbia Square
555 13th Street, Northwest
Washington, DC 20004
Summer Associate

Spring 2009

City of Boston Law Department
1 City Hall Square
Boston, Massachusetts 02201
Intern

Fall 2008
Professor Tomiko Brown-Nagin
Harvard Law School
Dean, Radcliffe Institute for Advanced Study
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138
Research Assistant

Summer 2008
Office of the Governor's Legal Counsel
Massachusetts State House
24 Beacon Street
Boston, Massachusetts 02133
Summer Intern

2007 – 2011
Cabot House, Harvard University
60 Linnaean Street
Cambridge, Massachusetts 02138
Resident Tutor

Summer 2006
Hunt Alternatives Fund: Institute for Inclusive Security
625 Mount Auburn Street
Cambridge, Massachusetts 02138
Summer Intern

2005 – 2007
New York City Department of Education
P.S. 86, Kingsbridge Heights Elementary School
2756 Reservoir Avenue
Bronx, New York 10468
Second and Third Grade Teacher

2005 – 2007
Teach for America
25 Broadway, 12th Floor
New York, New York 1004
Corps Member

Other Affiliations (Uncompensated)

2019 – present
Tween Decks Association, Inc.
Elisabeth Doucett, registered agent
6 LedgeWood Drive
Brunswick, Maine 04011
Treasurer

2015 – present
Rappaport Center for Law and Public Policy
Boston College Law School
Barat House
885 Centre Street
Newton, Massachusetts 02459
Member, Board of Directors

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

I did not serve in the military. I was not required to register for the selective service.

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

Attorney General Elliot L. Richardson Award for Excellence (2019)

Massachusetts Lawyers Weekly, Excellence in Law: Up and Coming Attorneys Award (2016)

Degree from Harvard Law School conferred *magna cum laude* (2010)

Rappaport Fellowship in Law and Public Policy (2008)

Boston College Law School Alumni Scholarship (2007)

Degree from Harvard College conferred *cum laude* (2005)

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.

The Appellate Project, Mentor (2020 – present)

Boston Bar Association (2014 – present)

Women’s Bar Association (2014 – 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.

Massachusetts, 2011

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, 2015

United States Court of Appeals for the First Circuit, 2014

United States District Court for the District of Massachusetts, 2013

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.

Rappaport Center for Law and Public Policy, member of the Board of Directors (2015 – present)

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

To the best of my knowledge, none of the organizations listed in my response to Question 11a 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.

With R. Quinan, *Judicial Review of Agency Interpretations of Law*, LexisNexis® Practice Guide: Massachusetts Administrative Law and Practice § 4.04 (Randazzo & Hitt, eds. 2017). Copy supplied.

Note, *Discriminatory Intent Reconsidered: Folk Concepts of Intentionality and Equal Protection Jurisprudence*, 45 Harv. C.R.-C.L. L. Rev. 517 (2010). Copy supplied.

Negotiated Rulemaking: The Next Step in Regulatory Innovation at the Food and Drug Administration?, 65 Food & Drug L.J. 425 (2010). Copy supplied.

With J. Knobe, *How Research on Folk Judgments of Intentionality Can Inform Statutory Interpretation*, 75 Brook. L. Rev. 409 (2009). Copy supplied.

Let's Go Greece (2005). Copy supplied.

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

Listed below are annual reports issued by the Rappaport Center for Law and Public Policy during my time on the Board of Directors. The Rappaport Center's staff produces the annual report to update donors and supporters about the work of the Center. Each annual report lists the organization's Board of Directors by name and thus my name is on reports that were issued during my board service. I did not draft, review, or edit these reports before they were sent.

"2020–2021 Annual Impact Report," The Rappaport Center for Law and Public Policy. Copy supplied.

“2019–2020 Annual Impact Report,” The Rappaport Center for Law and Public Policy. Copy supplied.

“2018–2019 Annual Report,” The Rappaport Center for Law and Public Policy. Copy supplied.

“2017–2018 Annual Impact Report,” The Rappaport Center for Law and Public Policy. Copy supplied.

“2016–2017 Annual Report,” The Rappaport Center for Law and Public Policy. Copy supplied.

“2015–2016 Annual Report,” The Rappaport Center for Law and Public Policy. Copy supplied.

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

None.

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

To the best of my recollection, and after searching my files and the internet, I have participated in panel discussions or given remarks at the following public events:

May 20, 2022: Speaker, The Presentation of the Portrait of The Honorable F. Dennis Saylor IV to the United States District Court, Boston, Massachusetts. Notes supplied.

November 17, 2021: Panelist, 2021 Women in Litigation Joint CLE Conference, ABA Litigation Section, American Bar Association, *A Tribute to Ruth Bader Ginsburg*, Boston, Massachusetts. Outline supplied.

July 28, 2021: Panelist, Section 8 Alumni Panel, Harvard Law School, Cambridge, Massachusetts. I participated in a panel discussion of Harvard Law

School alumni about our professional backgrounds and our experience as transfer students at the law school. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

March 10, 2021: Guest Lecturer, *Who Should Decide? Executive and Legislative Power in a Pandemic*, Seminar in Law and Public Policy, Boston College Law School, Newton Centre, Massachusetts. Outline and notes supplied.

July 1, 2020: Presenter of Opening Remarks, Rappaport Center for Law and Public Policy, *COVID-19 and Federalism: Opportunities and Challenges*, Newton Centre, Massachusetts. Video available at <https://www.youtube.com/watch?v=XhFKN2UIDEM>.

February 13, 2018: Presenter of Opening Remarks, Rappaport Center for Law and Public Policy, *Campaign Finance*, Newton Centre, Massachusetts. Remarks supplied.

June 16, 2016: Panelist, Harvard Law School Office of Public Interest Advising, Harvard Law School Summer Speaker Series 2016, Cambridge, Massachusetts. I gave remarks focused on my career path and on my advice for students who intend to pursue public interest law. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

June 1, 2016: Presenter, Rappaport Center for Law and Public Policy, Discussion with Summer Fellows on Government Lawyering, Boston, Massachusetts. Notes supplied.

April 26, 2016: Panelist, American Constitution Society, *The New Supreme Court: What Lies Ahead and How to Get There*, Boston, Massachusetts. The panel focused on potential changes at the Supreme Court after Justice Scalia's passing. I have no notes, transcript, or recording. The address for the American Constitution Society is 1899 L Street, Northwest, Suite 200, Washington, DC 20036.

October 29, 2014: Panelist, All About Clerkships for Public Interest Careers, Harvard Women's Law Association Public Interest Committee, Harvard Law School, Cambridge, Massachusetts. I spoke to law students as part of a panel of alumni who had completed clerkships and were working in public interest jobs. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

July 9, 2014, Presenter, Rappaport Center for Law and Public Policy, Discussion with Summer Fellows on the Inner Workings of the Supreme Court, Boston, Massachusetts. I gave an overview of the Supreme Court's practices and

procedures. I have no notes, transcript, or recording. The address for the Rappaport Center is Boston College Law School, 885 Centre Street, Newton Centre, Massachusetts 02459.

February 14, 2014: Presenter, Social Law Library, Researching, Interpreting, Applying, and Challenging Regulations in Massachusetts, Boston, Massachusetts. Presentation and notes supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

K. Griffin, "*She Changed the World*": Justice Ruth Bader Ginsburg, *Landmark Jurist, Dies at 87*, The Harvard Crimson (Sept. 21, 2020). Copy supplied.

Interview with Quincy Walters of WBUR (Sept. 19, 2020). I am unable to locate a transcript or recording.

Excellence in the Law 2016, Massachusetts Lawyers Weekly (Apr. 4, 2016). Copy supplied.

Students Work to Make a Difference, Cambridge Chronicle (Aug. 19, 2008). Copy supplied.

K. Jobson, *The Institute of Prima Donnas*, The Harvard Crimson (Apr. 10, 2003). Copy supplied.

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

I have not held judicial office.

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

- i. Of these cases, approximately what percent were:

jury trials: _____ %
bench trials: _____ % [total 100%]

- ii. Of these cases, approximately what percent were:

civil proceedings: _____ %
criminal proceedings: _____ % [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- 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.

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.

None.

- 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.

I have not held office or any official position in a political party or election committee. I have volunteered for a few political campaigns. To the best of my recollection, those include:

2004: John Kerry for President. On one occasion, I volunteered to knock on doors and hold signs for the campaign.

2014: Eric Lesser for Massachusetts State Senate. On one occasion, I volunteered to knock on doors for this campaign.

2018: Chris Pappas for Congress. On one occasion, I volunteered to knock on doors for this campaign.

2020: Elizabeth Warren for President. On one occasion, I volunteered to knock on doors for this campaign.

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 2010 to 2011, I served as a law clerk to the Honorable F. Dennis Saylor IV, United States District Court for the District of Massachusetts.

From 2011 to 2012, I served as a law clerk to the Honorable Michael A. Chagares, United States Court of Appeals for the Third Circuit.

From 2012 to 2013, I served as a law clerk to the Honorable Ruth Bader Ginsburg, Supreme Court of the United States.

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

I have not practiced law alone.

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

2013 – present

Office of the Massachusetts Attorney General

1 Ashburton Place, 20th Floor

Boston, Massachusetts 02108

Deputy State Solicitor (2021 – present)

Assistant Attorney General (2013 – 2021)

- 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 not served as a mediator or arbitrator in alternative dispute resolution proceedings.

- b. Describe:

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

I began my legal career clerking for judges on the United States District Court for the District of Massachusetts, the United States Court of Appeals for the Third Circuit, and the Supreme Court of the United States. After those clerkships, in 2013, I joined the Office of the Massachusetts Attorney General.

From 2013 to the summer of 2021, when I served as an Assistant Attorney General, my law practice focused on civil litigation. Typically, I handled cases defending state laws, regulations, and agency actions, though I also handled affirmative cases brought by the Commonwealth of Massachusetts. Many of my cases involved constitutional challenges to state laws or challenges to state agency actions under the Massachusetts Administrative Procedure Act. I practiced in trial and appellate courts, federal and state, and my practice spanned a range of substantive areas. Some of those included healthcare; child welfare; administrative law; constitutional issues, such as First Amendment, Second Amendment, and Fourteenth Amendment claims and preemption questions; and proceedings involving various federal statutes, including the Food, Drug, and Cosmetic Act, the Social Security Act, the Magnuson-Stevens Act, the Individuals with Disabilities Education Act, and the Administrative Procedure Act.

In trial court, I led and was a member of teams handling complex litigation, and I handled many cases as sole counsel. My cases typically involved motion practice; I drafted and advised on dozens of dispositive and non-dispositive motions. I examined witnesses, argued motions for interlocutory relief, and argued more than 20 dispositive motions. I led cases through all aspects of discovery, including depositions, document exchange, and exchange of expert reports. I was also a member of a team that tried a civil case in a federal bench trial. In the appellate context, I wrote dozens of party and amicus briefs and presented oral argument in 19 cases.

Since 2021, I have served as Deputy State Solicitor, and my law practice has focused primarily on civil and criminal appellate litigation. I review briefs for and consult on major civil appellate matters in which the Commonwealth or its agencies or officers is a party, as well as major criminal appellate matters handled by the Attorney General's Office. I handle select appellate matters as counsel of record, author and review amicus briefs for the Commonwealth, and review requests by agencies or agency officials to appeal adverse decisions. I also spend a portion of my time working on select matters pending in trial court.

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

My typical clients at the Attorney General's Office have been Massachusetts government agencies, Massachusetts government officials, and the Commonwealth of Massachusetts itself. The government officials I have represented usually are named as defendants in their official capacities, though I have also represented government officials sued in their individual capacities. I have specialized in constitutional and

administrative law but have handled cases involving other substantive areas of law as well.

- 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.

Nearly all of my practice has been in litigation. I have also spent a small percentage of my time reviewing and providing feedback on draft regulations or legislation and assisting with the Attorney General's initiative petition certification process. From 2013 to 2021, when I was an Assistant Attorney General, I appeared in court frequently. Since 2021, when I transitioned to a job as Deputy State Solicitor, I have appeared in court occasionally.

- i. Indicate the percentage of your practice in:

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

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 97% |
| 2. criminal proceedings: | 3% |

- 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 was a member of a team of five attorneys and two support staff who represented the Attorney General in a civil bench trial in *Alliance for Automotive Innovation v. Healey*, No. 1:20-cv-12090-DPW (D. Mass.), during June and July of 2021. A final decision has not yet issued in the case. Additionally, I have argued more than 20 dispositive motions in trial courts and presented oral argument in 19 appeals.

- i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 0% |
| 2. non-jury: | 100% |

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

I have not argued before the Supreme Court of the United States, but I drafted or assisted with drafting the following briefs filed in the Supreme Court:

Morin v. Lyver, No. 21-1160 (brief in opposition to the petition for a writ of certiorari) (currently pending). Copy supplied.

Little Sisters of the Poor Saints Peter and Paul Home v. Pennsylvania, 140 S. Ct. 2367 (2020) (amicus brief of Massachusetts et al. in support of respondent, 2020 WL 1875621).

Worman v. Healey, No. 19-404 (brief in opposition to petition for a writ of certiorari, 2019 WL 6715382) (cert. denied).

1A Auto, Inc. v. Sullivan, No. 18-733 (brief in opposition to petition for a writ of certiorari, 2019 WL 1597787; supplemental brief in opposition to petition for a writ of certiorari, 2019 WL 2103455) (cert. denied).

Caetano v. Massachusetts, 136 S. Ct. 1027 (2016) (*per curiam*) (brief in opposition to petition for a writ of certiorari) (granted, vacated, and remanded). Copy supplied.

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

- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *Morin v. Leahy*, 189 F. Supp. 3d 226 (D. Mass. 2016) (Hillman, J.), *aff'd*, 862 F.3d 123 (1st Cir. 2017) (Torruella, Kayatta, Barron, JJ.), and *Morin v. Lyver*, 442 F. Supp. 3d 408 (D. Mass. 2020) (Hillman, J.), *aff'd*, 13 F.4th 101 (1st Cir. 2021) (Barron, Selya, Delgado-Hernández, JJ.), *cert. petn. pending*, No. 21-1160 (U.S.)

I am sole counsel for the Commonwealth of Massachusetts in these related cases against the Commonwealth and the Chief of Police for the Town of Northborough challenging the constitutionality of Mass. Gen. Laws ch. 140, §§ 131(d)(ii)(D) and 131A, which make individuals with weapons-related criminal convictions ineligible for a license to carry and permit to purchase firearms. The plaintiff, who is disqualified under the statutes due to

prior misdemeanor convictions for attempting to carry a pistol without a license and possession of an unregistered firearm, contends that, as applied to him, the laws violate the Second Amendment. In the first lawsuit, I handled the Commonwealth's intervention motion and answer, discovery, summary judgment briefing, and argument on the parties' summary judgment motions. The District Court granted summary judgment in favor of the Commonwealth and Chief of Police. On appeal, I drafted the brief and argued on behalf of the Commonwealth. The First Circuit affirmed, ruling that the denial of the plaintiff's license-to-carry application did not violate the Second Amendment, as the plaintiff had framed the claim, because he had not sought alternative forms of licensure that would have enabled him to possess a gun in his home for self-defense.

After the plaintiff applied for those forms of licensure and was denied in part, due to his convictions, he again filed suit and asserted a Second Amendment claim. In his second lawsuit, I handled the Commonwealth's intervention motion and answer, document exchange, interrogatories, summary judgment briefing, and argument on the parties' summary judgment motions. The District Court entered judgment in favor of the Commonwealth and Chief of Police, upholding the statute as applied under intermediate constitutional scrutiny. The plaintiff appealed. I wrote the brief for the Commonwealth and argued the appeal. The First Circuit affirmed, holding that because the plaintiff could lawfully possess a handgun in his home, and had failed to develop an argument that the restriction on his ability to obtain a handgun should be reviewed under strict scrutiny, he had failed to articulate any basis for questioning the entry of judgment in favor of the Commonwealth. The plaintiff's petition for a writ of certiorari is currently pending in the Supreme Court.

Dates of Representation: 2015 – present

Counsel for the Plaintiff

David D. Jensen
David Jensen PLLC
33 Henry Street
Beacon, NY 12508
(212) 380-6615

Counsel for the Chief of Police of Northborough

Janelle M. Austin
Brian W. Riley
K.P. Law, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110
(617) 556-0007

2. *Alliance for Automotive Innovation v. Healey*, No. 1:20-cv-12090-DPW (D. Mass.) (Woodlock, J.)

The plaintiff, a trade association representing the major U.S. car manufacturers, brought

several constitutional challenges to a ballot initiative known as the 2020 Right to Repair Law, which was approved by the voters in November 2020 and codified at Mass. Gen. Laws ch. 93K. The law generally grants automobile repair shops and car owners greater access to cars' mechanical data. I became involved in the case toward the end of discovery, as the parties were beginning to prepare for bench trial on two claims of conflict preemption. Representing the Attorney General, I worked with a team of attorneys to develop the evidence that would be introduced at trial, plan the trial strategy, and prepare the documents to be filed in connection with the trial. I drafted significant portions of the defendant's proposed findings of fact and conclusions of law and trial memorandum, cross-examined and introduced evidence through one of the plaintiff's witnesses, responded to the plaintiff's proposed findings and conclusions, drafted the defendant's motion for judgment as a matter of law, and strategized with my colleagues throughout the three-day trial in June 2021. After trial, I drafted several additional filings, including the Attorney General's successful motion to reopen the evidence. The trial court has not issued a final decision or judgment in the case.

Dates of Representation: 2021 – 2022

Co-Counsel for Attorney General Maura Healey

Robert Toone
Eric Haskell
Phoebe Fischer-Groban
Christine Fimognari
Office of the Massachusetts Attorney General
1 Ashburton Place, 20th Floor
Boston, MA 02108
(617) 727-2200

Counsel for the Plaintiff

Laurence A. Schoen
Elissa Flynn-Poppey
Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, P.C.
One Financial Center
Boston, MA 02111
(617) 542-6000

John Nadolenco
Jason Linder
Daniel D. Queen
Erika Z. Jones
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Mayer Brown LLP
1999 K Street, Northwest
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3. *Worcester Regional Retirement Board v. Public Employee Retirement Admin. Comm'n*, 2021 WL 8015865, No. 2019-00602 (Mass. Super. Ct. Jan. 6, 2021) (Haggan, J.), *aff'd in part and remanded in part*, 489 Mass. 94, 180 N.E.3d 417 (2022) (Budd, C.J., and Gaziano, Lowy, Cypher, Kafker, Wendlandt, Georges, JJ.)

I was sole counsel for the Public Employee Retirement Administration Commission (PERAC) in this case involving the scope of the Commonwealth's retirement laws. The plaintiffs, five local retirement boards, filed suit to challenge an advisory memorandum issued by PERAC, the state agency charged with overseeing Massachusetts's retirement system. The memorandum informed the retirement boards of PERAC's interpretation of *Public Employee Retirement Administration Commission v. Contributory Retirement Appeal Board*, 478 Mass. 832, 180 N.E.3d 517 (2018), also known as the *Vernava* decision. The Supreme Judicial Court held in that case held that accrued sick and vacation pay taken in conjunction with workers' compensation benefits constitutes "regular compensation" under Mass. Gen. Laws ch. 32, § 1, for purposes of calculating an employee's effective date of retirement under the statute governing accidental disability retirement. I defended PERAC's position that the SJC's construction of the term "regular compensation" in *Vernava* did not also apply to calculations made under different statutes, such as those governing superannuation and ordinary disability retirement. Before the Superior Court, I briefed and argued PERAC's cross-motion for judgment on the pleadings and opposition to the plaintiffs' motion for judgment on the pleadings. The Superior Court granted judgment in part for the plaintiffs, ruling that the SJC's construction of "regular compensation" in *Vernava* applied to uses of the phrase "regular compensation" in statutes other than the accidental disability retirement statute, and granted judgment in part for PERAC, rejecting the plaintiffs' separate claim seeking a declaration that the retirement boards had independent authority to interpret the retirement laws and thus were not subject to PERAC's memorandum.

The parties cross-appealed and the SJC granted PERAC's application for direct appellate review. I wrote PERAC's opening brief and reply brief and argued the appeal in the SJC. The SJC largely affirmed, agreeing with the Superior Court that its construction of "regular compensation" in *Vernava* applied to statutes other than the accidental disability retirement statute, and ruling, with respect to the plaintiffs' separate request for declaratory relief, that the plaintiffs had failed to establish an "actual controversy" adequate to invoke the court's jurisdiction.

Dates of Representation: 2019 – 2022

Counsel for the Plaintiffs

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4. *In the Matter of the Pecce Supplemental Needs Trust*, 99 Mass. App. Ct. 376, 167 N.E.3d 429 (2021) (Englander, Desmond, JJ.; Rubin, J., dissenting), *application for further appellate review denied*, SJC No. FAR-28213

This case involved a special needs trust created by the settlor for his daughter, who had received benefits from the Commonwealth's Medicaid agency, MassHealth, throughout her adult life. The trust included a "payback provision" that, upon the daughter's death, required reimbursement to MassHealth for the benefits paid for her care. The settlor also drafted a will that required his assets to transfer to the trust upon his death. After the settlor and his daughter passed away, the appellant, who had become the trustee of the trust and personal representative of the settlor's estate, sought to have the trust reformed to eliminate the payback provision in favor of MassHealth. He contended that the settlor's inclusion of the provision was a mistake premised on a misunderstanding of state and federal Medicaid statutes and regulations. If the petition to reform were granted, the appellant would have been entitled to all of the assets in the trust, including the assets that transferred to the trust upon the settlor's death.

Following a trial, the Probate and Family Court denied the appellant's petition to reform. I became involved in the case on appeal and, as counsel for MassHealth, wrote the brief and presented oral argument. Over a dissent, the Appeals Court affirmed in part and vacated in part. It held that the Probate Court had correctly denied the petition to reform with respect to the assets transferred into the trust before the settlor's death. But it ruled that the petition to reform should have been granted with respect to the assets transferred from the estate to the trust after the settlor's death. The appellant filed an application for further appellate review with the Supreme Judicial Court. I authored MassHealth's opposition to that application, and the Supreme Judicial Court denied further appellate review.

Dates of Representation: 2020 – 2021

Opposing Counsel

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5. *Worman v. Healey*, 293 F. Supp. 3d 251 (D. Mass. 2018) (Young, J.), *aff'd*, 922 F.3d 26 (1st Cir. 2019) (Barron, Souter, Selya, JJ.), *cert. denied*, 141 S. Ct. 109 (2020)

I was lead counsel for the defendants in this lawsuit challenging the constitutionality of the Commonwealth's statutory ban on the possession and sale of assault weapons and large-capacity magazines. Among other things, I handled the preliminary motions, developed and compiled the record supporting the lawfulness of the challenged statute, worked with the team to compile expert reports and manage document discovery, and took a deposition. I wrote the briefs in support of the defendants' motion for summary

judgment and in opposition to the plaintiffs' cross-motion for summary judgment, and I argued the summary judgment hearing. Before the District Court issued its decision on summary judgment, I worked with the team to prepare the pre-trial memorandum.

The District Court granted the defendants' motion for summary judgment and denied the plaintiffs' motion. It held (1) that the statute comports with the Second Amendment because assault weapons and large-capacity magazines fall outside the scope of the Second Amendment, (2) that the phrase "copies or duplicates" in the statute is not unconstitutionally vague, (3) and that a due process challenge to the Attorney General's enforcement notice interpreting the statute was not ripe for review. The plaintiffs appealed only the portion of the decision rejecting their Second Amendment claim. I wrote the brief for the government defendants and argued the appeal. The First Circuit affirmed, upholding the statute under intermediate scrutiny as substantially related to the Commonwealth's important interests in promoting public safety and preventing crime. After the plaintiffs sought review by the Supreme Court, I wrote the brief in opposition to their petition for a writ of certiorari. The Supreme Court denied review.

Dates of Representation: 2017 – 2020

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6. *1A Auto, Inc. v. Sullivan*, No. 15-00494, 2017 WL 8727129 (Mass. Super. Ct. Sept. 18, 2017) (Wilson, J.), *aff'd*, *1A Auto, Inc. v. Director of the Office of Campaign & Political Finance*, 480 Mass. 423, 105 N.E.3d 1175 (2018) (Gants, C.J., and Lenk, Gaziano, Lowy, Budd, Cypher, Kafker, JJ.), *cert. denied*, 139 S. Ct. 2613 (2019)

The plaintiffs asserted First Amendment and equal protection challenges to Mass. Gen. Laws ch. 55, § 8, which bars business corporations in Massachusetts from making campaign contributions to candidates for state office. I became involved in the case after the Superior Court had denied the plaintiffs' motion for a preliminary injunction. Representing the Director of the Office of Campaign and Political Finance as lead counsel, I handled discovery, including document exchange and interrogatories; compiled the record supporting the constitutionality of the statute; and authored the summary judgment brief. The Superior Court granted judgment in favor of the Director. After the Supreme Judicial Court granted direct appellate review of the plaintiffs' appeal, I wrote the brief and presented oral argument. The Supreme Judicial Court affirmed. It held that the Supreme Court's decision in *FEC v. Beaumont*, 539 U.S. 146 (2003), which upheld the federal counterpart to Massachusetts's bar on corporate campaign contributions, remained good law after *Citizens United v. FEC*, 558 U.S. 310 (2010). Reviewing the plaintiffs' First Amendment claim under the same standard applied in *Beaumont*, the SJC held that Massachusetts's bar on corporate contributions is closely drawn to the Commonwealth's important interests in preventing quid pro quo corruption and the appearance of such corruption, and that the law is neither overinclusive nor underinclusive. The court also rejected the plaintiffs' claim that the statute's application to corporations, but not non-profit organizations and labor unions, violated equal

protection. The claim must be evaluated under the “closely drawn” standard of review rather than strict scrutiny, the SJC held, and it failed under that standard. The plaintiffs filed a petition for a writ of certiorari. I wrote the brief in opposition, and the Supreme Court denied review.

Dates of Representation: 2015 – 2019

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7. *Vapor Technology Ass’n v. Baker*, No. 1:19-cv-12048-IT (D. Mass. 2019) (Talwani, J.), and *Vapor Technology Ass’n v. Baker*, No. 1984CV03102-B, 2019 WL 6050041 (Mass. Super. Ct. Oct. 21, 2019) (Wilkins, J.), *vacated by Vapor Technology Ass’n v. Baker*, SJC-12834, 2019 WL 9048858 (Dec. 26, 2019)

In these related cases, I served as co-lead counsel for the Governor and the Commissioner of the Department of Public Health in the defense of the Commissioner’s emergency order that temporarily banned the sale of vaping products in Massachusetts. The Commissioner issued the emergency order following the outbreak of a severe lung disease associated with the use of vaping products. In the federal case, I was the principal author of the brief in opposition to the plaintiffs’ motion for a temporary restraining order and preliminary injunction, and I argued the hearing on that motion.

The District Court denied the motion for a temporary restraining order and set a further hearing on the motion for a preliminary injunction. The plaintiffs later withdrew their request for preliminary injunctive relief and voluntarily dismissed their claims.

In the state case, the Superior Court held a series of hearings on motions for preliminary injunctive relief filed by the plaintiffs, led by a trade association representing nicotine product retailers, and the plaintiff-intervenors, a group of individuals who used medical marijuana vaping products. I presented argument for the defendants in several of the hearings and authored several of the briefs opposing the motions. I also cross-examined a witness, assisted in preparation for direct and cross-examination of other fact and expert witnesses, and compiled affidavits and documents supporting the Commissioner's order. In two initial orders, the Superior Court granted the plaintiffs' request for preliminary injunctive relief but gave the Commissioner time to promulgate the emergency order as emergency regulations. After the Department of Public Health did just that, the Superior Court rejected the plaintiffs' further request for preliminary injunctive relief as to the emergency regulations but granted the plaintiff-intervenors' request for emergency relief. A single justice of the Massachusetts Appeals Court denied the defendants' motion to stay the Superior Court's first two orders. The Supreme Judicial Court then sua sponte transferred appeals of all four orders to its docket. I co-authored the defendants' briefs before the SJC. Before oral argument, the Legislature enacted Mass. St. 2019, ch. 133, *An Act Modernizing Tobacco Control*, prompting the Governor to terminate the declared emergency and the Commissioner to rescind the emergency regulations. In accord with its practice on disputes that become moot on appeal, the SJC dismissed the appeals and vacated all of the Superior Court's decisions and orders.

Dates of Representation: 2019

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8. *Massachusetts Automatic Merchandising Council, Inc. v. Comm'r of Public Health*, No. 2015-00281, 2016 WL8189064 (Suffolk Sup. Ct. June 1, 2016) (Ullmann, J.), *aff'd*, 91 Mass. App. Ct. 1128, 2017 WL 2562489 (2017) (Rule 1:28 decision) (Green, Hanlon, Kinder, JJ.)

The plaintiffs, a vending machine operator and a trade association, challenged a regulation promulgated by the Department of Public Health and the Executive Office for Administration and Finance that, in response to new statutory mandates, increased the annual vending machine inspection and licensing fee from \$3 to \$10. The plaintiffs contended that the \$10 exactment was not a fee, but instead was an unlawful tax. Shortly after I took over the case as sole counsel for the state agencies, the plaintiffs moved for a preliminary injunction. I wrote the brief in opposition to that motion and argued the hearing. The Superior Court denied the motion. I also wrote the memorandum supporting the defendants' cross-motion for summary judgment and opposing the plaintiffs' motion for summary judgment, compiled evidence to support the defendants' cross-motion, drafted the statement of material facts required by court rules, and argued the summary judgment hearing. The Superior Court granted the defendants' motion, concluding that the regulation exhibited characteristics of a fee, not a tax. The plaintiffs appealed, and I argued the appeal on behalf of the defendant agencies. The Appeals Court affirmed, agreeing with the Superior Court that because the \$10 exactment was reasonably designed to compensate the Department of Public Health for its anticipated regulatory expenses and provided a particularized benefit to vending machine operators, it was a valid fee, not an unlawful tax.

Dates of Representation: 2015 – 2017

Co-Counsel for the Commissioner of the Department of Public Health and Secretary of the Executive Office for Administration and Finance
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Opposing Counsel

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9. *In re G.P.*, 473 Mass. 112, 40 N.E.3d 989 (2015) (Gants, C.J., and Spina, Cordy, Botsford, Duffly, Lenk, Hines, JJ.)

I served as sole counsel for the New Bedford District Court in this appeal concerning the Uniform Trial Court Rules for civil commitment proceedings under Mass. Gen. Laws ch. 123, § 35. Section 35 authorizes the temporary commitment of individuals with substance or alcohol abuse disorder who pose a substantial risk of harm to themselves or others. The case, which was originally filed in the Supreme Judicial Court for Suffolk County, was reserved and reported to the full Supreme Judicial Court. I wrote the brief and presented oral argument on behalf of the District Court, which had ordered the plaintiff's commitment for substance abuse disorder. The Supreme Judicial Court upheld the Uniform Trial Court Rules and agreed with the District Court's position that (1) a clear and convincing evidence standard of proof in civil commitment proceedings under section 35 is consistent with due process; (2) due process does not require strict adherence to the rules of evidence in section 35 proceedings, because the Uniform Trial Court Rules provide procedural protections appropriate to the nature of such proceedings; (3) the Uniform Trial Court Rules provide an appropriate appellate remedy; (4) evidence of past conduct establishing a "likelihood of serious harm," necessary for commitment under section 35, need not be temporally proximate to the commitment; and (5) the "very substantial risk" of harm prong of the "likelihood of serious harm" standard in Mass. Gen. Laws ch. 123, § 1, focuses on the risk of physical impairment or injury. The court also held that the risk of harm must be imminent before a person may be committed pursuant to section 35.

Dates of Representation: 2015 – 2016

Counsel for G.P.

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10. *Caesars Massachusetts Management Co., LLC v. Crosby*, No. 13-cv-13144-NMG, 2014 WL 2468689 (D. Mass. 2014) (Gorton, J.), *aff'd*, 778 F.3d 327 (1st Cir. 2015) (Lynch, C.J., and Souter, J.J.)

I represented the Chairman of the Massachusetts Gaming Commission and the Director of the Commission's Investigations and Enforcement Bureau in this lawsuit brought by the former business partners of an applicant for a license to operate a casino. After an investigation, the Director had determined, under Mass. Gen. Laws ch. 23K, §§ 12-14, that the plaintiff businesses were not "suitable" and therefore could not partner with the license applicant. I drafted the briefs supporting the defendants' motion to dismiss and motion to stay discovery obligations pending a ruling on the motion to dismiss. I also assisted in the defendants' preparations for discovery. The District Court granted the defendants' motion to dismiss, holding that the plaintiffs' official-capacity claims were barred by the Commonwealth's Eleventh Amendment immunity and that their individual-capacity claims were barred under the doctrine of qualified immunity. On appeal, I assisted in drafting the merits brief. The First Circuit affirmed. It determined that the plaintiffs' due process claims failed as a matter of law because the plaintiffs had not adequately alleged a protected property interest, and that their equal protection claim failed because, given the discretion afforded state officials under the Massachusetts Gaming Act, no class-of-one equal protection claim was cognizable as matter of law.

Dates of Representation: 2013 – 2015

Co-Counsel for Chairman Steven Crosby and Director Karen Wells of the Massachusetts Gaming Commission

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

My legal practice has largely consisted of civil litigation in trial and appellate courts. I often serve as lead or sole counsel in my cases. In trial courts, I, along with my team, have determined the legal strategy for the cases and handled pleadings, pretrial motion practice, and dispositive motion practice. I have also handled discovery, including document exchange, interrogatories, depositions, and expert witnesses. I have tried one case and examined witnesses at trial and evidentiary hearings. I have written dozens of briefs, argued more than 20 dispositive motions, and argued a wide range of non-dispositive motions. In appellate courts, I have briefed 26 cases, serving as lead counsel in 21 and presenting oral argument in 19. As Deputy State Solicitor, I have reviewed and consulted on many briefs in criminal and civil matters pending in state and federal appellate courts, and I have reviewed and advised the Attorney General on requests to appeal adverse rulings in criminal and civil cases.

In general, the two main categories of cases I have handled involve constitutional challenges to state statutes and regulations, and challenges to administrative agency decisions under the Massachusetts Administrative Procedure Act or the Declaratory Judgment Act. Cases in the former category usually have been resolved at the motion to dismiss stage or on motions for summary judgment. Cases in the latter category typically have been resolved on cross-motions for judgment on the pleadings. In both types of cases, questions of statutory construction, jurisdictional questions, and questions about the scope of agency authority arise frequently.

A small portion of my practice has involved reviewing draft legislation, draft regulations, or draft orders for lawfulness or to advise clients regarding possible legal challenges. I have served as a supervisor to other attorneys and, in that capacity, provided them with advice on legal strategy, reviewed their briefs, and observed and provided feedback on their arguments.

I have never acted 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 previously taught a course at a college or law school.

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.

None.

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

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.

The most likely area of conflict would involve cases I handled or supervised while at the Massachusetts Attorney General's Office, or cases in which I expressed an opinion regarding the merits of the controversy. I would disqualify myself in such cases, consistent with 28 U.S.C. § 455(b)(3). A conflict may also arise if a family member, close friend, or my husband's employer were a party to or had an interest in a case. I would evaluate any such potential conflict under the applicable rules.

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

I would resolve any actual or potential conflict of interest under the standards set forth in 28 U.S.C. § 455 and Canon 3C of the Code of Conduct for United States Judges. I would also consult any applicable judicial decisions, policies, or advisory opinions published by the Judicial Conference. Where a question of conflict is close, I would err on the side of disqualification.

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.

My primary contribution to the public interest has been through my work at the Massachusetts Attorney General's Office, an institution whose mission is to serve the residents of Massachusetts. While lawyers at the Attorney General's Office may not provide pro bono representation, many of my cases have directly advanced the interests of individuals who have experienced hardship or disadvantage. I am part of the team seeking a declaratory judgment that two ride share companies, Uber and Lyft, have misclassified their drivers as independent contractors, thus depriving those low-wage workers of the protections of Massachusetts's laws guaranteeing minimum wage and overtime pay, timely payment of all earned wages, earned sick leave, and anti-retaliation protections. I have handled cases involving the suspension or revocation of licenses of physicians whose conduct was harmful to patients suffering from substance abuse disorder. I have handled five termination of parental rights appeals that brought permanency to children who were abused or neglected by their parents. In each case, the Massachusetts Appeals Court affirmed the determination that the parents were unfit, rulings that brought the children closer to moving out of foster homes and into permanent adoptive homes.

I have also devoted significant time to mentorship. For the past seven summers, I have been a mentor to law students through the Rappaport Center for Law and Public Policy's

summer fellowship program. And for the past two years, I have served as a mentor with The Appellate Project, an organization that matches attorneys with law students of color interested in appellate advocacy. Within the Attorney General's Office, I cultivate relationships with the fellows and interns, and I served for a year on the Government Bureau's Racial Equity Working Group.

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.

Massachusetts has a judicial selection commission. Senators Elizabeth Warren and Edward Markey convened the Advisory Committee on Massachusetts Judicial Nominations to screen and interview candidates, and the Advisory Committee provided the Senators with a list of candidates recommended for the position. I submitted my initial application to the Advisory Committee on January 20, 2021, and I was interviewed on February 4, 2021. On March 31, 2022, after the Advisory Committee had announced it was soliciting additional applications, I re-submitted my application materials. I interviewed again with the Advisory Committee on April 14, 2022.

On April 25, 2022, I interviewed with Senator Warren and Senator Markey and four members of their staffs. I then interviewed with attorneys from the White House Counsel's Office on May 2, 2022. Since May 10, 2022, I have been in contact with attorneys from the Office of Legal Policy at the Department of Justice. On August 1, 2022, 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.