

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Florence Yu Pan
Florence Yvonne Pan

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

United States District Judge for the District of Columbia

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.

Superior Court of the District of Columbia
500 Indiana Avenue, Northwest
Washington, District of Columbia 20001

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

1966; New York, 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.

1990 – 1993, Stanford Law School; J.D. (with distinction), 1993

1984 – 1988, University of Pennsylvania; B.A. and B.S (*summa cum laude*), 1988

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2009 – present
Superior Court of the District of Columbia
500 Indiana Avenue, Northwest
Washington, District of Columbia 20001

Associate Judge

2012 – present

Georgetown University Law Center
600 New Jersey Avenue, Northwest
Washington, District of Columbia 20001
Adjunct Professor of Law

1999 – 2009; January – July 1997

United States Attorney's Office for the District of Columbia
555 Fourth Street, Northwest
Washington, District of Columbia 20530
Assistant United States Attorney (1999 – 2009)
Special Assistant United States Attorney (January – July 1997)

2007 – 2008

American University, Washington College of Law
4300 Nebraska Avenue, Northwest
Washington, District of Columbia 20016
Adjunct Professor of Law

1998 – 1999

United States Department of the Treasury
1500 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20220
Senior Advisor to the Undersecretary for Domestic Finance (1999)
Senior Advisor to the Assistant Secretary for Financial Markets (1998)

1995 – 1998

United States Department of Justice
950 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20530
Attorney, Criminal Division, Appellate Section (1996 – 1998)
Bristow Fellow, Office of the Solicitor General (1995 – 1996)

1994 – 1995

United States Court of Appeals for the Second Circuit
55 Whitney Avenue, Sixth Floor
New Haven, Connecticut 06510
Law Clerk to Judge Ralph K. Winter (now deceased)

1993 – 1994

United States District Court for the Southern District of New York
500 Pearl Street (previously located at 40 Foley Square)
New York, New York 10007
Law Clerk to Judge Michael B. Mukasey (now retired)

1993 – 1994
Harvard Club
35 West 44th Street
New York, New York 10036
Aerobics Instructor

Summer 1993
Sullivan and Cromwell
125 Broad Street
New York, New York 10004
Summer Associate

1992 – 1993
Stanford Law School
559 Nathan Abbott Way
Stanford, California 94305
Research Assistant to Professor Joseph A. Grundfest

Summer 1992
United States Attorney's Office for the Southern District of New York
One Saint Andrew's Plaza
New York, New York 10007
Summer Intern

Summer 1992
McKinsey and Company
55 East 52nd Street
21st Floor
New York, New York 10022
Summer Associate

Summer 1991
Wachtell, Lipton, Rosen and Katz
51 West 52nd Street
New York, New York 10019
Summer Associate

1988 – 1990
Goldman, Sachs and Co.
200 West Street (previously located at 85 Broad Street)
New York, New York 10282
Financial Analyst

Summer 1998
Asian Americans For Equality
Two Allen Street

New York, New York 10002
Intern

Other Affiliations (uncompensated):

2011 – 2012
National Asian Pacific American Bar Association Judicial Council
1612 K Street, Northwest, Suite 510
Washington, District of Columbia 20006
Secretary

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 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.

Charles Fahey Distinguished Adjunct Professor Award, Georgetown University Law Center (2018)

Commendation for service to the Family Court of the Superior Court of the District of Columbia, District of Columbia Bar Family Law Section (2015)

Member Appreciation Award, Asian Pacific American Bar Association of the District of Columbia (2011)

Asian Pacific American Trailblazer, Georgetown Asian Pacific American Law Students Association (2009)

Special Achievement Award, United States Attorney's Office for the District of Columbia (2007, 2003, 2002, 2000)

Team Award, United States Attorney's Office for the District of Columbia (2004)

Mr. and Mrs. Duncan L. Matteson, Sr. Award (moot court finalist), Stanford Law School (1993)

Editor, Stanford Law Review (1992 – 1993)

Editor, Stanford Law and Policy Review (1990 – 1991)

Hilmer Oehlmann, Jr. Prize (for outstanding work in first-year legal research and writing), Stanford Law School (1991)

Benjamin Franklin Scholar, University of Pennsylvania (1984 – 1988)

Dean's List, University of Pennsylvania (1985 – 1988)

Beta Gamma Sigma Honor Society, University of Pennsylvania (1988)

Phi Beta Kappa, University of Pennsylvania (elected as a junior) (1987)

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

American Bar Association, Judicial Division (2011 – 2013)

American Law Institute (2013 – present)
Regional Advisory Group 4 (2014 – present)

Asian Pacific American Bar Association of the District of Columbia (1996 – present)
Advisory Board (2014 – 2018)
Board of Advisors, Robert T. Matsui Annual Writing Competition (2014 – 2019)

District of Columbia Bar (1996 – present)

Edward Coke Appellate Inn of Court (2008 – 2009)

National Asian Pacific American Bar Association (1996 – present)

National Asian Pacific American Bar Association Judicial Council (2009 – present)
Secretary (2011 – 2012)

National Association of Women Judges (2011 – 2013)

Superior Court of the District of Columbia
Chair, Committee on Jury Instructions (2021 – present)
Advisory Committee on Judicial Conduct (2017 – present)
Civil Rules Advisory Committee (2019 – present)
Judicial Education Committee (2013 – 2017)
Committee on the Selection and Tenure of Magistrate Judges (2011 – 2020)
Co-Chair, Family Court Juvenile Subcommittee (2014-2015)
Co-Chair, Juvenile Rules Advisory Committee (2014-2015)
Member, Family Court Attorney Panels Committee (2015)

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, 1994
District of Columbia, 1996

I resigned my New York bar membership in 2010, after I became a judge in the District of Columbia. 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.

United States Supreme Court, 2001
United States Court of Appeals for the District of Columbia Circuit, 1996
United States Court of Appeals for the Fifth Circuit, 1996
United States Court of Appeals for the Ninth Circuit, 1996

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.

Lawyers' Club of Washington (2012 – present)

Mayor's Commission on Asian and Pacific Islander Affairs (2002 – 2005)

Stanford Outreach Volunteer Alumni Link (2011 – present)

Washington International School Parents Association (2010 – present)

Washington International School, Speech and Debate Coach (2019 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion

or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently 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.

Acknowledged for research assistance (including research, cite-checking, and minor editing) in the following articles by Stanford Law Professor Joseph A. Grundfest:

Joseph A. Grundfest, Disimplying Private Rights of Action Under the Federal Securities Laws: The Commission's Authority, 107 Harv. L. Rev. 961 (1994). Copy supplied.

Joseph A. Grundfest, Just Vote No: A Minimalist Strategy for Dealing with Barbarians Inside the Gates, 45 Stan. L. Rev. 857 (April 1993). 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.

Advisory Committee on Judicial Conduct, District of Columbia Courts, 2018 Edition of the Code of Judicial Conduct (Mar. 2021). Copy supplied.

Report of the Superior Court Family Court Panels Oversight Committee to Chief Judge Lee F. Satterfield (Oct. 2015). Copy supplied.

Meeting minutes, Mayor's Commission on Asian and Pacific Islander Affairs (Jan. 27, 2009). Copy supplied.

Quoted in "Celebrating Our Progress in the Federal Judiciary: A Report on the 15-year Anniversary of the NAPABA Judiciary Committee," National Asian

Pacific American Bar Association, Nov. 2009. 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.

On July 13, 2016, I testified at a confirmation hearing before the Senate Judiciary Committee, in connection with my nomination to be a United States District Judge for the District of Columbia. Transcript and opening statement supplied.

On May 13, 2009, I testified at a confirmation hearing before the Senate Committee on Homeland Security and Governmental Affairs, in connection with my nomination to be an Associate Judge of the Superior Court of the District of Columbia. Transcript and opening statement supplied.

On September 19, 2007, I co-signed a letter to Senate leadership, regarding the nomination of Judge Michael B. Mukasey to be Attorney General of the United States. Copy supplied.

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

I have not kept a comprehensive list of the speeches and presentations I have made. The following is my best effort to recreate a list of speaking engagements based on a search of my calendar and files. It is possible that I have omitted speeches or presentations for which I did not retain records.

April 20, 2021: Participant, reenactment of *The Vietnamese Fishermen's Association v. Knights of the Ku Klux Klan*, Asian Pacific American Bar Association of the District of Columbia, Washington, District of Columbia. Script supplied.

March 4, 2020: Fireside chat, Georgetown Asian Pacific American Law Students Association, Georgetown University Law Center, Washington, District of Columbia. I was interviewed by a student moderator and answered questions about my professional experiences. I have no notes, transcript, or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue Northwest, Washington, District of Columbia 20001.

November 14, 2019: Guest lecturer, undergraduate Criminal Law class, George Washington University, District of Columbia. I gave a lecture about how criminal cases are prosecuted in the District of Columbia Superior Court. I have no notes, transcript, or recording. The address of George Washington University is 2121 I Street, Northwest, Washington, District of Columbia 20052.

October 5, 2019: Panelist, "State Trial and Superior Court Clerkships," 2019 Robert E. Wone Judicial Clerkship and Internship Conference, Asian Pacific American Bar Association of the District of Columbia, Washington, District of Columbia. I participated in a panel discussion about the law-clerk hiring process and the duties of a law clerk. I have no notes, transcript, or recording. The address of the Asian Pacific American Bar Association of the District of Columbia is P.O. Box 27223, Washington, District of Columbia 20038.

September 19, 2019: Moderator, Judicial Panel for Stanford Law School D.C. Regional Chapter, Washington, District of Columbia. I moderated a panel discussion with the following judges: Hon. Christopher ("Casey") R. Cooper of the United States District Court for the District of Columbia; Hon. Mariano-Florentino ("Tino") Cuellar of the Supreme Court of California; and Hon. Padmanabhan Srikanth ("Sri") Srinivasan of the United States Court of Appeals for the District of Columbia Circuit. I have no notes, transcript, or recording. The address of Stanford Law School is 559 Nathan Abbott Way, Stanford, California 94305.

April 17, 2019: Participant, *Massie* case trial re-enactment, Asian Pacific American Bar Association of the District of Columbia, Washington, District of Columbia. Script supplied.

May 18, 2018: Panelist, Asian Pacific American Judges, for Asian American Pacific Islander Heritage Month, United States Attorney's Office, Washington, District of Columbia. I participated in a panel discussion with other Asian Pacific American judges, at which we discussed our professional experiences. I have no notes, transcript, or recording. The address of the United States Attorney's Office for the District of Columbia is 555 Fourth Street, Northwest, Washington, District of Columbia 20530.

May 17, 2018: Participant, *Thind/Ozawa* trial re-enactment, Asian Pacific American Bar Association of the District of Columbia, Washington, District of Columbia. Script supplied.

May 1, 2018: Panelist, District of Columbia Court Employees, Asian American Pacific Islander Heritage Month, District of Columbia Superior Court, Washington, District of Columbia. I participated in a panel discussion with other Asian Pacific American court employees, at which I discussed my professional experiences. I have no notes, transcript, or recording. The address of the District

of Columbia Superior Court is 500 Indiana Avenue, Northwest, Washington, District of Columbia 20001.

April 26, 2018: Award recipient and speaker, faculty luncheon, Georgetown University Law Center, Washington, District of Columbia. Speech supplied.

November 2, 2017: Judge, Thomas Tang Moot Court Competition, National Asian Pacific American Bar Association Law Foundation, Washington, District of Columbia. I was a judge in the final round of this moot court competition. I have no notes, transcript, or recording. The address of the National Asian Pacific American Bar Association is 1612 K Street, Northwest, Suite 510, Washington, District of Columbia 20006.

February 5, 2016: Participant, mock trial of Goldilocks and the Three Bears, Superior Court of the District of Columbia, Washington, District of Columbia. I served as the prosecutor in a trial of Goldilocks, for a kindergarten class from Sidwell Friends School. I have no notes, transcript, or recording. The address of the Superior Court of the District of Columbia is 500 Indiana Avenue, Northwest, Washington, District of Columbia 20001.

September 25, 2015: Speaker, 2015 Awards Ceremony and Installation Dinner, Asian Pacific American Bar Association of the District of Columbia, Washington, District of Columbia. Outline supplied.

July 17, 2015: Speaker, Criminal Procedure, Foundations of American Law Program, Georgetown University Law Center, Washington, District of Columbia. Outline supplied.

June 16, 2015: Panelist, Asian Pacific American Judges, Asian Pacific American Bar Association of the District of Columbia, Washington, District of Columbia. I participated in a panel discussion and answered questions about my professional experiences. I have no notes, transcript, or recording. The address of the Asian Pacific American Bar Association of the District of Columbia is P.O. Box 27223, Washington, District of Columbia 20038.

March 11, 2015: Speaker, Asian Pacific American Heritage Month at the Court Services and Offender Supervision Agency, Asian Pacific American Committee, Washington, District of Columbia. I spoke about my background and experience as an Asian Pacific American judge. I have no notes, transcript, or recording. The address of the Court Services and Offender Supervision Agency is 633 Indiana Avenue, Northwest, Washington, District of Columbia 20004.

August 20, 2014: Panelist, District of Columbia Judges, University of the District of Columbia David A. Clarke School of Law, Washington, District of Columbia. I participated in a panel about clerkship and internship opportunities, and general career advice for law students. I have no notes, transcript, or recording. The

address of the David A. Clarke School of Law is 4340 Connecticut Avenue, Northwest, Washington, District of Columbia 20008.

July 25, 2014: Speaker, Criminal Procedure, Foundations of American Law Program, Georgetown University Law Center, Washington, District of Columbia. I used the same outline that was provided for the July 17, 2015, presentation.

April 27, 2014: Panelist, "Moving Forward with Children," Working Parents Forum of the Asian Pacific American Bar Association of the District of Columbia, Washington, District of Columbia. The panel was about managing work commitments and family obligations. I have no notes, transcript, or recording. The address of the Asian Pacific American Bar Association of the District of Columbia is P.O. Box 27223, Washington, District of Columbia 20038.

April 1, 2014: Speaker, Bench-Bar Dialogue, Superior Court of the District of Columbia, Washington, District of Columbia. The dialogue was with judges and lawyers who handle juvenile-delinquency cases. I have no notes, transcript, or recording. The address of the Superior Court of the District of Columbia is 500 Indiana Avenue, Northwest, Washington, District of Columbia 20001.

November 17, 2012: Panelist, The Judiciary, National Asian Pacific American Law Students Association Convention, Washington, District of Columbia. To the best of my recollection, the panel was about how to become a judge. I have no notes, transcript, or recording. The National Asian Pacific American Law Students Association does not have a mailing address.

November 16, 2012: Panelist, The Judicial Nominations Process, National Asian Pacific American Bar Association Convention, Washington, District of Columbia. I discussed the process of judicial selection in the District of Columbia. I have no notes, transcript, or recording. The address of the National Asian Pacific American Bar Association is 1612 K Street, Northwest, Suite 510, Washington, District of Columbia 20006.

September 21, 2012: Speaker, Investiture Ceremony of Judge Roy W. McLeese III, District of Columbia Court of Appeals, Washington, District of Columbia. Speech supplied.

July 27, 2012: Speaker, Criminal Procedure, Foundations of American Law Program, Georgetown University Law Center, Washington, District of Columbia. I used the same outline that was provided for the July 17, 2015, presentation.

April 26, 2012: Panelist, Women in the Courtroom, Women Litigators Committee of the District of Columbia Bar, Washington, District of Columbia. I discussed my experiences as a litigator. I have no notes, transcript, or recording. The address of the District of Columbia Bar is 1101 K Street, Northwest, Suite 200, Washington, District of Columbia 20005.

March 23, 2012, Panelist, Asian Pacific American Trail Blazers, Georgetown Asian Pacific American Law Students Association, Washington, District of Columbia. I discussed my background and career. I have no notes, transcript, or recording. The address of Georgetown University Law Center is 600 New Jersey Avenue, Northwest, Washington, District of Columbia 20001.

November 11, 2011: Panelist, Careers in Public Service, University of Iowa School of Law, Iowa City, Iowa. I discussed my career path in public service. I have no notes, transcript, or recording. The address of the University of Iowa School of Law is 280 Boyd Law Building, Melrose and Byington, Iowa City, Iowa 52242.

September 21, 2011: Speaker, Recipient of Member Appreciation Award, and officiant for swearing-in of new board members, Annual Award Ceremony and Installation Dinner, Asian Pacific American Bar Association of the District of Columbia, Washington, District of Columbia. Speech supplied.

May 12, 2011: Speaker, Spring Speaker Series Lunch, Asian Pacific American Bar Association of the District of Columbia Practicing Attorneys' Resource Committee, Washington, District of Columbia. I had lunch with a group of attorneys and discussed my career. I have no notes, transcript, or recording. The address of the Asian Pacific American Bar Association of the District of Columbia is P.O. Box 27223, Washington, District of Columbia 20038.

November 2010: Panelist, Asian Pacific Americans in the Courtroom, National Asian Pacific American Bar Association Convention, Los Angeles, California. I participated in a panel about effective communication with judges and juries. I have no notes, transcript, or recording. The address of the National Asian Pacific American Bar Association is 1612 K Street, Northwest, Suite 510, Washington, District of Columbia 20006.

October 2010: Panelist, Judicial Clerkships, Robert E. Wone Judicial Clerkship and Internship Conference, Asian Pacific American Bar Association of the District of Columbia, Washington, District of Columbia. I participated in a panel about clerkship and internship opportunities, and general career advice for law students. I have no notes, transcript, or recording. The address of the Asian Pacific American Bar Association of the District of Columbia is P.O. Box 27223, Washington, District of Columbia 20038.

March 11, 2010: Panelist, "The Path to Becoming a Judge," Asian Pacific American Bar Association of the District of Columbia Nominations Committee, Washington, District of Columbia. I discussed my experience with the application and nomination process to the District of Columbia Superior Court. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Asian Pacific American Bar Association of the District of

Columbia is P.O. Box 27223, Washington, District of Columbia 20038.

November 5, 2009: Speaker and Panelist, Asian Pacific American Trail Blazers, Georgetown Asian Pacific American Law Students Association, Washington, District of Columbia. I received an award and participated on a panel, during which I discussed my background and career. I have no notes, transcript, or recording, but press coverage is supplied. The address of Georgetown University Law Center is 600 New Jersey Avenue, Northwest, Washington, District of Columbia 20001.

October 2009: Panelist, Judicial Clerkships, Robert E. Wone Judicial Clerkship and Internship Conference, Asian Pacific American Bar Association of the District of Columbia, Washington, District of Columbia. The panel was about clerkship and internship opportunities, and general career advice for law students. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Asian Pacific American Bar Association of the District of Columbia is P.O. Box 27223, Washington, District of Columbia 20038.

Fall 2009: Panelist, Judicial Selection Process, Asian Pacific American Bar Association of the District of Columbia, Washington, District of Columbia. I participated in a discussion of how to become a Superior Court judge in the District of Columbia. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Asian Pacific American Bar Association of the District of Columbia is P.O. Box 27223, Washington, District of Columbia 20038.

August 27, 2009: Speaker, Asian and Pacific Islander Affairs Commission Networking Happy Hour, co-sponsored by the Asian Pacific American Bar Association of the District of Columbia. To the best of my recollection, I discussed my career path. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Asian Pacific American Bar Association of the District of Columbia is P.O. Box 27223, Washington, District of Columbia 20038.

- 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.

Malik, *A Conversation with Judge Pan*, More Than the Streets (New Beginnings Youth Development Center), approximately May 19, 2015. Transcript supplied.

Peg Byron, *Lawyer charges terrorism trial judge is anti-Muslim*, UPI (Nov. 5, 1993). Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed,

and a description of the jurisdiction of each such court.

Since June 2009, I have served as an Associate Judge of the Superior Court of the District of Columbia. I was nominated to this position by President Obama on March 24, 2009, and confirmed by the United States Senate on May 21, 2009. The Superior Court of the District of Columbia is a trial court of general jurisdiction. The Superior Court handles all local trial matters, including civil, criminal, family court, probate, tax, landlord-tenant, and small claims cases. For approximately a year and a half, I was assigned to a Misdemeanor calendar in the Criminal Division. I then spent approximately two years presiding over a “Felony II” calendar in the Criminal Division. In 2013, I moved to the Family Court, where I primarily was assigned to a juvenile-delinquency calendar, but also handled a small caseload of domestic-relations cases for one year. In 2016, I was assigned to a “Felony I” caseload in the Criminal Division, which includes some of the most serious felony cases in the jurisdiction. Since 2017, I have been assigned to a “Civil II” calendar in the Civil Division.

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

I have presided over approximately 656 trials.

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

jury trials:	22%
bench trials:	78%

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

civil proceedings:	18%
criminal proceedings:	82%

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

Barney v. Tactical Security Solutions, Inc., 2020 D.C. Super. LEXIS 25 (November 18, 2020)

Faw v. Q.T. Transportation, Inc., 2020 D.C. Super. LEXIS 4 (May 18, 2020)

Toxin Free U.S.A. v. J.M. Smucker Co., 2019 D.C. Super. LEXIS 15 (November 6, 2019)

Adetu v. Sidwell Friends School, 2017 D.C. Super. LEXIS 6 (July 14, 2017)

Adetu v. Sidwell Friends School, 2017 D.C. Super. LEXIS 5 (May 31, 2017)

Richardson v. United States, 116 A.3d 434 (D.C. 2015) (authored while sitting by designation on the District of Columbia Court of Appeals)

Jordan v. Jordan, 14 A.3d 1136 (D.C. 2011) (authored while sitting by designation on the District of Columbia Court of Appeals)

United States v. Ross and Williams, 138 Daily Wash. L. Rptr. 2237 (D.C. Super. Ct. Oct. 14, 2010)

- 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).

1. *District of Columbia v. Jefferson-11th Street, LLC et al.*, 2017 CA 2837

In this enforcement action, the District of Columbia brought suit under the Tenant Receivership Act (TRA) and the District of Columbia Consumer Protection Procedures Act (CPPA) against a landlord that operated its property in a manner that demonstrated a pattern of neglect, which posed a serious threat to the health, safety, and security of the tenants. After an evidentiary hearing, I ruled from the bench that the landlord had violated the TRA; and I appointed a receiver to collect rent and oversee repairs that would bring the property into compliance with the District of Columbia housing code. I also presided over a consolidated case in which the tenants alleged that the landlord had violated the Air Quality Amendment Act by failing to remediate mold at the property. I granted summary judgment in favor of the tenants and awarded them attorneys' fees and costs. I granted summary judgment as to liability on the District of Columbia's CPPA claim, in a ruling from the bench. The proceedings on damages are still pending.

Counsel for the Government: Benjamin Wiseman, Esq.
Jimmy Rock, Esq.
Jane Lewis, Esq.
John Lui, Esq.
Office of the Attorney General for the
District of Columbia
400 6th Street, Northwest
Washington, DC 20001
(202) 727-3400

Counsel for Individual Plaintiffs: Joanna Persio, Esq.
Blake Biles, Esq.
Arnold and Porter
601 Massachusetts Avenue, Northwest
Washington, DC 20001

(202) 942-5000

Receiver:

Benjamin Gilmore, Esq.
1702 Seaton Street, Northwest
Washington, DC 20009
(202) 688-1330

Counsel for the Defendants:

Jeffery Styles, Esq.
Washington Legal Group, LLC
1666 K Street, Northwest
Suite 440
Washington, DC 20006
(202) 503-1708

Richard Schrager, Esq.
Bacon Thornton Palmer LLP
6411 Ivy Lane
Suite 500
Greenbelt, MD 208770
(301) 345-7001

2. *District of Columbia v. Capitol Petroleum Group*, 2019 CA 4067

In this nuisance-abatement action, the District of Columbia sued a property owner for maintaining a drug-related nuisance at a gas station located on the subject property. The District of Columbia sought injunctive and declaratory relief that would have required the property owner to hire security guards to abate the nuisance. After an evidentiary hearing, I ruled from the bench that the property was a drug-related nuisance, but that I could not order the remedy requested by the government because it had not sued the proper party. The property was leased to a third-party corporate entity that owned and operated the gas station, but that party was not a defendant in the enforcement action. I ordered the government to pay a portion of the property owner's attorneys' fees because the property owner was a prevailing party, and had been unnecessarily forced to litigate a case where the property owner did not have authority to provide the relief sought by the government.

Counsel for the Government:

Jennifer Berger, Esq.
Monique Cobb, Esq.
Olivia Jerjian, Esq.
Office of the Attorney General for the
District of Columbia
400 6th Street, Northwest
Washington, DC 20001
(202) 727-3400

Counsel for Defendants:

Alphonse Alfano, Esq.
Jeffrey Leiter, Esq.
Bassman Mitchell, Alfano & Leiter, Chtd.
1707 L Street, Northwest
Suite 560
Washington, DC 20036
(202) 466-6502

Stuart Schwager, Esq.
Lerch Early & Brewer Chtd.
7600 Wisconsin Avenue
Suite 700
Bethesda, MD 20814
(301) 347-1271

3. *District of Columbia v. Lumen Eight Media Group LLC*, 2016 CA 6471 B

In this enforcement action, the government sought to enjoin a sign company (previously known as Digi Media Communications) from installing 43 digital, light-emitting diode signs in the District of Columbia without obtaining sign permits. The sign company argued that permits were not required for its signs based on a loophole in a pre-existing regulation, and that emergency legislation that closed the loophole was invalid because it violated the District of Columbia Administrative Procedure Act. I held numerous hearings and ultimately issued an opinion granting the government's motion for summary judgment. An appeal of the judgment is currently pending before the District of Columbia Court of Appeals. Opinion supplied.

Counsel for the Government:

Fernando Rivera, Esq.
Eric Johnson, Esq.
Tony Jackson, Esq.
Eric Glover, Esq.
Christopher Sousa Esq.
Office of the Attorney General for the
District of Columbia
400 6th Street, Northwest
Washington, DC 20001
(202) 727-3400

Counsel for the Defendant:

Steven Cash, Esq.
Adam Grant, Esq.
Day Pitney LLP
605 Third Avenue
31st Floor
New York, NY 10158
(212) 297-5800

4. *EduCap Inc., et al. v. Evans*, 2012 CA 7156

I believe that this was a case of first impression in the District of Columbia Superior Court, in applying the Fair Debt Collection Practices Act (FDCPA). Counter-plaintiff Evans sued counter-defendants EduCap Inc. and Parnell & Crum, P.C. for violating the FDCPA and the Service Members Civil Relief Act (SCRA) in servicing her student loan. Evans took out a total of \$6,000 in educational loans in 2006. She joined the military in 2008; and thereafter defaulted on her loans. Evans alleged that the loan originator, EduCap, violated the SCRA by not giving her an interest-rate reduction to which she was entitled as an active-duty service member; and by filing a knowingly false affidavit in a debt-collection action against her. Evans also alleged that Parnell & Crum, a debt-servicing agency, violated the FDCPA by deducting a \$30 service charge from her \$150 monthly loan payments, without her consent. After a lengthy hearing on dueling motions for summary judgment, I issued a detailed oral ruling from the bench, in which I granted summary judgment in favor of EduCap on the SCRA claims; and granted summary judgment in favor of Evans on the FDCPA claim. I also awarded Evans over \$100,000 in attorney's fees for the FDCPA claim.

Counsel for EduCap, Inc. and
Parnell & Crum, P.C.:

Jamie B. Glick, Esq.
Friedman, Framme & Thrush, P.A.
10461 Mill Run Circle
Suite 500
Owings Mills, MD 21117
(410) 559-9000

Counsel for Evans:

Dean Gregory, Esq.
1629 K Street, Northwest
Suite 300
Washington, DC 20006
(202) 804-8975

5. *United States v. Pitt*, 2015 CF1 17598

In this Felony 1 case, the defendant was convicted by a jury of two counts of first-degree sexual abuse, first-degree burglary, kidnapping, assault, robbery, and threats. Defendant committed a brutal home-invasion rape while he was on release on other charges. He broke bones in the victim's face, threatened to kill her, raped her, and stole her cell phone and cash. The trial involved several challenging legal issues, including the admission of other-crimes evidence related to the defendant's unlawful entry into another woman's bedroom in the middle of the night, and the disqualification of a juror during deliberations. The judgment was affirmed on appeal. *Pitt v. United States*, 220 A.3d 951 (D.C. 2019).

Counsel for the Government: Sarah McClellan, Esq.
(formerly at the U.S. Attorney's Office)
Executive Office for United States
Attorneys
United States Department of Justice
950 Pennsylvania Avenue, Northwest
Room 2242
Washington, DC 20530
(202) 514-2000

Counsel for Defendant: Magistrate Judge Judith Pipe
(formerly at the Public Defender Service)
District of Columbia Superior Court
500 Indiana Avenue, Northwest
Washington, DC 20001
(202) 879-4795

6. *United States v. Ballard*, 2015 CF1 9160

In this Felony 1 matter, the defendant was charged with assault with intent to kill while armed after he stabbed a stranger in the neck. The defendant had mental health issues and underwent numerous competency evaluations. The defendant chose to represent himself, with the assistance of an attorney advisor. During the pendency of the proceedings, I devoted substantial time to ensuring that the defendant understood the proceedings; and that he had access to legal advice and resources. He eventually was found competent and pled guilty.

Counsel for the Government: Vivian Cockburn, Esq.
United States Attorney's Office for the
District of Columbia
555 Fourth Street, Northwest
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(202) 252-1900

Advisor to the Defendant: Jonathan Zucker, Esq.
Solo Practitioner
37 Florida Avenue, Northeast
Suite 200
Washington, DC 20002
(202) 624-0784

7. *In re K.H.*, 2013 DEL 1912; 2015 DEL 1912 (2015)

In these juvenile-delinquency cases, the respondent pled guilty to felony assault, carrying a dangerous weapon (a knife), and simple assault. The respondent was committed to the custody of the Child and Family Services Agency, as well as to

the custody of the Department of Youth Rehabilitation Services. During the pendency of the case, he threatened suicide and was in “active trauma,” for which he spent time at the Psychiatric Institute of Washington. His probation officer found a family member, a cousin, who was willing to take him in, and he also went to a residential treatment facility in Mill Creek, Arkansas, for six months. When the case closed at the end of 2015, he was mentally healthy, back in school, and had just gotten a job at a clothing store. He was very positive about his experiences with the juvenile justice system and the residential treatment facility.

Government Counsel: Bonnie Lindemann, Esq.
Office of the Attorney General
Juvenile Section
441 Fourth Street, Northwest, Suite 450
Washington, DC 20006
(202) 717-1345

Respondent’s Counsel: Blase Kearney, Esq.
(formerly at the Public Defender Service)
Michigan State Appellate Defender Service
500 Griswold, Suite 2900
Detroit, MI 48226
(313) 410-4057

8. *In re K.S.*, 2013 DEL 377 (2015)

In this juvenile-delinquency case, the respondent pled guilty to charges of destruction of property and misdemeanor threats. She eventually was committed to the custody of the Department of Youth Rehabilitation Services. When the respondent’s case commenced in 2013, she was violent and often unruly. She had pulled a knife on her mother; she had several outbursts in the courtroom; and she absconded from placement. Her grandmother was her guardian and refused to attend court hearings, so that I had to issue a bench warrant for her arrest. The respondent was provided with therapy and services, and I held multiple hearings in her case. At the last commitment-review hearing in October, 2015, the respondent’s grandmother thanked the court for helping K.S., who had begun spending time with her grandmother, stopped going out with her friends, and had decided that she wanted to attend college and become a social worker.

Government Counsel: Stacy Jeremiah, Esq.
(formerly of the Office of the Attorney General)
Current business-contact information unavailable.

Respondent’s Counsel: Seth Schrage, Esq.
Solo Practitioner

7771 Euclid Way
Springfield, VA 22153
(703) 866-5053

9. *Jordan v. Jordan*, 14 A.3d 1136 (D.C. 2011)

I authored this published opinion of the District of Columbia Court of Appeals while sitting by designation in 2011. The opinion resolved an issue of first impression: Whether a trial court may appoint a “parenting coordinator” to resolve day-to-day disputes between the parties in a contested, high-conflict custody case. The court determined that Rule 53 of the Superior Court Rules of Domestic Relations authorized the appointment of a parenting coordinator, which is a form of special master. The court also determined that the appointment of a parenting coordinator did not violate the due-process rights of the objecting parent. The court rejected appellant’s claim that the trial court had granted the parties joint custody of their children without giving sufficient weight to evidence that appellee had committed acts of domestic violence.

Other Panel Members: Judge John F. Fisher
Judge Anna Blackburne-Rigsby

Counsel for Appellant: Joan S. Meier, Esq.
George Washington University Law School
2000 H Street, Northwest
Washington, DC 20052
(202) 994-2278

Counsel for Appellee: Gail B. Landau, Esq.
Solo Practitioner
11300 Rockville Pike, Suite 1207
Rockville, MD 20852
(301) 984-5600

Counsel for *amici curiae*: Margaret McKinney, Esq.
Delaney, McKinney LLP
5425 Wisconsin Avenue, Suite 401
Chevy Chase, MD 20815
(301) 913-5236

10. *Michael v. W.H. Bacon Funeral Home et al.*, 2016 CA 9040

In this civil action, the plaintiff sued the defendant funeral home for erroneously cremating the remains of plaintiff’s mother, which were instead supposed to be transported to Nigeria for burial. I engaged in a protracted mediation of the dispute and facilitated a settlement, even though the parties had been unable to reach an agreement in private mediation.

Counsel for Plaintiff: Kasey Murray, Esq.
Mark Fiedler, Esq.
Koonz, McKenney, Johnson, Paolis &
Lightfoot
2001 Pennsylvania Avenue, Northwest
Suite 450
Washington, DC 2006
(202) 659-5500

Counsel for Defendant: Barron Stroud, Jr., Esq.
Stroud Priest LLC
1140 Third Street, Northeast
Second Floor
Washington, DC 20002
(303) 683-6550

- 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. *Organic Consumers Association v. Smithfield Foods, Inc.*, 2020 D.C. Super. LEXIS 28 (Dec. 14, 2020).

Counsel for Plaintiff: Kim Richman, Esq.
Jay Shooster, Esq.
Richman Law Group
1 Bridge Street
Suite 83
Irvington, NY 10553
(718) 705-4579

Counsel for Defendant: Tiffany Riffer, Esq.
1050 K Street, Northwest
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Washington, DC 20001
(202) 312-7400

Sarah Brew, Esq.
Faegre Baker Daniels LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
(612) 766-7000

2. *Asencio et al. v. Jefferson-11th Street LLC, et al.*, 2016 CA 8084 B, 2017 CA 2837 2, Order granting individual plaintiffs' Motion for Summary Judgment on Damages and Fees (July 23, 2020). Opinion supplied.

Counsel for the Government: Benjamin Wiseman, Esq.
Jimmy Rock, Esq.
Jane Lewis, Esq.
John Lui, Esq.
Office of the Attorney General for the
District of Columbia
400 6th Street, Northwest
Washington, DC 20001
(202) 727-3400

Counsel for Individual
Plaintiffs: Joanna Persio, Esq.
Blake Biles, Esq.
Arnold and Porter
601 Massachusetts Avenue, Northwest
Washington, DC 20001
(202) 942-5000

Receiver: Benjamin Gilmore, Esq.
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Washington, DC 20009
(202) 688-1330

Counsel for the Defendants: Jeffery Styles, Esq.
Washington Legal Group, LLC
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Suite 440
Washington, DC 20006
(202) 503-1708

Richard Schrager, Esq.
Bacon Thornton Palmer LLP
6411 Ivy Lane
Suite 500
Greenbelt, MD 208770
(301) 345-7001

3. *Faw v. QT Transportation, Inc.*, 2020 D.C. Super. LEXIS 4 (D.C. Super. Ct. May 18, 2020).

Counsel for Plaintiff: Tara Tighe, Esq.
Allen, Allen, Allen & Allen, PC

50 Dunn Drive
Suite 105
Stafford, VA 22556
(540) 657- 9222

Counsel for Defendant:

Justin Flint, Esq.
Channing Shor
Eccleston & Wolf PLC
1629 K Street, Northwest
Suite 260
Washington, DC 20006
(202) 857-1696

4. *Pen-Y-Bryn Partners LLC, et al. v. Tayl Investors Group Ltd. of British Virgin Islands, et al.*, 2017 CA 7509 B, Order granting defendants' Motion for More Severe Sanctions (Apr. 14, 2020). Opinion supplied.

Counsel for Plaintiffs:

David Engelhardt, Esq.
Engelhardt & Counsel
5335 Wisconsin Avenue, Northwest
Suite 440
Washington, DC 20015
(202) 274-0223

Counsel for Defendants:

Sara Kropf, Esq.
Kropf Moseley PLLC
1100 H Street, Northwest
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Washington, DC 20005
(202) 627-6900

Jeffrey Buss, Esq.
Smith, Buss & Jacobs
733 Yonkers Avenue
Yonkers, NY 10704
(914) 476-0600

5. *American Institute for Truth in Advertising v. Vitacommerce, Inc.*, 2018 D.C. Super. LEXIS 2 (D.C. Super. Ct. Apr. 11, 2018).

Counsel for Plaintiff:

Douglas Melcher, Esq.
Levin Law Group
Suite 440
5335 Wisconsin Avenue, Northwest
Washington, DC 20015
(202) 427-5753

Counsel for Defendant: Steven Krieger, Esq.
Steven Krieger Law, PLLC
2200 Wilson Boulevard
Suite 102-438
Arlington, VA 22201
(703) 831-7707

6. *District of Columbia v. Lumen Eight Media Group LLC, et al.*, 2016 CA 6471 B, Order granting plaintiff's Motion for Summary Judgment (Mar. 9, 2020).
Opinion supplied previously in response to Question 13.c.

Counsel for the Government: Fernando Rivera, Esq.
Eric Johnson, Esq.
Tony Jackson, Esq.
Eric Glover, Esq.
Christopher Sousa, Esq.
Office of the Attorney General for the
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400 6th Street, Northwest
Washington, DC 20001
(202) 727-3400

Counsel for the Defendant: Steven Cash, Esq.
Adam Grant, Esq.
Day Pitney LLP
605 Third Avenue
31st Floor
New York, NY 10158
(212) 297-580

7. *Adetu v. Sidwell Friends School*, Case Number 2015 CA 9948 B, Order granting defendant's Motion for Summary Judgment, 2017 D.C. Super. LEXIS 6 (D.C. Super. Ct. July 14, 2017).

Counsel for Plaintiff: Richard C. Baker, Esq.
Baker Simmons, Esq.
2120 L Street, Northwest
Suite 300
Washington, DC 20037
(202) 775-0050

Counsel for Defendant: O'Kelley McWilliams, Esq.
Shameka Bloyce, Esq.
Brian Scotti, Esq.
1300 I Street, Northwest

Suite 825
Washington, DC 20005
(202) 339-1009

8. *Richardson and Walker v. United States*, 116 A.3d 434 (D.C. 2015)

Government Counsel: Stephen F. Rickard, Esq.
United States Attorney's Office
555 Fourth Street, Northwest
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(202) 252-7566

Counsel for Appellants: Corey L. Carlyle, Esq. (Richardson)
Solo Practitioner
400 Fifth Street, Northwest, Suite 350
Washington, DC 20001
(202) 262-1984

Mikel-Meredith Weidman, Esq. (Walker)
Public Defender Service
633 Indiana Avenue, Northwest
Washington, DC 20004
(202) 628-1200

9. *Jordan v. Jordan*, 14 A.3d 1136 (D.C. 2011)

Counsel for Appellant: Joan S. Meier, Esq.
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2000 H Street, Northwest
Washington, DC 20052
(202) 994-2278

Counsel for Appellee: Gail B. Landau, Esq.
Solo Practitioner
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Rockville, MD 20852
(301) 984-5600

Counsel for *amici curiae*: Margaret McKinney, Esq.
Delaney, McKinney LLP
5425 Wisconsin Avenue, Suite 401
Chevy Chase, MD 20815
(301) 913-5236

10. *United States v. Ross and Williams*, 138 Daily Wash. L. Rptr. 2237 (D.C. Super. Ct. Oct. 14, 2010). Opinion supplied.

Government Counsel:

Tejpal Chawla, Esq.
United States Attorney's Office
555 Fourth Street, Northwest
Washington, DC 20530
(202) 252-7566

Counsel for Defendants:

Edward Shacklee, Esq. (Ross)
Public Defender Service
633 Indiana Avenue, Northwest
Washington, DC 20004
(202) 628-1200

Judge Catharine Easterly (Ross)
(formerly at the Public Defender Service)
District of Columbia Court of Appeals
430 E Street, Northwest
Washington, DC 20001
(202) 879-2786

Stephen Cooper (Ross)
(formerly at the Public Defender Service)
Current business-contact information
unavailable.

Joanne Slaughter, Esq. (Williams)
Solo Practitioner
400 Seventh Street, Northwest, Suite 206
Washington, DC 20004
(202) 408-2041

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

Adetu v. Sidwell Friends School, Case No. 2015 CA 9948 B, 2017 D.C. Super. LEXIS 6 (D.C. Super. Ct. July 14, 2017), *aff'd*, Case No. 17-CV-888, 2019 D.C. App. LEXIS 36 (D.C. Jan. 23, 2019), *cert. denied*, Case No. 18-1356, 2019 U.S. LEXIS 4154 (U.S. June 17, 2019).

- 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.

RFB Properties II, LLC v. Deutsche Bank Trust Company Americas, 247 A.3d 689 (D.C. 2021)

Under District of Columbia law, when a condominium association forecloses on a lien for unpaid condominium assessments, the foreclosure sale extinguishes all other possessory interests in the property that are not paid off by the foreclosure sale proceeds, such as a mortgage secured by the condominium. In this case, the plaintiff purchased the subject property at a condominium lien foreclosure sale for \$53,000, with the understanding that the sale would be subject to a mortgage with an outstanding balance of over \$500,000. The purchaser argued that the condominium lien foreclosure extinguished the mortgage, while the mortgage lender argued that the \$53,000 sale price would be unconscionably low if the purchaser were not required to pay the mortgage balance. I ruled from the bench that the sale price was unconscionably low under the circumstances, and that the purchaser should not, as an equitable matter, receive a windfall where the purchaser had purchased the property with the understanding that the sale was subject to the mortgage. The Court of Appeals reversed, holding that unconscionability should be determined at the time of the purchase, and that the price was not unconscionable at that time because all parties believed that the sale would be subject to the mortgage. Including the outstanding mortgage balance at the time of sale, the purchase price was approximately \$550,000. The Court of Appeals held that the fact that the sale later turned out not to be subject to the mortgage, due to an intervening change in the law, was a risk assumed by the parties.

Sivaraman v. Guizzetti & Associates, Ltd. et al., 228 A.2d 1066 (D.C. 2020)

The Court of Appeals held that I erred in calculating certain damages owed to the plaintiff. The plaintiff alleged that his former employer had violated the District of Columbia's Wage Payment and Collection Law and Minimum Wage Act by failing to pay plaintiff all amounts owed, and by firing him when he sought full payment. I entered default against the defendant and held a hearing on damages, at which I ruled from the bench. The Court of Appeals affirmed in part and reversed in part, holding that I erred in applying certain parts of the relevant statute. The case was remanded with instructions for me to recalculate the damages.

Frankeny v. District Hospital Partners, 225 A.3d 999 (D.C. 2020)

The Court of Appeals reversed my entry of summary judgment in favor of defendants in this case of first impression. I had ruled from the bench in favor of the defendant hospital operators in this medical malpractice case, which also included a claim under the District of Columbia Consumer Protection Procedures Act (CPPA). I agreed with defendants that the CPPA applies to medical malpractice and lack-of-informed-consent cases only in more limited circumstances – *i.e.*, when the plaintiff presents evidence of an “entrepreneurial motive” for the hospital’s alleged misrepresentations under the CPPA. I relied on precedent interpreting the CPPA from the United States District Court for the

District of Columbia. The Court of Appeals declined to adopt the reasoning of the United States District Court and ruled that a patient need not allege or prove intentional misrepresentation or any particular motive when making claims against medical providers under the CPPA.

In re J.W., No. 13-FS-1509, slip op. (Aug. 2, 2016)

The Court of Appeals reversed a robbery conviction on the ground that the evidence was insufficient to support a finding that the respondent aided and abetted the commission of the offense. The evidence at trial included the testimony of an eyewitness who observed the respondent running away with the cell phone that was snatched in the robbery. I noted that circumstantial evidence suggested that the respondent probably snatched the phone, but none of the witnesses saw her do that. I found that the respondent was at least an aider and abettor to the robbery because she at least participated in the asportation of the stolen item. The Court of Appeals ruled that in the absence of “evidence that anyone else had the status of a principal who J.W. aided or abetted,” the evidence was insufficient to find J.W. involved in the robbery. Unpublished memorandum opinion and judgment supplied.

In re D.P., 122 A.3d 903 (D.C. 2015)

The Court of Appeals reversed judgments of aggravated assault and assault with significant bodily injury on the ground that the evidence of the seriousness of the victim’s injuries was insufficient. The respondent and others punched the complaining witness repeatedly on a metro bus, causing the complaining witness to strike her head on a pole, rendering her unconscious, and causing her to have headaches for two to three days.

Bradley v. United States, 107 A.3d 586 (D.C. 2015)

The Court of Appeals reversed my judgment affirming the judgment of conviction entered by a magistrate judge. The Court of Appeals held that the magistrate judge violated the defendant’s rights under the Due Process Clause by sentencing him based on “misinformation and [a] misunderstanding that is materially untrue.” The Court reached this conclusion after requesting supplemental briefs on this issue and inviting the Public Defender Service to file a brief as *amicus curiae*. In the proceedings before me in the Superior Court, the defendant had focused on allegations of judicial bias, not violations of due process. Superior Court opinion supplied.

Douglas v. United States, 97 A.3d 1045 (D.C. 2014)

The Court of Appeals reversed the defendant’s conviction on the charge of possession with intent to distribute marijuana. In this case, the jury was instructed that it could consider the lesser-included offense of possession of marijuana if the

jury made “reasonable efforts” to reach a verdict on the greater charge of possession with intent to distribute, but were unable to reach a verdict on the greater charge. After two notes indicating they were unable to reach a verdict on the greater charge, the jury was instructed that it could consider the lesser charge if it had expended “reasonable efforts” with respect to the greater charge. After the jury convicted the defendant on the lesser charge, I gave an anti-deadlock instruction and required the jury to deliberate on the greater charge. They then returned a guilty verdict on the greater charge. The Court of Appeals held that I should have declared a mistrial on the greater charge after the verdict was returned on the lesser charge, even though the jury had not indicated that it was deadlocked on the greater charge at that point.

Hagood v. United States, 93 A.2d 210 (D.C. 2014)

The Court of Appeals held that I erred in failing to *sua sponte* give a special-unanimity instruction, but that reversal was not warranted under plain-error review. The evidence presented by the government encompassed two incidents at the door of an apartment. The Court held that either incident could have supported the offenses of conviction, and that a special-unanimity instruction should have been given to ensure that the jurors were unanimous in their factual findings with respect to each count of conviction.

Tarpeh v. United States, 62 A.3d 1266 (D.C. 2013)

The Court of Appeals reversed the defendant’s conviction on the charge of criminal neglect of a vulnerable adult, on the ground that the evidence was insufficient to find that the defendant acted recklessly. The defendant was a certified nursing assistant, who was instructed to transport the victim, Ms. Young, to a dental appointment. Ms. Young was a 61-year-old stroke patient, who was paralyzed on the right side of her body and could not speak. Defendant put Ms. Young in a wheelchair without foot rests, and proceeded to push her in the wheelchair to the appointment while Ms. Young’s foot dragged on the ground. Ms. Young’s foot was abraded down to the bone and her toe was amputated as a result of the defendant’s conduct.

Quintanilla v. United States, 62 A.3d 1261 (D.C. 2013)

The Court of Appeals reversed the defendant’s conviction on the charge of felony assault on the ground that the evidence was insufficient to establish “significant” bodily injury. The Court held that the following injuries were not sufficiently “significant”: (1) the victim’s head was “throbbing,” “sore,” and “very tender to the touch;” (2) she had swelling from her “right eye to behind [her] left ear;” (3) her fingers “stayed swollen for about three weeks;” (4) her index finger was “almost unusable for about two months” and “was in a lot of pain;” and (5) the victim had bruising on her legs.

- 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 estimate that about 95% of my Superior Court opinions are unpublished. One opinion was published in the Daily Washington Law Reporter: *United States v. Ross and Williams*, 138 Daily Wash. L. Rptr. 2237 (D.C. Super. Ct. Oct. 14, 2010). Nine opinions have been published on LEXIS, and are listed above in response to Question 13b. I have issued numerous unpublished opinions. Each opinion is available online on the D.C. Superior Court docket for the case in which the opinion was issued.

- 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.

Jordan v. Jordan, 14 A.3d 1136 (D.C. 2011)

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

I have not sat by designation on a federal court of appeals.

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

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

On matters of recusal, I follow the Code of Judicial Conduct adopted by the District of Columbia Courts. My court does not employ an "automatic" recusal system. I do not have records of cases in which I have recused myself. There

have been several instances where a criminal defendant has asked me to recuse myself because I had presided over one of his prior criminal matters. I have generally granted such requests where there have been no costs to judicial economy. When I was presiding over a juvenile-delinquency calendar, several respondents asked me to recuse myself after I took guilty pleas from co-respondents. I denied such requests, relying on my ability to refrain from considering matters that are not relevant, and on the general practice in our court of denying such requests in adult co-defendant cases.

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.

From 2002 to 2005, I served on the Mayor's Commission on Asian and Pacific Islander Affairs in the District of Columbia. I was appointed to the Commission by Mayor Anthony A. Williams.

- 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 served as a law clerk to the Honorable Michael B. Mukasey of the United States District Court for the Southern District of New York from 1993 to 1994.

I served as a law clerk to the Honorable Ralph K. Winter of the United States Court of Appeals for the Second Circuit from 1994 to 1995.

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

I never practiced alone.

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

1995 – 1998

United States Department of Justice
950 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20530
Attorney, Criminal Division, Appellate Section (1996 – 1998)
Bristow Fellow, Office of the Solicitor General (1995 – 1996)

1998 – 1999

United States Department of the Treasury
1500 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20220
Senior Advisor to the Undersecretary for Domestic Finance (1999)
Senior Advisor to the Assistant Secretary for Financial Markets (1998)

1999 – 2009, January – July 1997

United States Attorney's Office for the District of Columbia
555 Fourth Street, Northwest
Washington, District of Columbia 20530
Assistant United States Attorney (1999 – 2009)
Special Assistant United States Attorney (January – July 1997)

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

I did not serve as a mediator or arbitrator in alternative dispute resolution proceedings when I was a practicing attorney. As noted in my response to Question 13, I have engaged in mediation of civil cases as a judicial officer.

b. Describe:

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

From 1995 to 1998, I worked at the United States Department of Justice, first serving as a Bristow Fellow in the Office of the Solicitor General, and then serving as an attorney in the Criminal Division Appellate Section. In both of these positions, I drafted briefs in opposition to certiorari petitions and prepared recommendations regarding the authorization of government

appeals. I also assisted in the preparation of briefs in Supreme Court cases. In addition, I briefed and argued cases in the United States Courts of Appeals for the District of Columbia Circuit, First Circuit, Fifth Circuit, and Ninth Circuit. While I was an attorney in the Criminal Division Appellate Section, I was detailed to the Misdemeanor Trial Section of the United States Attorney's Office for the District of Columbia for seven months.

From 1998 to 1999, I served as a Senior Advisor to Gary Gensler at the United States Department of the Treasury. Mr. Gensler was Assistant Secretary for Financial Markets in 1998, but was elevated to the position of Under Secretary for Domestic Finance in 1999. I assisted him in the formulation of federal financial policy and in the management of career staff.

From 1999 to 2009, I served as an Assistant United States Attorney in the United States Attorney's Office for the District of Columbia. My first assignment was as a rotational attorney in the Appellate Division, where I spent approximately nine months briefing and arguing criminal cases in the District of Columbia Court of Appeals and in the United States Court of Appeals for the District of Columbia Circuit. I then moved through several Superior Court assignments, spending approximately six to nine months in each rotation. In the General Felony Section, I gained experience in conducting jury trials in lower-level felony cases. In the Grand Jury section, I investigated and indicted felony cases, working closely with grand juries. In the Major Crimes Section, I worked on "vertical prosecutions" of more serious felonies, conducting both the grand-jury investigations and the trials in those matters. I then left the Superior Court Division and joined the Narcotics Section of the Criminal Division for approximately two years. In the Narcotics Section, I had approximately five trials in the United States District Court for the District of Columbia, including one that lasted six months. In 2004, I became a Senior Assistant United States Attorney in the Appellate Division. In that capacity, I handled numerous criminal appeals. I was promoted to Deputy Chief of the Appellate Division in 2007. As Deputy Chief, I reviewed briefs, supervised moot courts in preparation for oral arguments, provided training for prosecutors and police officers, and helped to manage the attorneys and support staff in the Division.

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

While practicing as an attorney, I worked only for the federal government. My only client was the United States of America.

- 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 as a practicing attorney for approximately 13 years (not including the years that I spent clerking, handling policy work at the United States Department of the Treasury, and serving as a judge), my practice was 100 percent in litigation. I spent three years at the United States Department of Justice doing appellate work in federal courts. At the United States Attorney's Office, I spent about two and a half years litigating exclusively in the Superior Court of the District of Columbia; about two years litigating exclusively in the United States District Court for the District of Columbia; and about five and a half years doing appellate work in both federal and local courts. The majority of my work in the Appellate Division (about 75 percent) was in the District of Columbia Court of Appeals.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 49% |
| 2. state courts of record: | 51% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 4% |
| 2. criminal proceedings: | 96% |

- 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 estimate that I handled approximately 20 jury trials and approximately 20 bench trials as an Assistant United States Attorney and as a Special Assistant United States Attorney.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 50% |
| 2. non-jury: | 50% |

- 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.

From 1995 to 1998, I served as a Bristow Fellow in the Office of the Solicitor General and as an attorney in the Criminal Appellate Section at the United States Department of Justice. I did research to support briefs filed by the government in

Supreme Court cases, drafted oppositions to petitions for certiorari, and participated in moot courts for Supreme Court arguments. I did not, however, personally practice before the Supreme Court. To my knowledge, my name appears on only one brief in opposition to certiorari, in *Manges v. United States*, 1997 WL 33557402, *cert. denied*, 523 U.S. 1106 (1998).

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. Askew*, 529 F.3d 1119 (D.C. Cir. 2008) (*en banc*)

In 2006 and 2007, as an Assistant United States Attorney, I briefed and argued this case before a panel of the United States Court of Appeals for the District of Columbia Circuit, and then briefed and argued it again before the *en banc* Court. The issue was whether it was permissible under the Fourth Amendment for the police to partially unzip a suspect's jacket to see if his clothing matched that of an armed robber, during the course of a *Terry* stop. The appellant argued that this was a full-blown search that required probable cause and an exception to the warrant requirement; the government's position was that it was a reasonable investigative measure that did not exceed the scope of the *Terry* stop. The government lost on narrow grounds: The Court held that the facts of this particular case did not support a reasonable belief that unzipping the jacket would further the investigation.

Argued before:

Then-Chief Judge Ginsburg; Associate Judges Sentelle, Henderson, Rogers, Tatel, Garland, Brown, Griffith, and Kavanaugh; Senior Judge Edwards

Counsel for Appellant:

Sandra Roland
Assistant Federal Public Defender
625 Indiana Avenue, Northwest, Suite 550
Washington, DC 20004
(202) 208-7500

2. *United States v. Burno*, 953 A.2d 1095 (D.C. 2008)

I briefed and argued this case before the District of Columbia Court of Appeals in 2007. The appellant was convicted of assault with intent to rob while armed and assault on a police officer with a dangerous weapon, after he shot a police officer in an attempt to steal the officer's service weapon. On appeal, he claimed that he had invoked his right to remain silent under *Miranda v. Arizona*, 384 U.S. 436 (1966), when he stated in response to certain questions during a custodial interrogation, "I'd rather not say." The Court of Appeals agreed with the government's position that an invocation of the right to remain silent must be clear and unambiguous, adopting the standard that had been applied to invocations of the right to counsel under *Miranda*.

Argued before: Associate Judge Ruiz, and Senior Judges
Farrell and Terry

Counsel for Appellant: Sydney J. Hoffman, Esq.
Solo Practitioner
P.O. Box 42733
Washington, DC 20015
(202) 262-8444

3. *McNeil v. United States*, 933 A.3d 354 (D.C. 2007)

I briefed and argued this case before the District of Columbia Court of Appeals in 2006. It established the legal standard for mounting a "settled insanity" defense at trial. Appellant, while high on PCP, slit the throat of her 15-month-old daughter, nearly decapitating the child. Appellant's defense was that she was insane, or, in the alternative, that she suffered from a "settled" insanity due to her habitual use of PCP. The Court adopted the legal standard for establishing settled insanity that was advocated by the government. (The case was reversed on a different ground: The government had elicited evidence of the defendant's invocation of her *Miranda* rights as proof that she was sane, in violation of a Supreme Court precedent.)

Argued before: Associate Judges Reid and Glickman, and
Senior Judge Prior

Counsel for Appellant: Judge Corinne Beckwith
District of Columbia Court of Appeals
Historic Courthouse
430 E Street, Northwest
Washington, DC 20001
(202) 879-2728

4. *United States v. Simmons et al.*, No. 00-157 (2003 – 2004), *aff'd sub nom. United States v. McGill*, 815 F.3d 846 (D.C. Cir. 2016), *cert. denied*, 138 S. Ct. 58 (2017)

I was a member of a three-attorney team that tried this case in the United States District Court for the District of Columbia from October 2003 to April 2004. (A fourth attorney also participated in the first month of trial.) The six defendants were charged with narcotics conspiracy, Racketeering Influenced Corrupt Organization (RICO) conspiracy, continuing criminal enterprise, and numerous offenses involving drugs and violence, including eight murders and the shooting of a cooperating witness that left the victim a paraplegic. I examined about one-third of the government's witnesses, and I delivered the government's closing argument. All six defendants were convicted of the vast majority of the charges against them. This was the "Group II" trial of defendants who were indicted with lead defendant Gray in a 158-count indictment, a case that the press dubbed "Murder, Inc." Almost all of the convictions were subsequently affirmed on appeal.

Presiding Judge:

Judge Royce C. Lamberth

Co-Counsel:

Glenn Kirschner, Esq.
(formerly at the U.S. Attorney's Office)
43717 Gold Hill Square
Leesburg, VA 20176
(202) 680-8403

Arvind Lal, Esq.
United States Attorney's Office
555 Fourth Street, Northwest
Washington, DC 20530
(202) 252-7566

Amy Jeffress
(formerly at the U.S. Attorney's Office)
Arnold and Porter
601 Massachusetts Avenue, Northwest
Washington, DC 20001
(202) 942-5968

Counsel for Defendants:

Joseph E. Beshouri (Defendant Simmons)
Magistrate Judge (former solo practitioner)
Superior Court of the District of Columbia
500 Indiana Avenue, Northwest
Washington, DC 20001
(202) 879-8343

Idus J. Daniel, Jr., Esq. (Defendant Alfred)
Daniel & Jamison, LLP
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Matthew Wartel, Esq. (Defendant Alfred)
Solo Practitioner
216 South Patrick Street
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(703) 549-0446

David Carey Woll, Esq. (Defendant Alfred)
Woll and Woll, P.A.
11501 Georgia Avenue
Silver Spring, MD 20902
(301) 933-6962

Mary Elizabeth Davis, Esq. (Defendant
Alfred)
Solo Practitioner
1350 Connecticut Avenue, Northwest
Suite 202
Washington, DC 20036
(202) 234-7300

Kenneth D. Auerbach, Esq. (Defendant
Oliver)
Solo Practitioner
Metropolitan Building, Suite 704
8720 Georgia Avenue
Number 704
Silver Spring, MD 20910
(301) 585-5566

Manuel J. Retureta, Esq. (Defendant
Seegers)
Retureta and Wassem
300 New Jersey Avenue, Northwest
Suite 900
Washington, DC 20001
(202) 450-6119

Jon W. Norris, Esq. (Defendant Seegers)
503 D Street, Northwest

Suite 250
Washington, DC 20001
(202) 371-0300

Frances D'Antuono, Esq. (Defendant
McGill)
Solo Practitioner
218 Seventh Street, Southeast
Washington, DC 20003
(202) 544-6332

5. *United States v. Adams*, No. F-717-02 (2002)

With co-counsel Ronald Sharpe, I prosecuted this first-degree murder case in the Superior Court of the District of Columbia in 2002. The defendant was convicted and sentenced to 30 years' imprisonment. I conducted the grand-jury investigation, examined half of the witnesses at trial, and delivered the government's closing argument and rebuttal argument.

Presiding Judge:

Judge Robert I. Richter

Co-Counsel:

Ronald Sharpe (former prosecutor)
United States Attorney for
the District of the Virgin Islands
Federal Building and U.S. Courthouse
5500 Veterans Drive
St. Thomas, VI 00802-6424
(340) 774-5757

Counsel for Defendant:

Joel Davidson, Esq.
Solo Practitioner
611 Pennsylvania Avenue, Southeast
Number 288
Washington, DC 20003
(202) 543-2665

6. *United States v. Quigley*, No. F-7850-01 (2002)

With co-counsel Glenn Kirschner, I prosecuted this first-degree murder case in the Superior Court of the District of Columbia in 2001. The defendant was convicted and sentenced to 70 years' imprisonment. I conducted the grand-jury investigation, handled the suppression hearing, examined half of the witnesses at trial, and delivered the government's closing argument.

Presiding Judge:

Judge Judith Retchin

Co-Counsel: Glenn Kirschner, Esq.
(formerly at the U.S. Attorney's Office)
43717 Gold Hill Square
Leesburg, VA 20176
(202) 680-8403

Counsel for Defendant: James Williams, Esq.
Solo Practitioner
P.O. Box 1165
Great Falls, VA 22066
(703) 757-8375

7. *United States v. Johnson*, F-1193-02 (2002)

I prosecuted this defendant on two counts of assault with a dangerous weapon (gun) and related offenses, in the Superior Court of the District of Columbia in 2002. The defendant pulled out a gun, "cocked" it, and pointed it at one victim; he then fled the scene in a car driven by an accomplice. The defendant and the accomplice led the police on a high-speed chase down Interstate 395, during which they fired shots at the pursuing police officers on the highway. A bullet hit the windshield of one of the police cars. The defendant was convicted on all counts and was sentenced to 18 years' imprisonment.

Presiding Judge: Judge Frederick Weisberg

Counsel for Defendant: Judge Maribeth Raffinan
(formerly at the Public Defender Service)
Superior Court of the District of Columbia
500 Indiana Avenue, Northwest
Washington, DC 20001
(202) 879-0131

8. *United States v. Omar and Miller*, F-6737-01, F-51-02 (2002)

I prosecuted these defendants in the Superior Court of the District of Columbia in 2002. The lead defendant, Mr. Omar, was charged with assault with intent to kill while armed and related offenses; and his wife, Ms. Miller, was charged with obstruction of justice, based on alleged attempts to cover up the crime. Mr. Omar was convicted on all counts and sentenced to 25 years' imprisonment. Ms. Miller was acquitted.

Presiding Judge: Judge Russell F. Canan

Counsel for Defendants: Christian Lamar, Esq. (Defendant Omar)
(formerly at the Public Defender Service)
Georgia Capital Defender

225 Peachtree Street, Northeast
Atlanta, GA 30303
(404) 739-5151

Sharon Burka, Esq. (Defendant Miller)
Burka and Engle
900 Pennsylvania Avenue, Northwest
Suite 900 South
Washington, DC 20004
(202) 966-0625

9. *United States v. Williams*, F-153-02 (2002)

Along with co-counsel John Carlin, I prosecuted this defendant on charges of armed car-jacking and related offenses, in the Superior Court of the District of Columbia in 2002. Although one of the victims identified the defendant from a photo array and in court, and there was grainy surveillance footage of the perpetrator that appeared to confirm the identification, we were not completely confident of the identification. The defendant was convicted of all charges, but we conducted an extensive post-trial investigation of the defendant's claim that someone else was the perpetrator of the crime. The defendant claimed that the real perpetrator had confessed to a witness, and we subjected that witness to a lie-detector test. We intended to dismiss the charges against the defendant if the lie-detector test confirmed the defendant's account, but the witness failed the lie-detector test. The defendant received a lengthy prison sentence. Thereafter, defendant filed a post-trial motion alleging ineffective assistance of counsel, which was litigated by other prosecutors. The government dismissed the case during the post-trial litigation.

Presiding Judge:

Judge Judith Retchin

Co-Counsel:

John Carlin
Principal Associate Deputy Attorney
General
United States Department of Justice
950 Pennsylvania Avenue, Northwest
Washington, DC 20530
(202) 514-4263

Counsel for Defendant:

Antoini Jones, Esq.
Gibson, Jones and Associates, LLP
1401 Mercantile Lane, Suite 381
Largo, MD 20774
(301) 209-0453

10. *United States v. Allen*, 755 A.2d 402 (D.C. 2000)

I briefed and argued this government appeal before the District of Columbia Court of Appeals in 1999 and 2000. The issue on appeal was whether the Double Jeopardy Clause precluded the government from re-trying the defendant on the greater offense of possession with intent to distribute cocaine after (1) the jury had exercised “reasonable efforts” to reach a verdict on that charge but had been unable to do so, (2) the jury then convicted the defendant of the lesser-included offense of possession of cocaine, and (3) the court granted a mistrial on the greater offense at the request of the defendant. The Court agreed with the government’s position that there was no bar to retrial under the doctrine of “continuing jeopardy” because the trial on the greater offense had ended in a mistrial at the defendant’s request.

Argued before: Associate Judges Steadman, Ruiz, and Reid
(all of these judges are now senior)

Counsel for Appellant: Leslie B. Holt, Esq.
Contact information unavailable

Counsel for *amicus curiae*: Sandra Levick, Esq.
James Klein, Esq.
Public Defender Service
633 Indiana Avenue, Northwest
Washington, DC 20004
(202) 628-1200

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

I have been an active member of the National Asian Pacific American Bar Association and the Asian Pacific American Bar Association of the District of Columbia for many years. Since I became a judge in 2009, I have appeared regularly at events sponsored by those organizations. From 2011 to 2012, I was Secretary of the Judicial Council of the National Asian Pacific American Bar Association. From 2014 to 2018, I was a member of the Advisory Board for the Asian Pacific American Bar Association of the District of Columbia. As of January 2021, I am Chair of the Superior Court Committee on Jury Instructions. Since 2017, I have been a member of the Advisory Committee on Judicial Conduct for the District of Columbia Courts. Since 2019, I have been a member of the Civil Rules Advisory Committee. From 2011 to 2019, I was a member of the Superior Court Committee on the Selection and Tenure of Magistrate Judges. From 2013 to 2017, I was a member of the Superior Court Judicial Education Committee. From 2014 to

2015, I was Co-Chair of the Superior Court Juvenile Subcommittee, and Co-Chair of the Juvenile Rules Advisory Committee. From 2013 to present, I have been a member of the American Law Institute; I currently serve as a member of Regional Advisory Group 4. From 2012 to present, I have been an associate member of the Lawyers' Club of Washington. From 2011 to 2013, I was a member of the National Association of Women Judges and a member of the American Bar Association Judicial Division. From 2008 to 2009, I was a member of the Edward Coke Appellate Inn of Court.

I have never participated in lobbying activities or registered as a lobbyist.

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

From 2012 to the present, I have taught Criminal Procedure at Georgetown University Law Center to LL.M. candidates. The course covers Supreme Court cases interpreting the Fourth, Fifth, and Sixth Amendments. Representative syllabi are supplied.

From 2013 to the present, I have taught Constitutional Law at Georgetown University Law Center to LL.M. candidates. In 2013, I taught the class by myself and covered only structural issues. Since 2014, I have co-taught the class with Judge Todd Edelman of the Superior Court of the District of Columbia. I have continued to focus on structural issues, while Judge Edelman focuses on individual rights. Syllabuses for 2013, 2014 and 2015 are supplied.

In 2007 and 2008, I taught Criminal Procedure at American University, Washington College of Law, to J.D. candidates. The course covered Supreme Court cases interpreting the Fourth, Fifth, and Sixth Amendments. Syllabus for 2007 is supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I participate in the District of Columbia 457(b) Deferred Compensation Plan. Distributions from the plan will commence upon my retirement from the D.C. Courts.

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.

The only outside employment that I would plan to pursue during my service with the court, if confirmed, would be teaching Criminal Procedure and Constitutional Law at

Georgetown University Law Center. I have taught at Georgetown since 2012, while also serving as an Associate Judge of the Superior Court of the District of Columbia.

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 Statement of Net Worth.

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 not aware of any family members or persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interest should I be confirmed.

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

If confirmed, I would handle any matter presenting actual or potential conflicts of interest by applying the Code of Conduct for United States Judges and any other relevant ethical canons and rules.

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 legal career to public service. I have also participated in non-legal volunteer work throughout my adult life. I served as a volunteer at the Washington Home, a senior citizens' facility in my neighborhood. With my children, I have visited seniors at two other senior citizens' homes and participated in other service projects, such as providing holiday packages for disadvantaged children. While employed at the United States Department of Justice from 1995 to 1996, I tutored a student at the Ludlow-Taylor

School in the District of Columbia. While living in New York and Connecticut from 1993 to 1995, I served as a mentor to a woman who had just been released from prison.

26. **Selection Process:**

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

On January 11, 2016, I submitted an application to the District of Columbia Federal Law Enforcement Nominating Commission. I interviewed with that commission on February 3, 2016. I was subsequently contacted by the office of Congresswoman Eleanor Holmes Norton of the District of Columbia, and I met with the Congresswoman on February 25, 2016 in Washington, D.C. On March 1, 2016, I was informed by the White House Counsel's Office that I was under consideration. On April 13, 2016, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice. On April 28, 2016, the President submitted my nomination to the Senate. On July 13, 2016, I received a hearing before the United States Senate Committee on the Judiciary. On September 15, 2016, the nomination was reported out of committee. The nomination expired on January 3, 2017, with the end of the 114th Congress.

On February 15, 2021, I submitted an application to the District of Columbia Federal Law Enforcement Nominating Commission. I interviewed with that commission on February 27, 2021. I was subsequently contacted by the White House Counsel's Office and was informed that I was under consideration. Since that time, I have been in communication with officials from the Office of Legal Policy at the Department of Justice. On March 30, 2021, the President announced his intent to nominate me, and on June 15, 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.