

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

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 and was not required to register for selective service.

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

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)

Asian Pacific American Bar Association of the District of Columbia (1996 – present)

Advisory Board (2014 – present)

Board of Advisors, Robert T. Matsui Annual Writing Competition (2014 – present)

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

Judicial Education Committee (2013 – present)

Committee on the Selection and Tenure of Magistrate Judges (2011 – present)

Co-Chair, Family Court Juvenile Subcommittee (2014 – 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

There have been no lapses in membership. I resigned my New York bar

membership in 2010, after I became a judge in the District of Columbia.

- 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.

Adas Israel Congregation (2008 – present)

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)

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

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

- 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.

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

Meeting minutes, Mayor's Commission on Asian and Pacific Islander Affairs (January 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, November 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 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 the Senate leadership, supporting the nomination of Judge Michael B. Mukasey for 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.

February 5, 2016: Participant in a 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 and PowerPoint 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, 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. The panel was 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 and PowerPoint that were 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 and PowerPoint that were 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, Board Member Swearing-In, 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 Lunch Series, 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. The panel was 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. The panel was 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. 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, Asian Pacific American Bar Association of the District of Columbia, Washington, District of Columbia. To the best of my recollection, I discussed my career path. I have no notes, transcript, or recording. The address for 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.

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, small claims, and traffic cases. For approximately a year and a half, I was assigned to the Misdemeanor Section of 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. Since January 2016, I have been assigned to a "Felony I" caseload in the Criminal Division, which includes some of the most serious felony cases in the jurisdiction.

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

I have presided over 536 trials.

- i. Of these, approximately what percent were:

jury trials:	12%
bench trials:	88%
civil proceedings:	13%
criminal proceedings:	87%

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

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 the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the

case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Al-Uqdah v. Hanson*, 2015 DRB 43 (2015) (opinions supplied)

In this contested custody case, the parties had substantial disagreements about the custody arrangements for their child. After numerous status hearings, the parties were able to resolve most of their differences in mediation. I decided the remaining, contested issue after hearing testimony from the parties and the 11-year-old child. This case was significant because I was able to work with the family to resolve their differences and to implement a schedule that was in the best interest of the child; and I was able to issue a temporary visitation order in time to avoid disrupting the child's life when a new school year commenced.

Plaintiff: *Pro se*

Defendant: *Pro se*

2. *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
Office of the Attorney General
Juvenile Section
441 Fourth Street Northwest, Suite 450
Washington, District of Columbia 20006
(202) 727-1056

Respondent's Counsel: Blase Kearney
Public Defender Service
633 Indiana Avenue Northwest
Washington, District of Columbia 20004
(202) 824-2731

3. *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 now wants to attend college and become a social worker.

Government Counsel: Stacy Jeremiah
Office of the Attorney General
Juvenile Section
441 Fourth Street Northwest, Suite 450
Washington, District of Columbia 20006
(202) 727-4786

Respondent's Counsel: Seth Schragger
Solo Practitioner
7771 Euclid Way
Springfield, Virginia 22153
(703) 866-5053

4. *In re R.B.*, 2013 DEL 1564 (2015)

In this juvenile-delinquency case, the respondent pled guilty to charges of unlawful entry, second-degree theft, and destruction of property. The respondent appeared before me numerous times over the course of 27 months. The respondent was committed to the custody of the Department of Youth Rehabilitation Services and was placed at the New Beginnings Youth Development Center in Laurel, Maryland. He requested monthly commitment-review hearings so that he could tell me about his progress. He wrote me a letter expressing his gratitude for the care and interest that I took in his case.

Government Counsel: Kimberly Berry
Office of the Attorney General
Juvenile Section
441 Fourth Street Northwest, Suite 450
Washington, District of Columbia 20006
(202) 727-6282

Respondent's Counsel: Nathaniel Mensah

Georgetown University Law Center
Juvenile Justice Clinic
600 New Jersey Avenue Northwest, Suite
127
Washington, District of Columbia 20001
(202) 662-9584

5. *In re M.W.*, 2013 DEL 1263 (2013)

In this juvenile-delinquency case, the respondent went to trial on charges of murder, assault with intent to kill, and related offenses. The respondent and his friends engaged in an urban gun battle with a rival group in the courtyard of a housing complex, causing the death of one of the juvenile participants and the wounding of another. The respondent was found guilty and committed to the custody of the Department of Youth Rehabilitation Services until his 21st birthday.

Government Counsel: Veronica Noonan
Office of the Attorney General
Juvenile Section
441 Fourth Street Northwest, Suite 450
Washington, District of Columbia 20006
(202) 727-6347

Respondent's Counsel: Jejomar Untalan
Solo Practitioner
Contact information unavailable.

6. *United States v. Knight*, 2011 CF1 20270 (2012)

In this criminal case, the defendant was convicted of felony murder, armed robbery, and related offenses, after a five-day jury trial. The defendant and an accomplice went to a family-owned liquor store, armed with a gun. While the accomplice stood guard by the door and restrained the victim's son, the defendant went to the cash register, pointed a gun at the victim, and took money from the cash register. After taking the money, the defendant shot and killed the victim. The defendant was sentenced to a total of 52.5 years' imprisonment.

Government Counsel: Gary Wheeler
United States Attorney's Office
555 Fourth Street Northwest
Washington, District of Columbia 20530
(202) 252-7566

Counsel for Defendant: Steven Kiersh
Solo Practitioner

5335 Wisconsin Avenue Northwest, Suite
440
Washington, District of Columbia 20015
(202) 347-0200

7. *United States v. Brizuela*, 2012 CF1 10817 (2012)

In this criminal case, the defendant was charged with first-degree sexual abuse, obstruction of justice, and related offenses. The defendant allegedly raped his ex-girlfriend because she had become pregnant by another man. The defense contended that the intercourse was consensual and that the complaining witness had falsely accused the defendant of rape because she wanted to apply for a “U-visa,” which may be granted to victims of certain crimes who cooperate with law enforcement. After an eight-day trial, a mistrial was declared after the jury was unable to reach a unanimous verdict. The defendant thereafter pled guilty to one count of misdemeanor sexual abuse.

Government Counsel: Sarah McClellan
United States Attorney’s Office
555 Fourth Street Northwest
Washington, District of Columbia 20530
(202) 252-7566

Counsel for Defendant: Eugene Ohm
Public Defender Service
633 Indiana Avenue Northwest
Washington, District of Columbia 20004
(202) 628-1200

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

In this criminal case, a defendant was charged with one count of possession with intent to distribute marijuana, one count of possession of cocaine, and one count of possession of drug paraphernalia. The defense challenged the government’s discovery practices with respect to the drug-testing procedures and protocols employed by the Drug Enforcement Administration’s Mid-Atlantic Laboratory. Citing Rule 16 of the Superior Court Rules of Criminal Procedure, the defense claimed to be entitled to the disclosure of (1) “standard operating procedures” employed by the DEA in conducting drug analyses; (2) reports related to audits and accreditation of the DEA laboratory; (3) results of proficiency examinations of the forensic chemist who performed the drug analyses; and (4) calibration records for any instruments used in the drug analyses. I held a multi-day hearing and issued a lengthy opinion analyzing these claims. The issues raised were recurring ones, and the opinion I authored has been relied upon and cited by my colleagues on the Superior Court of the District of Columbia.

Government Counsel: Tejpal Chawla
United States Attorney's Office
555 Fourth Street Northwest
Washington, District of Columbia 20530
(202) 252-7566

Counsel for Defendants: Edward Shacklee (for defendant Ross)
Public Defender Service
633 Indiana Avenue Northwest
Washington, District of Columbia 20004
(202) 628-1200

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

Stephen Cooper (for defendant Ross)
(formerly at the Public Defender Service)
Contact information unavailable.

Joanne Slaughter (for defendant Williams)
Solo Practitioner
400 Seventh Street Northwest, Suite 206
Washington, D.C. 20004
(202) 408-2041

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
George Washington University Law School
2000 H Street Northwest
Washington, District of Columbia 20052
(202) 994-2278

Kerri L. Ruttenberg
Jones Day
51 Louisiana Avenue Northwest
Washington, District of Columbia 20001
(202) 879-5419

Counsel for Appellee:

Gail B. Landau
Solo Practitioner
11300 Rockville Pike, Suite 1207
Rockville, Maryland 20852
(301) 984-5600

Counsel for *amici curiae*:

Caroline Judge Mehta
Zuckerman Spaeder LLC
1800 M Street Northwest, Suite 1000
Washington, District of Columbia 20036
(202) 778-1836

Margaret McKinney
Kristin Henrikson
Samantha Kravitz
Delaney, McKinney LLP
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Chevy Chase, Maryland 20815
(301) 913-5236

10. *United States v. Bell*, 2009 CF1 21947 (2010)

After a criminal bench trial, this defendant was found guilty of two counts of misdemeanor sex abuse and two counts of simple assault. The victim was a resident of a women's shelter who had gone outside to smoke a cigarette. The defendant pushed her into the building, knocked her down, punched her, and raped her. The victim had mental-health issues, and the government acknowledged that she would testify to some things that did not happen. Her account of the rape, however, was corroborated by other witnesses and physical evidence. The government charged the defendant with four misdemeanor offenses instead of felony rape, apparently to avoid a jury trial. I convicted the defendant of all charges and imposed the maximum allowable sentence of 24

months' imprisonment.

Government Counsel: Sharon Marcus-Kurn
United States Attorney's Office
555 Fourth Street Northwest
Washington, District of Columbia 20530
(202) 252-7566

Counsel for Defendant: Philip Andonian
Bredhoff & Kaiser PLLC
805 Fifteenth Street Northwest, Suite 1000
Washington, District of Columbia 20005
(202) 842-2600

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

Government Counsel: Elizabeth Trosman
Stephen F. Rickard
United States Attorney's Office
555 Fourth Street Northwest
Washington, District of Columbia 20530
(202) 252-7566

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

Mikel-Meredith Weidman (for appellant Walker)
James Klein
Public Defender Service
633 Indiana Avenue Northwest
Washington, District of Columbia 20004
(202) 628-1200

2. *Watson v. Cook*, 2015 DRB 656 (2015) (opinion supplied)

Plaintiff: *Pro se*

Defendant: *Pro se*

3. *District of Columbia, ex rel Garibay v. Garibay*, 2013 SUP 2237 (2015)
(opinion supplied)

Counsel for Child's Guardian: Robert Maxwell
Solutions, PLLC
115 F Street Northwest, Suite 1050
Washington, District of Columbia 20004
(202) 709-9326

Government Counsel: Lorenzo Crowe
Office of the Attorney General
Child Support Services Division
411 Fourth Street Northwest, Suite 650-N
Washington, District of Columbia 20001
(202) 442-9805

Respondent: *Pro se*

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

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

Kerri L. Ruttenberg
Jones Day
51 Louisiana Avenue Northwest
Washington, District of Columbia 20001
(202) 879-5419

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

Counsel for *amici curiae*: Caroline Judge Mehta
Zuckerman Spaeder LLC
1800 M Street Northwest, Suite 1000
Washington, District of Columbia 20036
(202) 778-1836

Margaret McKinney
Kristin Henrikson
Samantha Kravitz
Delaney, McKinney LLP
5425 Wisconsin Avenue, Suite 401
Chevy Chase, Maryland 20815
(301) 913-5236

5. *District of Columbia v. Bradley*, 2010 CTF 5276 (2011) (opinion supplied)

Government Counsel: Yefat Levy (former prosecutor)
New York City Department of Education
Administrative Trials Unit
100 Gold Street, Suite 3401
New York, New York 10038
(212) 374-6731

Counsel for Defendant: Stephen F. Brennwald
Brennwald, Caleb and Robertson LLP
922 Pennsylvania Avenue Southeast
Washington, District of Columbia 20003
(202) 750-8343

6. *District of Columbia v. Richards*, 2009 CTF 23156 (2010) (opinion supplied)

Government Counsel: Nada Paisant
Office of the Attorney General
441 Fourth Street Northwest, Suite 1060-N
Washington, District of Columbia 20001
(202) 727-1056

Counsel for Defendant: Thomas A. Key
Solo Practitioner
641 Indiana Avenue Northwest, Second
Floor
Washington, District of Columbia 20004
(202) 737-6500

7. *United States v. Dixon*, 2010 DVM 2695 (2010) (opinion supplied)

Government Counsel: Colleen Kennedy
United States Attorney's Office
555 Fourth Street Northwest
Washington, District of Columbia 20530
(202) 252-7563

Counsel for Defendant: Thomas Paynter
Solo Practitioner
1151 Fourth Street Southwest, Number 416
Washington, District of Columbia 20024
(202) 551-5833

8. *United States v. Porter*, 2010 CMD 607 (2010) (opinion supplied)

Government Counsel: Mark Seidman (former prosecutor)
Federal Trade Commission
Deputy Assistant Director of Merger IV
400 Seventh Street Southwest
Washington, District of Columbia 20024
(202) 326-3296

Counsel for Defendant: Kevin Irving
Solo Practitioner
419 Seventh Street Northwest, Suite 405
Washington, District of Columbia 20004
(202) 360-4216

9. *United States v. Ross and Williams*, 138 Daily Wash. L. Rptr. 2237 (D.C. Super. Ct. Oct. 14, 2010). Opinion previously supplied in response to Question 13c.

Government Counsel: Tejpal Chawla
United States Attorney's Office
555 Fourth Street Northwest
Washington, District of Columbia 20530
(202) 252-7566

Counsel for Defendants: Edward Shacklee (for defendant Ross)
Public Defender Service
633 Indiana Avenue Northwest
Washington, District of Columbia 20004
(202) 628-1200

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

Stephen Cooper (for defendant Ross)

(formerly at the Public Defender Service)
Current business contact information
unavailable.

Joanne Slaight (for defendant Williams)
Solo Practitioner
400 Seventh Street Northwest, Suite 206
Washington, District of Columbia 20004
(202) 408-2041

10. *United States v. Haney*, 2009 CMD 6206 (2009) (opinion supplied)
aff'd, 999 A.2d 48 (D.C. 2010)

Government Counsel: Robert Kelly
Department of Justice, Civil Division
1425 New York Avenue Northwest
Washington, District of Columbia 20530
(202) 616-4031

Counsel for Defendant: Ian Williams
Solo Practitioner
717 D Street Northwest, Suite 400
Washington, District of Columbia 20004
(202) 842-2700

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

Certiorari has not been requested or granted in any of my cases.

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.

In re D.P., 2012 DEL 2275, *rev'd*, 122 A.3d 903 (D.C. 2015). After a bench trial, I found the defendant guilty of aggravated assault and assault with significant bodily injury. 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. The Court of Appeals reversed, holding that the evidence of the seriousness of the victim's injuries was insufficient.

District of Columbia v. Bradley, 2010 CTF 5276 (2011), *rev'd*, 107 A.3d 586 (D.C. 2015). In this appeal, I affirmed the judgment of a magistrate judge. The Court of Appeals reversed, holding 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. A copy of my decision was previously supplied in response to Question 13d.

Douglas v. United States, 2009 CF2 4890, *rev'd*, 97 A.3d 1045 (D.C. 2014). A jury convicted the defendant of possession with intent to distribute marijuana. 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 was unable to reach a verdict on the greater charge. After two notes indicating the jury was 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. The jury then returned a guilty verdict on the greater charge. The Court of Appeals reversed the conviction, holding 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, 2010 CF3 22308, *affirmed*, 93 A.3d 210 (D.C. 2014). A jury convicted the defendant of multiple counts related to a home invasion. The evidence presented by the government encompassed two incidents at the door of an apartment. The Court of Appeals 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. The Court of Appeals found that I erred in failing to give the special-unanimity instruction, *sua sponte*, but that reversal was not warranted under plain-error review.

Tarpeh v. United States, 2009 CF2 17007, *rev'd*, 62 A.3d 1266 (D.C. 2013). After a bench trial, I convicted this defendant of criminal neglect of a vulnerable adult. 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 wheel chair 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. The Court of Appeals reversed the defendant's conviction on the ground that the evidence was insufficient to find that the defendant acted recklessly.

Quintanilla v. United States, 2010 CF3 23718, *rev'd*, 62 A.3d 1261 (D.C. 2013). After a jury trial, the defendant was convicted of felony assault, with significant bodily injury. The evidence established that the victim's head was throbbing, sore, and very tender to the touch; that she had swelling from her right eye to behind her left ear; that her fingers were swollen for about three weeks; that her index finger was almost unusable for about two months; and that she was in a lot of pain and had bruising on her legs. The Court of Appeals reversed the defendant's conviction on the ground that the evidence was insufficient to establish "significant" bodily injury.

- 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.

All but one of my Superior Court opinions are unpublished. As noted above, the published opinion is *United States v. Ross and Williams*, 138 Daily Wash. L. Rptr. 2237 (D.C. Super. Ct. Oct. 14, 2010). I have issued approximately 47 unpublished substantive opinions. Each opinion is available 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.

None.

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

b. Describe:

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

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 an attorney for approximately 13 years, my practice was 100% in litigation. I spent three years at the United States Department of Justice doing appellate work in federal courts. During this period, I appeared occasionally in court for oral arguments. 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. When I was assigned to trial divisions, I appeared frequently in court. In the Appellate Division, I appeared regularly in court. The majority of my work in the Appellate Division (about 75%) 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 Division's 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). I do not recall the other briefs in opposition to petitions for certiorari that I drafted.

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 court *en banc*. 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. We 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; Judges Sentelle, Henderson, Rogers, Tatel, Garland, Brown, Griffith, and Kavanaugh; Senior Judge Edwards

Counsel for Appellant: Sandra Roland
Federal Public Defender's Office
625 Indiana Avenue Northwest, Suite 550
Washington, District of Columbia 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, District of Columbia 20015
(202) 262-8444

3. *McNeil v. United States*, 933 A.2d 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, District of Columbia 20001
(202) 879-2728

4. *United States v. Simmons et al.*, No. 00-157 (D.C. 2003 – 2004), *aff'd*, *United States v. McGill*, 2016 U.S. App. LEXIS 3734 (D.C. Cir. Mar. 1, 2016)

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. 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 Mr. Gray in a 158-count indictment, a case that the press dubbed "Murder, Inc." Almost all of the convictions were recently affirmed on appeal.

Presiding Judge:

Judge Royce C. Lamberth

Co-Counsels:

Glenn Kirschner
Arvind Lal
United States Attorney's Office
555 Fourth Street Northwest
Washington, District of Columbia 20530
(202) 252-7566

Amy Jeffress
Arnold & Porter
601 Massachusetts Avenue Northwest
Washington, District of Columbia 20001
(202) 942-5968

Counsel for Defendants:

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

Idus J. Daniel, Jr. (for defendant R. Alfred)
Daniel & Jamison, LLP

639 I Street Northeast
Washington, District of Columbia 20002
(202) 546-5023

Matthew Wartel (for defendant R. Alfred)
Solo Practitioner
216 South Patrick Street
Alexandria, Virginia 22314
(703) 549-0446

David Carey Woll (for defendant J. Alfred)
Woll and Woll, P.A.
11501 Georgia Avenue
Silver Spring, Maryland 20902
(301) 933-6962

Mary Elizabeth Davis (for defendant J.
Alfred)
Solo Practitioner
1350 Connecticut Avenue Northwest
Suite 202
Washington, District of Columbia 20036
(202) 234-7300

Kenneth D. Auerbach (for defendant Oliver)
Solo Practitioner
Metropolitan Building, Suite 704
8720 Georgia Avenue
Silver Spring, Maryland 20910
(301) 585-5566

Manuel J. Retureta (for defendant Seegers)
Retureta and Wassem
300 New Jersey Avenue Northwest
Suite 900
Washington, District of Columbia 20001
(202) 450-6119

Jon W. Norris (for defendant Seegers)
503 D Street Northwest
Suite 250
Washington, District of Columbia 20001
(202) 371-0300

Frances D'Antuono (for defendant McGill)
Solo Practitioner

218 Seventh Street Southeast
Washington, District of Columbia 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, Virgin Islands 00802
(340) 774-5757

Counsel for Defendant: Joel Davidson
Solo Practitioner
611 Pennsylvania Avenue Southeast
Number 288
Washington, District of Columbia 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
United States Attorney's Office
555 Fourth Street Northwest
Washington, District of Columbia 20530
(202) 252-7100

Counsel for Defendant: James Williams

Solo Practitioner
P.O. Box 1165
Great Falls, Virginia 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, 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, District of Columbia 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:

Russell F. Canan

Counsel for Defendants:

Christian Lamar (for defendant Omar)
(formerly at the Public Defender Service)
Georgia Capital Defender
225 Peachtree Street Northeast
Atlanta, Georgia 30303
(404) 739-5151

Sharon Burka (for defendant Miller)
Burka and Engle
900 Pennsylvania Avenue Northwest

Suite 900 South
Washington, District of Columbia 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 (former prosecutor)
Assistant Attorney General
National Security Division
United States Department of Justice
950 Pennsylvania Avenue Northwest
Washington, District of Columbia 20530
(202) 514-4263

Counsel for Defendant:

Antoini Jones
Gibson, Jones and Associates, LLP
1401 Mercantile Lane, Suite 381
Largo, Maryland 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
Contact information unavailable

Counsel for *amicus curiae*: Sandra Levick
James Klein
Public Defender Service
633 Indiana Avenue Northwest
Washington, District of Columbia 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 present, I have been a member of the Advisory Board for the Asian Pacific American Bar Association of the District of Columbia. From 2011 to present, I have been a member of the Superior Court Committee on the Selection and Tenure of Magistrate Judges. From 2013 to present, I have been a member of the Superior Court Judicial Education 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, and I am an Adviser on the Project on Sexual and Gender-Based Misconduct on Campus. 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.

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 L.L.M. candidates. The course covers Supreme Court cases interpreting the Fourth, Fifth, and Sixth Amendments. Syllabi for 2015 and 2016 are supplied.

From 2013 to the present, I have taught Constitutional Law at Georgetown University Law Center to L.L.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. Syllabi 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. 2007 syllabus 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.

None.

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

The only outside employment that I would plan to pursue during my service with the court 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. 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.

- 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. Most recently, I have 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. Since that time, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On April 13, 2016, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On April 28, 2016, the President submitted my nomination 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.