CONFIRMATION HEARINGS ON FEDERAL APPOINTMENTS

HEARINGS BEFORE THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE ONE HUNDRED ELEVENTH CONGRESS SECOND SESSION JULY 15, JULY 28, and SEPTEMBER 15, 2010 PART 7 Serial No. J–111–4 Printed for the use of the Committee on the Judiciary
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BEFORE THE
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UNITED STATES SENATE
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SECOND SESSION

JULY 15, JULY 28, and SEPTEMBER 15, 2010

PART 7

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Senator Durbin, If I could ask everyone to please be seated. Good afternoon. This hearing of the Judiciary Committee will come to order.

Today, we have before us six outstanding judicial nominees to the Federal bench, and I commend President Obama for sending their names to the Senate. I would like to welcome each of our nominees, as well as their family members and friends who are in attendance.

Our first nominee panel today—excuse me just a second. Thank you. I am just getting my signals straight here.
First, we are going to welcome members of the House and Senate who are here to introduce those nominees who will be before the Judiciary Committee today. I see Senator Chris Dodd is in attendance. Senator Chambliss we hope will arrive very shortly. Senator Isakson from Georgia, also, welcome. Representative Eleanor Holmes Norton from the District of Columbia, fresh from her victory yesterday, welcome back. And Congressman Aaron Schock.

So at this point, because of their own schedules, I am going to allow my colleagues to speak. I will tell those in attendance that on the first nominee panel today, we will have Susan Carney, nominated to serve on the U.S. Court of Appeals for the Second Circuit.

On the second panel, we will hear from five district court nominees. Amy Totenberg, who has been nominated to serve in the Northern District of Georgia; James Boasberg and Amy Jackson, nominated to serve on the U.S. District Court for the District of Columbia; and, James Shadid and Susan Myerscough, who have been nominated to serve in the Central District of Illinois.

Each of the nominees has the support of their home state Senators and in the case of the two District of Columbia nominees, they have the support of D.C. Delegate Eleanor Holmes Norton.

At these nominations hearings, it is traditional for nominees to be introduced to the Committee by members from their home states. The Ranking Member is on his way and will be here shortly, and he has given me permission to go forward with the hearing.

I would note that at 3 p.m., we have a ceremony on the steps of the Capitol in remembrance of the victims of September 11. We may be able to conclude this entire hearing by then; but if not, it is likely that we will take a short recess so that all members will have a chance to participate in that important hearing.

So before I introduce my nominees, I am going to defer to my colleagues who are here. And I believe the most senior in attendance would be the Senator from Connecticut, Senator Chris Dodd.

PRESENTATION OF SUSAN L. CARNEY, NOMinee TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT BY HON. CHRISTOPHER DODD, A U.S. SENATOR FROM THE STATE OF CONNECTICUT

Senator Dodd. Thank you, Mr. Chairman. That was not always the case, I want you to know, I was senior. But I thank you, Mr. Chairman, very much. And I know the Ranking Member will be along soon, as well.

So I thank you for providing me this opportunity this afternoon to present to you and to the members of the Committee for your consideration the pending judicial nomination for the second circuit. And as you mentioned already, I have the honor of introducing you to Susan Carney, an extremely well respected member of Connecticut’s legal community, nominated by the President in May to serve on the court of appeals for the second circuit.

I would also like to take this opportunity to introduce some of her family. I am hesitant, because it is a—I do not know if the whole crowd made it or not, but I went down the potential list and it could fill this room, I think, potentially. But her husband, who is here, Lincoln Caplan; her daughter, Molly, who I met a moment ago, a student at Columbia University.
of Columbia and has also served as a special master for the U.S. district court in Maryland on an institutional education reform case, an area of the law where she has an awful lot of expertise, as she served as general counsel to the City of Atlanta’s Board of Education from 1994 to 1998.

She also has a background in academia, having taught at Emory University, one of our great law schools, as an adjunct professor from 2004 through 2007. She has also been deeply involved in our community. Ms. Totenberg has sat on the State Personnel Board, chaired a special advisory education committee to the Georgia State Board of Education, served as a member of the Governor’s Educational Reform Commission, presided over the Georgia Center for Law and Public Interest, and given her time to Hands-On Atlanta, the city’s largest volunteer service program.

She has a wealth of experience both inside the courtroom, as well as outside the courtroom, and I am very pleased to be here to recommend her today.

Thank you.

Senator DURBIN. Thank you, Senator Chambliss.

Senator Isakson.

PRESENTATION OF AMY TOTENBERG, NOMINEE TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA BY HON. JOHNNY ISAKSON, A U.S. SENATOR FROM THE STATE OF GEORGIA

Senator ISAKSON. Thank you very much, Senator Durbin. And I want to thank the Ranking Member and Chairman Leahy for offering us the opportunity to be here today to introduce Ms. Totenberg.

I am not an attorney and I am certainly not going to repeat the resume introduction of Senator Chambliss, but I would add that the Senator and I chair a six-member judicial review committee that reviews all the nominees presented in Georgia, and they recommended that Ms. Totenberg be presented to you for consideration for the Northern District of Georgia.

I do, however, have one bit of knowledge or expertise in an area where Ms. Totenberg has been eminently qualified, and that is in the area of public education. And I would note that today in the audience are two district court judges from the District of Columbia who have often called on Ms. Totenberg to serve them both in arbitration and mediation, as well as opinion on education law.

So I am pleased to join Senator Chambliss today to commend Ms. Totenberg to the Committee for their consideration, and I thank you for your time.

Senator DURBIN. Thank you, Senator Isakson.

Delegate Eleanor Holmes Norton.

PRESENTATION OF JAMES E. BOASBERG, NOMINEE TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA AND AMY B. JACKSON, NOMINEE TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA BY HON. ELEANOR HOLMES NORTON, A U.S. REPRESENTATIVE FROM THE DISTRICT OF COLUMBIA

Representative HOLMES NORTON. Thank you very much, Chairman Durbin, Ranking Member Sessions.
I am pleased to introduce two exceptionally well qualified nominees for the U.S. District Court for the District of Columbia.

As you know, we do not have Senators in the District of Columbia, but I have appreciated that President Obama has granted me the courtesy to recommend the U.S. attorney, the district court judges, and similar Federal law enforcement officials. In turn, I have sought to empower the residents of the District of Columbia by forming a 17-member commission of lawyers and laymen to investigate and vet and recommend to me candidates, and I consider only candidates who have come through my judicial nominating commission.

I am particularly proud of the two nominees before you today. Judge James Boasberg now serves as an associate judge for the District of Columbia Superior Court. Before that, he was an assistant attorney for the District of Columbia for some years and in private practice.

He clerked for Dorothy Nelson of the United States Court of Appeals for the Ninth Circuit, has his degrees from Yale College, Yale Law School, and Oxford University.

Amy Berman Jackson is a top practitioner in one of the District’s top law firms, where she specializes in complex criminal and civil trials, litigation and appeals. Ms. Jackson also served as an assistant United States attorney for the District of Columbia, winning a number of awards from the Department of Justice while she was there.

Ms. Jackson is a cum laude graduate both of Harvard College and Harvard Law School.

The District of Columbia is the home of a plethora of highly qualified lawyers. Mr. Chairman, I believe that the two nominees I introduce today would be rated among the best by their own peers.

Thank you very much.

Senator DURBIN. Thank you, Delegate Norton. I appreciate that very much.

PRESENTATION OF JAMES E. SHADID, NOMINEE TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS AND SUE E. MYERSCOUGH, NOMINEE TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS BY HON. RICHARD DURBIN, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator DURBIN. I would like to say a few words about the two nominees from Illinois, Jim Shadid and Susan Myerscough, who have been nominated to fill judgeships in the U.S. District Court for the Central District of Illinois.

I am going to appeal to Senator Sessions after this hearing, assuming a favorable outcome, because we only have one active status district court judge in the Central District of Illinois. The remaining three judgeships are currently vacant. It is a large district and one judge just cannot handle it.

The Administrative Office of the U.S. Courts has determined that the Central District vacancies are a judicial emergency. So we are hoping for a timely consideration, if the nominees are approved by the Judiciary Committee.
A word about Jim Shadid. As Congressman Schock has said, he is highly regarded in the Peoria community for his service on the state bench. He is seeking the seat that was vacated when Judge Michael Mihm took senior status.

Jim Shadid is a leading figure in the Peoria legal community. He was born in Peoria and many believe he got his start in life in a favorable way because he knew how to play ball. Specifically, he was quite a baseball player for the Bradley University Braves. He was a two-time team MVP and inducted into the Bradley Athletics Hall of Fame.

After graduation, he played a season of minor league baseball, and then turned his talents to the law. He was first appointed as circuit judge in 2001; won retention elections, which require 60 percent of the vote, I might add, in 2002 and 2008; presided over 300 trials and thousands of pleas and sentencing.

Prior to his service on the state bench, he worked as an attorney in private practice, public defender, commissioner on the Illinois Court of Claims, and assistant attorney general.

In addition to his broad experience on the bench and in the law office, he has an impressive record in the Peoria community, tenure as president of the Boys and Girls Club, and has service on the boards of numerous other organizations.

Finally, I will note that Judge Shadid was the first Arab-American to serve as a state judge in Illinois. Upon his confirmation, if the Committee gives approval, he will be the only Arab-American Federal judge in our state.

There is a large Arab-American community in Peoria, including my friend, former colleague, and current Secretary of the Department of Transportation, Ray LaHood. So I know this community is very proud of Judge Shadid.

A word about Sue Myerscough. She has been nominated to fill the Springfield-based seat vacated by the retirement of Judge Jeanne Scott, who has long been a prominent figure herself on the Springfield legal landscape.

Sue Myerscough has over 23 years of judicial experience, currently serves as an elected justice of the Illinois Fourth District Appellate Court.

A native of Springfield, she earned her BA and law degree from Southern Illinois University and began her career as a law clerk for Judge Harold Baker of the Central District. Following that, she was in private practice for 6 years. She was appointed as associate judge in 1987, elected full circuit judge in 1990; and, during her 11 years as trial judge, she presided over thousands of bench and jury trials, including the most complex civil litigation and murder trials.

In 1998, Justice Myerscough was elected to her current seat on the Illinois appellate court; in 2008, won her retention election; and, during her 12 years on that court, has authored over 1,200 decisions on a wide range of issues.

She has worked actively to promote legal education for school children and, since 2001, has served on the board of visitors for the SIU Law School. Since 1994, she has served as adjunct professor at the SIU School of Medicine, an institution where I also had the privilege of a non-paid teaching job.
Ms. Totenberg. And I did forget my sister, Jill Totenberg, and that would be like I'm going to be really in trouble. But she's right there. I can hear her whispering.

Senator Durbin. Judge Boasberg.

STATEMENT OF JUDGE JAMES E. BOASBERG, NOMINATED TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

Judge Boasberg. Thank you very much. I am also very honored to be here and would like to introduce my family. I'll start with my father, Tersh Boasberg, who is here. My mother, Sally Boasberg, would very much like to be here. She's, however, in the hospital recovering from cancer surgery, but the good news is she is watching on the Webcast, which is being engineered by my sister, Margaret, who is with her in the hospital. So they're watching now.

My other sister, Melissa Boasberg, is here, and she is also representing my brother, Tom Boasberg, who now has the job that now Senator Michael Bennett from Colorado formerly had as the superintendent of the public schools in Denver.

I'd also like to mention my wife, Liddy Manson, who is here, and also my children; my son, Daniel, and my twin daughters, Katherine and Anne. And as impressed as they are by this August proceeding, I think they're even more excited that they got out of school early.

Senator Durbin. Thank you very much.
Ms. Jackson.
[The biographical information follow.]
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UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).
   
   James Emanuel ("Jeb") Boasberg

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.

   District of Columbia Superior Court
   500 Indiana Avenue, N.W.
   Washington, D.C. 20001

4. **Birthplace:** State year and place of birth.
   
   San Francisco, California, 1963.

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.

   1985-1986, Oxford University; M.St., 1985
   1981-1983, Yale College; B.A. *magna cum laude*, 1985

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.

   2002 – Present
   District of Columbia Superior Court
   500 Indiana Avenue, NW
   Washington, D.C. 20001
   Associate Judge
2003
George Washington University Law School
720 20th Street, NW
Washington, D.C. 20052
Visiting Lecturer (spring term)

1996 – 2002
United States Attorney’s Office for the District of Columbia
555 4th Street, NW
Washington, D.C. 20530
Assistant United States Attorney

1995 – 1996
Kellogg, Huber, Hansen, Todd & Evans
1615 M Street, NW
Washington, D.C. 20036
Associate

1991 – 1994
Keker & Van Nost
710 Sansome Street
San Francisco, California 94111
Associate

1990 – 1991
United States Court of Appeals for the Ninth Circuit
125 South Grand Avenue
Pasadena, California 91103
Law Clerk to Hon. Dorothy W. Nelson

1989
Witmer, Cutler & Pickering
1875 Pennsylvania Avenue, NW
Washington, D.C. 20006
Summer Associate

1989
Williams & Connolly
725 12th Street, NW
Washington, D.C. 20005
Summer Associate
1989
Yale College
One Prospect Street
New Haven, Connecticut 06520
Visiting Lecturer (spring term)

1988
Munger, Tolles & Olson
355 South Grand Avenue
Los Angeles, California 90071
Summer Associate

1986-1987
The Horace Mann School
231 West 246th Street
Riverdale, New York 10471
History Teacher and Girls' Varsity Basketball Coach

Uncompensated
St. Albans School Governing Board
Member (2010 – present)

Yale Law School Class of 1990
20th Reunion Co-Chair (2010)

St. Albans School Parents’ Association
Vice President (2009-2010)

Vice President (1997 – 2001)

St. Albans School, Class of ‘81 Bishop John T. Walker Fellowship Committee
Chair (1995 – present)

Boasberg Historic Preservation Fund
Vice President (1995 – 2006)

Yale Class of 1985
Secretary (1995 – 2000)
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 registered for selective service, but never enlisted in the Military.

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.

   United States Attorney’s Office, Special Achievement Awards
   Yale Law School, Sutherland Cup ( moot court)
   Yale College, Dick Derby Award

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.

   Edward Bennett Williams Inn of Court
   Superior Court of the District of Columbia
   Committee on Judicial Education (2003 – present)
   Committee on the Selection and Tenure of Magistrate Judges (2003 – present)
   Chair, Committee on Criminal Jury Instructions (2006 – present)
   Committee to Select Criminal Justice Act Attorneys (2009)

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.

       California, 1991
       District of Columbia, 1996

       I have been an inactive member of the California Bar since 1997. There has been no lapse 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 Court of Appeals for the D.C. Circuit, 1997
       United States Court of Appeals for the Fourth Circuit, 1995
       United States Court of Appeals for the Ninth Circuit, 1991
       United States District Court for the Central District of California, 1993
       United States District Court for the District of Arizona, 1995; deactivated 1999
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.

   St. Albans School Governing Board (2010 – present)
   Yale Law School Class of 1990
   20th Reunion Chair (2010)
   St. Albans School Parents’ Association
   Vice President (2009-2010)
   Lawyers’ Club (2008 – present)
   Vice President (1997-2001)
   St. Albans School, Class of ’81 Bishop John T. Walker Fellowship Committee
   Chair (1995 – present)
   Boasberg Historic Preservation Fund
   Vice President (1995 – 2006)
   Ellington Development Council (1995 – 2001)
   Yale Class of 1985
   Secretary (1995 – 2000)
   25th Reunion Attendance Committee (2010)

   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.

   St. Albans School is a school for boys. None of the organizations discriminates.
12. Published Writings and Public Statements:

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.


*With Malice Toward None: A New Look at Defamatory Republication and Neutral Reportage*, 13 COMM/ENT 435 (Spring 1991) (cited in 5 published opinions)


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

None.

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

June 26, 2002, Hearing before the Committee on Governmental Affairs, United States Senate, "Nomination of James 'Jeb' E. Boasberg."

A transcript of the hearing on my confirmation to Superior Court of the District of Columbia is available at:

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.

During my time at the U.S. Attorney's Office and on the Superior Court, I have spoken to a variety of different groups on legal topics. I have searched my files and public databases in an effort to identify every occasion, but it is possible I have omitted some. I have attached all of the notes, outlines, or speech texts that I have been able to find. They are indicated in bold.


April 28, 2010 – Superior Court of the District of Columbia – talk to St. Albans School 7th Grade, about how the court works. I spoke without notes.

April 1, 2010 – Georgetown University Law Center, Washington, D.C. – talk to a first-year Criminal Procedure class on Fourth Amendment issues. (The same or similar notes were used for all of my talks to these classes over the years.)

December 4, 2009 – Superior Court of the District of Columbia – talk to other judges in the Criminal Division on self-defense issues.

November 5, 2009 – Georgetown University Law Center, Washington, D.C. – talk to a first-year Criminal Procedure class on Fourth Amendment issues.


February 25, 2009 – Georgetown University Law Center, Washington, D.C. – talk to a first-year Criminal Procedure class on Fourth Amendment issues.

December 17, 2008 – Superior Court of the District of Columbia – lecture to members of the Criminal Justice Act Bar on the mechanics of jury selection. The
session was not recorded, and any handwritten notes from which I spoke have been discarded.

July 31, 2008 – D.C. Circuit Historical Society, Washington, D.C. – In a program on technology in the courtroom, I gave a mock closing argument at the assassination trial of Charles Guiteau, the murderer of President James Garfield.

April 4, 2008 – Georgetown University Law Center, Washington, D.C. – talk to a first-year Criminal Procedure class on Fourth Amendment issues.

March 20, 2008 – Superior Court of the District of Columbia – talk to Sidwell Friends School 7th and 8th Graders about being a judge and the criminal law. I spoke without notes.

March 9, 2008 – Kehila Congregation, Chevy Chase, MD – speech on the topic of “Dickens and the Jews.”

December 12, 2007 – Superior Court of the District of Columbia – lecture to members of the Criminal Justice Act Bar on trial tips.

December 7, 2007 – Superior Court of the District of Columbia – talk to judges entering the Felony II assignment about criminal procedure issues.

March 17, 2007 – Superior Court of the District of Columbia – talk to middle school students attending the 2007 Youth Law Fair about how the court works. I spoke without notes.

February 22, 2007 – Superior Court of the District of Columbia – talk to the Law Students in Court class on judging and tips for being a good courtroom advocate. Any notes from which I spoke have been discarded.

February 15, 2007 – Georgetown University Law Center, Washington, D.C. – talk to a first-year Criminal Procedure class on Fourth Amendment issues.

January 26, 2007 – Superior Court of the District of Columbia – participation on a panel with former jurors, who recounted how the Court could have improved their experience. Any notes from which I spoke have been discarded.

December 1, 2006 – Superior Court of the District of Columbia – talk to judges in the Criminal Division on issues relating to joinder and severance.

November 2, 2006 – Catholic University Law School, Washington, D.C. – participation on a panel, “Becoming a Lawyer.” I am not aware if the session was recorded; I had no prepared notes or outline.

April 13, 2006 – Georgetown University Law Center, Washington, D.C. – talk to the Criminal Justice Clinic on judging and tips for being an effective advocate.

April 12, 2006 – George Washington University Law School, Washington, D.C. – talk to seminar class on homicide cases.

March 23, 2006 – Superior Court of the District of Columbia – participation on a panel of judges who spoke to the Charlotte E. Ray American Inn of Court on “Techniques of Litigation – A View from the Bench.” Any notes from which I spoke have been discarded.

March 2, 2006 – First District of the Metropolitan Police Department, Washington, D.C. – talk to new officers about testifying in court. Any notes from which I spoke have been discarded.

November 3, 2005 – Georgetown University Law Center, Washington, D.C. – participation on a panel in a program entitled “Litigating and Resolving Employment Cases: Views from the Bench.” Any notes from which I spoke have been discarded.

October 26, 2005 – Superior Court of the District of Columbia – talk to 9th Grade students from Paul Public Charter School about the court system. I spoke without notes.

February 2005 – Georgetown University Law Center, Washington, D.C. – participation on a panel in an ALI-ABA sponsored program on Evidence Issues and Jury Instructions in Employment Cases. I am not aware if the session was recorded; I had no prepared notes or outline.

December 2004 – Superior Court of the District of Columbia – talk to judges in the Criminal Division on recent Fourth and Fifth Amendment decisions.

March 31, 2004 – Yale Law School Association, Washington, D.C. – speech at a regular meeting of the association on being a judge in the Superior Court. The session was not recorded, and any handwritten notes from which I spoke have been discarded.


January 14, 2004 – Superior Court of the District of Columbia – talk to students from Georgetown Day School on criminal law issues. I spoke without notes.

November 11, 2003 – Yale Law School, New Haven, CT – participation on a career-development panel, speaking about life as an Assistant United States Attorney. Any notes from which I spoke have been discarded.


May 6, 2003 – District of Columbia Bar – participation on a panel at a CLE class on closing arguments. I am not aware if the session was recorded; I had no prepared notes or outline.

Since 2005, I have supervised the annual two-day September training for all new law clerks at the Superior Court. During that training, I have been on a panel of judges that discusses the judge-clerk relationship, and I have lectured on drafting judicial opinions. Any materials I have kept from those sessions is attached.

When I was an Assistant United States Attorney, I occasionally participated in office training of new or more junior AUSAs on trial skills – e.g., opening statements, closing arguments, direct and cross-examination. I have retained no notes from such sessions.

c. 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.

As an Assistant United States Attorney, I gave a few brief interviews after homicide trials I conducted. I have listed below and attached all of these interviews that I could identify through a search of my records and internet databases, but it is possible that I have not been able to find them all.


I also had brief interviews with newspaper reporters after basketball games I played in college and high school. I did not keep those clippings.

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

I was appointed by President George W. Bush in September 2002 to be Associate Judge of the Superior Court of the District of Columbia, following confirmation by the United States Senate.

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

Approximately 500.

i. Of these, approximately what percent were:

- jury trials: 33%
- bench trials: 65%
- civil proceedings: 20%
- criminal proceedings: 80%

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

The only published opinions are:


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

1. United States v. Eric Gardner, 2004-FEL-7761. This was a homicide case in which the defendant was found guilty of killing a taxi driver during a robbery.

2. **United States v. Gerard Parker**, 2004-FEL-2605. This was a homicide case in which the defendant was found guilty of beating a man to death after a fight outside a bar.


3. **United States v. Brian Copeland**, 2008-CF1-3817. This was a first-degree sexual abuse case in which a man was convicted for raping his estranged wife.


4. **United States v. Neal King**, 2007-CF3-27842. This was a case in which the defendant was convicted of assault with intent to kill for shooting a man in the middle of the day in a public courtyard.


5. **United States v. James Briston**, 2000-FEL-2555. This was a homicide case in which the defendant was found guilty of shooting a man to death in an alley.


6. **United States v. Odell Powell**, 2006-FEL-23645. Although this case was eventually tried, its importance was in the defense’s challenge to the Superior Court’s jury selection system on the ground of improper racial composition. After months of discovery, I upheld the current operation of the system in an opinion that is attached.


7. **WDO v. District of Columbia**, 00-5379. This was a property dispute between the District and a prominent developer regarding rights to certain valuable real estate. A lengthy trial ended with an award of over $70 million to the developer.

8. *Purdue v. Center City*, 02-5459. I granted summary judgment to the defense on subject matter jurisdiction grounds in a case pitting claims of discrimination against free exercise of religion.

Plaintiff's counsel: Scott Oswald, 888 17th St., NW; Washington, DC 20006, 202-331-3911; Defense counsel: Emmitt Flood and Lisa Duggan, 725 12th St., NW; Washington, DC 20005, 202-434-5000.


Plaintiff's counsel: Michael Hannah, 1901 18th St., NW; Washington, DC 20009, 202-232-1907; Defense counsel, Vincent Mark Policy, 1620 L St., NW; Washington, DC 20036, 202-452-1400.

10. *Wilson v. WMATA*, 02-4638. In this negligence action, a jury awarded the plaintiff $70,000 for injuries suffered while falling off of a Metrobus. I subsequently granted the defendant's motion for judgment as a matter of law, finding no causation, and vacating the verdict.

Plaintiff's counsel: Tony Shaw, deceased; Defendant's counsel: Frederic Schuster, 600 5th St., NW; Washington, DC 20001, 202-962-1093.

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.


2. *Purdue v. Center City Consortium Schools, Inc.*, 2003 D.C. Super. LEXIS 30 (July 29, 2003). Counsel were Scott Oswald (Plaintiff's counsel), 888 17th St., NW; Washington, DC 20006, 202-331-3911, and Emmitt Flood and Lisa Duggan (Defense counsel), 725 12th St., NW; Washington, DC 20005, 202-434-5000.

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5. United States v. Donovan Braxton, 2005 CTF 4611, AAG Duane M. Kotesch, 441 Fourth Street, NW; Room #350-N; Washington, DC 20001, 202-727-3401; Defense Counsel: Effie Forde, 1717 K St., NW; Suite 600; Washington, DC 20036, 202-508-1843.


10. District of Columbia v. CVS Corp., 03-4431, Plaintiff’s counsel: Don Resnikoff, AAG, 441 Fourth St., NW; Washington, DC 20001; 202-727-3401; Defense counsel: Deana Cairo, 500 8th St., NW; Washington, DC 20004; 202-799-4523.

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

I am not aware of any case in which certiorari was either requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.


Doe v. Metropolitan Police Department, 948 A.2d 1210 (D.C. 2008) (reversal of grant of summary judgment on FOIA request).


Valdez v. United States, 906 A.2d 284 (D.C. 2006) (reversed and remanded for defendant to have opportunity to prove entitlement to withdraw plea).


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.

Every decision I have issued (with the exception of the two listed in subsection (b)) has been unpublished. I have electronic copies of most of these. In addition, the Superior Court's electronic database has electronic copies of all orders and opinions issued since 2005. Before the Court implemented an electronic database in late 2005, paper copies of orders were maintained in files, which should be in off-site storage.
h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

I handle constitutional issues—specifically, 4th and 5th Amendment suppression claims—on a regular basis in my criminal cases. I routinely hold evidentiary hearings and issue oral rulings from the bench. I have not written any opinions in those cases. My two published opinions also concern constitutional issues. Purdue v. Center City Consortium Schools, Inc., 2003 D.C. Super. LEXIS 30 (July 29, 2003), deals with the Free Exercise Clause of the First Amendment. The D.C. Court of Appeals affirmed my ruling at 875 A.2d 669 (D.C. 2005). United States v. Powell, 2008 D.C. Super. LEXIS 2 (June 17, 2008), addresses the jury-selection system in the Superior Court. If the case has been appealed, no ruling from the Court of Appeals has yet issued.

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

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

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

   a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

   b. a brief description of the asserted conflict of interest or other ground for recusal;

   c. the procedure you followed in determining whether or not to recuse yourself;

   d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The only two cases that I can recall are Cafritz v. Sibley Memorial Hosp., 01-006294, a medical malpractice action brought by Peggy Cooper Cafritz, and the case of Kreuter v. George Washington University, 01-3645. In the former, I recused myself because I knew Ms. Cafritz socially. In the latter, the plaintiff moved that I recuse myself because I had taught at George Washington Law School, and the university was the defendant. I denied the motion on the grounds

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that my association with the university had all but ended at the time the suit was filed, the motion was filed over a year after the plaintiff had been informed of my association, and the motion was legally deficient by failing to include the necessary certificate of good faith. The District of Columbia Court of Appeals affirmed my decision not to recuse in a published opinion at 896 A.2d 238, 249-50 (D.C. 2006).

There is no court electronic database for cases prior to 2006, which is the time period when I was on a civil calendar. I have checked the electronic database for recusals from 2006 to the present, and none appear.

In all cases I have attempted to abide by the District of Columbia Code of Judicial Conduct, which requires recusal where a judge's impartiality might reasonably be questioned.

15. Public Office, Political Activities and Affiliations:

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I was appointed to be an Assistant United States Attorney for the District of Columbia from December 6, 1996, to August 14, 2002. I was initially appointed by then-United States Attorney Eric Holder.

I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

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 clerk to Circuit Judge Dorothy W. Nelson of the United States Court of Appeals for the Ninth Circuit from 1990 to 1991.

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

I have not practiced law alone.

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.

1991 – 1994
Keker & Van Nesi
710 Sansome Street
San Francisco, California 94111
Associate

1995 – 1996
Kellogg, Huber, Hansen, Todd & Evans
1615 M Street, NW
Washington, D.C. 20036
Associate

1996 – 2002
United States Attorney’s Office for the District of Columbia
555 4th Street, NW
Washington, D.C. 20530
Assistant United States Attorney

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.

In private practice, I was a litigator working on a variety of complex business and some white-collar defense matters. As an Assistant United States Attorney, I prosecuted criminal matters.

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

In private practice, I specialized in First Amendment defamation law and worked on cases for clients such as NBC and The Recorder, a legal newspaper. I also represented other corporate entities, such as insurance companies and banks, in business litigation. As a prosecutor, I specialized in homicide cases.

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.

As a lawyer, I have always practiced 100% of my time in litigation and have never done any transactional work. In private practice, I appeared in court occasionally; as a prosecutor, I appeared in court almost every day.

i. Indicate the percentage of your practice in:
   1. federal courts: 20%
   2. state courts of record: 80%
   3. other courts:
   4. administrative agencies:

ii. Indicate the percentage of your practice in:
   1. civil proceedings: 40%
   2. criminal proceedings: 60%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried approximately 40-45 cases to jury verdict. In 90% of the cases I was the lead or sole trial counsel, and in 10% I was associate counsel. I have also tried approximately 25-30 bench trials to verdict. Again, in about 90% of the cases I was the lead or sole trial counsel, and in 10% I was associate counsel.
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1. What percentage of these trials were:
   1. jury: 60%
   2. non-jury: 40%

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

   I have not practiced before the Supreme Court of the United States.

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

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

   Each of the following cases was a homicide jury trial that went to verdict in 2000-2002 in D.C. Superior Court. I was the sole prosecutor in each trial unless a co-counsel is listed. All cases resulted in guilty verdicts.


      The defendant was a freshman at Gallaudet University, the nation’s premier college for the deaf, when he murdered a classmate by beating him to death with a chair. Five months later, he killed another classmate by stabbing him multiple times. Both of these murders occurred in dormitories and led to a state of great anxiety on campus. After the defendant was ultimately caught, his prosecution involved a number of complicated legal issues, including the assertion of the marital privilege by his girlfriend, deaf-interpreter questions surrounding his confession, DNA evidence, and the prior arrest of another suspect. At trial, the defendant ultimately asserted an insanity defense, and several experts testified to
his mental state at the time of the crime. In addition, the defendant himself testified and threatened to kill me during my cross-examination of him. After a trial lasting several weeks, he was convicted of both murders and sentenced to life without parole.


Defendant Weldon and Lewis hatched a plan to rob an elderly man who was paying them for sex in his house. When the robbery went awry, the two men killed the victim by stabbing him with an array of sharp instruments. The victim lived with his sister, who responded to the commotion by coming downstairs, only to end up being killed as well by near decapitation. Both killers were apprehended and gave statements blaming each other. This required severance of the trials because the statement of each could not be used against the other. Since there were no surviving eyewitnesses, the first trial of Lewis proceeded on circumstantial evidence and his admission of having been present at the scene. After he was convicted by a jury, he was convinced to admit his involvement and testify in Weldon’s trial, which he did. Weldon, too, was convicted, and both received substantial prison sentences.

4. United States v. Evans, F-7638-00 (Judge Robert Richter). Defense counsel: Nathan Silver, 6300 Orchid Drive; Bethesda, MD 20817, 301-229-0189.

The defendant, jealous over his wife’s friendship with another woman, entered her house and shot both women. While the friend died, the wife miraculously survived a gunshot wound to the head and testified at trial. At trial the significant legal issue involved the admissibility of other crimes evidence — namely, other incidents of violence by the defendant against his wife. In addition, there were cell-site records and other physical evidence tying the defendant to the murder. After his conviction, he was sentenced to a substantial prison term.


The defendant in this case was charged with the rape and murder of two women, to whom he had offered crack cocaine and then strangled during sex. The trial was one of the first in the District of Columbia Superior Court to rely primarily on
DNA evidence. There were no eyewitnesses to either crime since the defendant had lured homeless women to secluded areas for sex. As a result, the case included various forms of forensic evidence, including DNA, hair and fibers, and medical testimony regarding injuries and cause of death. In addition, another woman whom the defendant had attempted to rape and strangle testified about the defendant's modus operandi. The jury convicted the defendant of both murders, and he ultimately decided to forgo an appeal.


The defendant, who was an off-duty police sergeant, was driving her car late one night when she struck and killed a homeless man crossing the street. The sergeant was legally intoxicated at the time and was ultimately convicted of involuntary manslaughter. The trial involved an accident-reconstruction expert, as well as testimony regarding the effects of alcohol on a driver's vision and reactions. After conviction, the estranged family of the victim worked with me to craft an appropriate sentence, which the judge ultimately imposed. It required no jail time, but the sergeant lost her job and had to undergo treatment and perform significant alcohol-related community service.


This case involved the retrial of a case that another assistant had previously tried to a hung jury. The defendant, while wearing a mask, had invaded the home of a rival and shot him to death after dragging him from the bed in which he, his wife, and infant were lying. The case involved significant identification issues, which the jury had been unable to resolve in the first trial. In addition, in the retrial, a government witness, falsely attempted to inculpate himself to assist his friend, the defendant. Nonetheless, the jury ultimately convicted the defendant, who then faced the death penalty in Virginia for other murders he had committed there.


This case also involved the retrial of a case previously tried by another assistant. This time, however, the Court of Appeals had reversed the defendant's conviction because of an error the trial court had made regarding severance. The defendant and a co-defendant, whose conviction had been affirmed, shot a man to death in a dispute between two rival neighborhoods. This case involved a number of hostile witnesses who claimed a lack of memory and were impeached with prior testimony, as well as the cooperation of the co-defendant. In the middle of the trial, the defendant, who was not being held, fled the jurisdiction. The jury
convicted him _in absentia_, and he was ultimately found several months later and sentenced to a long prison term.


The defendant here killed another man from the same neighborhood after a trivial dispute. Because the murder occurred in a public housing project, many of the witnesses knew both men and were reluctant to testify or get involved. The case featured important photographic evidence of the scene and other physical evidence that helped to tie the defendant to the murder. He was convicted and, after an unsuccessful motion for a new trial, sentenced to a lengthy term of incarceration.


The police who responded to this case initially thought that the victim had died accidentally during a house fire. They later realized that she had been strangled and that the fire had been intentionally set during a dispute about money and crack cocaine. The case was a sort of closed-house mystery in that 6-7 people (all related or close friends) had all been in the house at the time, no one else had entered or exited, and one or more of the group had to be guilty. Witnesses who had at first sought to protect the defendant, who was the patriarch, subsequently divulged his role, and he was convicted at trial. The case not only featured a closed set of witnesses whom both sides called, but also arson expert testimony. The defendant received a 20-year sentence.

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 organization(s).

(Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I represented the Government in numerous criminal matters that ended in plea dispositions. The most significant was the case of United States v. Jones, in which the defendant ultimately pleaded guilty to having shot several other teenagers in front of the National Zoo on Easter Monday. The case, which I prosecuted with another assistant, received substantial publicity because of the mid-afternoon shooting of students on Connecticut Avenue during a school holiday. The defendant was under 18 at the time, and plea negotiations were sensitive because of the publicity, the number of victims, and the substantial time the Government was seeking. He finally accepted the plea and was sentenced to 25 years' imprisonment.
I have never performed any 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.

In the 2003 spring semester, I co-taught a seminar at George Washington University Law School entitled “Anatomy of a Homicide: Advanced Problems in Criminal Procedure” with Jennifer M. Collins, now a law professor at Wake Forest. She can be reached at Wake Forest School of Law, 1834 Wake Forest Road, Winston-Salem, NC 27109, 336-758-3852. We designed the course and taught it together. The course looked at homicide prosecutions in the District of Columbia. A draft syllabus is attached; I believe the final one had some alterations, but neither I nor my co-teacher can locate the final one.

In the 1989 spring semester, while attending Yale Law School, I taught a seminar at Yale College called “Law and Literature.” The class read novels and discussed their depictions of lawyers and courts. I have not retained a syllabus.

In the academic year 1986-1987, I taught 8th and 9th grade at the Horace Mann School in New York. I taught Ancient and Medieval History to the 8th graders and Modern European History to the 9th graders. No syllabus for this course existed.

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

None.

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

I currently coach three youth basketball teams (unpaid). I hope to continue this. In addition, at some point, and consistent with the Code of Judicial Ethics, I may consider teaching as a visiting lecturer at a local law school.
22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding $500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).


23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest, when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My father, Emanuel Bussberg III, was for many years the chairman of the D.C. Historic Preservation Review Board. If any matters concerning the Board on which he worked came before me, I would recuse myself. If my former law firm, Kellogg, Huber, Hansen, Todd & Evans, appeared before me, I would inform the parties and recuse myself if any party so requested.

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

I will follow the federal Judicial Code of Conduct in all potential conflicts of interest.

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.

While working in private practice, I represented a number of clients pro bono.

For example, I acted as an *amicus* for an indigent man named Christopher Small, who had been convicted in California of a felony. I appeared in the trial court in California in an unsuccessful effort to obtain a new trial. Then, after I moved back to Washington, I acted as an *amicus* on his appeal and returned to California to argue in front of the California Court of Appeals, which resulted in the conviction being overturned. I also represented *pro bono* the San Francisco Black
Firefighters Association, which was being investigated for fraud, and I was able to get the District Attorney’s Office to dismiss the case. In addition, I represented pro bono an indigent man accused of property crimes, ultimately obtaining a dismissal of those charges as well.

I co-founded, and have for over 15 years chaired a committee that annually awards, the Class of 1981/Bishop John T. Walker Fellowship. The Fellowship was created to honor Bishop Walker, Washington’s first black bishop and a classmate’s father. Each year, we award a grant of $2000-5000 to students for social service in a lesser developed area of the world or in the United States. Past winners have worked, e.g., at an AIDS clinic in Africa, an orphanage in India, schools in Haiti and Nicaragua, and on Indian reservation.

As an AUSA I never technically represented any individual because my client was always the United States. Yet, particularly when prosecuting homicides and other violent crimes, I interacted every day with the disadvantaged: family members whose loved ones had been brutally murdered, victims who had been attacked and severely injured themselves, and witnesses who had seen heinous acts, yet who were now terrified of assisting the government lest they themselves be killed. My role was to seek justice on their behalf and to do what I could to assist them in extremely difficult times.

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.

D.C. Delegate Eleanor Holmes Norton established a 17-person D.C. Judicial Nominations Commission ("JNC") to screen applicants for federal judgeships in the District of Columbia. The JNC invited interested applicants to fill out a lengthy application in the Spring of 2009. I submitted my application in May 2009 and was interviewed by the JNC in June. The JNC then forwarded nine names to Del. Norton, who interviewed those finalists. My interview with her took place on October 13.

I was informed in late November by an official in the Department of Justice’s Office of Legal Policy that I was under consideration, and he forwarded me several forms to begin filling out. Since that time I have remained in contact with other pre-nomination officials at OLP. On January 28, 2010, I interviewed at the
Department of Justice with OLP officials and a member of the White House Counsel’s Office. The President submitted my nomination to the Senate on June 17, 2010.

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.
### FINANCIAL DISCLOSURE REPORT

**Nomination Filing**

1. **Person Reporting** (Include Last, First, middle initial)
   - Bresolin, James E.

2. **Court or Organization**
   - U.S. District Court, Division of Columbia

3. **Year of Report**
   - 2009

4. **Report Type** (check one appropriate)
   - [ ] Profit
   - [ ] Nonprofit

5. **Date of Report**
   - 1/1/2009

6. **Reporting Period**
   - 1/1/2009 to 12/31/2009

7. **Current or Other Address**
   - D.C. Superior Court
   - 3300 Pennsylvania Ave., NW
   - Washington, DC 20009

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**Important Notes**

The instructions accompanying this form must be followed. Complete all parts, checking the “NONE” box for each item where you have no reportable information. Sign on last page.

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### I. Positions

- [ ] NONE (no reportable positions)

<table>
<thead>
<tr>
<th>POSITION</th>
<th>NAME OF ORGANIZATION/ENTITY</th>
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<tbody>
<tr>
<td>1. Member</td>
<td>St. Albans School Governing Board</td>
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<tr>
<td>2.</td>
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<tr>
<td>3.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
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</tbody>
</table>

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### II. Agreements

- [ ] NONE (no reportable agreements)

<table>
<thead>
<tr>
<th>DATE</th>
<th>PARTIES AND TERMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
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<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
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</tbody>
</table>
### III. NON-INVESTMENT INCOME

#### A. Filer's Non-Investment Income

<table>
<thead>
<tr>
<th>Date</th>
<th>Source and Type</th>
<th>Income (Uns. All Sources)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/109</td>
<td>D.C. Courts</td>
<td>$72,502.00</td>
</tr>
<tr>
<td>1/109</td>
<td>D.C. Courts</td>
<td>$176,000.00</td>
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<tr>
<td>1/109</td>
<td>D.C. Courts</td>
<td>$14,000.00</td>
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</table>

#### B. Spouse's Non-Investment Income

<table>
<thead>
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<th>Date</th>
<th>Source and Type</th>
<th>Income (Uns. All Sources)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/108</td>
<td>Alimony - salary</td>
<td></td>
</tr>
<tr>
<td>2/109</td>
<td>Alimony - salary</td>
<td></td>
</tr>
<tr>
<td>3/109</td>
<td>Child support - salary</td>
<td></td>
</tr>
<tr>
<td>4/109</td>
<td>Self-employed business income</td>
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</table>

### IV. REIMBURSEMENTS

<table>
<thead>
<tr>
<th>Source</th>
<th>Dates</th>
<th>Location</th>
<th>Purpose</th>
<th>Items Paid or Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal</td>
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<td></td>
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</tbody>
</table>
### FINANCIAL DISCLOSURE REPORT

**Page 3 of 12**

**Name of Person Reporting:**

**Boehlert, Francis B.**

**Date of Report:**

6/30/2010

#### V. GIFTS

(Includes gifts in spouse and dependent children; see pp. 38-39 of filing instructions)

- **NONE (No reportable gifts)**

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>DESCRIPTION</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exempt</td>
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</tr>
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</tr>
</tbody>
</table>

#### VI. LIABILITIES

(excludes those of spouse and dependent children; see pp. 39-41 of filing instructions)

- **NONE (No reportable liabilities)**

<table>
<thead>
<tr>
<th>CREDITOR</th>
<th>DESCRIPTION</th>
<th>VALUE CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>
**VII. INVESTMENTS and TRUSTS**

- **NONE** (See separate income, assets, or transactions.)

<table>
<thead>
<tr>
<th>Description of Asset (including type and value)</th>
<th>B. Income during reporting period</th>
<th>C. Gross value at end of reporting period</th>
<th>D. Transactions during reporting period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plan &quot;401k&quot; retirement account for two years &amp; spouse</td>
<td>None</td>
<td>K</td>
<td>T</td>
</tr>
<tr>
<td>State Street Equity Index Fund - A</td>
<td>None</td>
<td>M</td>
<td>T</td>
</tr>
<tr>
<td>State Street Equity Index Fund - B</td>
<td>None</td>
<td>L</td>
<td>T</td>
</tr>
<tr>
<td>State Street Equity Index Fund - C</td>
<td>None</td>
<td>L</td>
<td>T</td>
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<tr>
<td>Vanguard Institutional Index Fund</td>
<td>None</td>
<td>M</td>
<td>T</td>
</tr>
<tr>
<td>BlackRock LBO</td>
<td>None</td>
<td>M</td>
<td>T</td>
</tr>
<tr>
<td>--BDC</td>
<td>None</td>
<td>L</td>
<td>T</td>
</tr>
<tr>
<td>--VTIC</td>
<td>Dividend</td>
<td>L</td>
<td>T</td>
</tr>
<tr>
<td>--ELTC</td>
<td>Dividend</td>
<td>K</td>
<td>T</td>
</tr>
<tr>
<td>--MOT</td>
<td>Dividend</td>
<td>K</td>
<td>T</td>
</tr>
<tr>
<td>--HSFF</td>
<td>Dividend</td>
<td>L</td>
<td>T</td>
</tr>
<tr>
<td>--MCO</td>
<td>Dividend</td>
<td>L</td>
<td>T</td>
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<tr>
<td>--NIG</td>
<td>Dividend</td>
<td>L</td>
<td>T</td>
</tr>
<tr>
<td>--NAD</td>
<td>Dividend</td>
<td>L</td>
<td>T</td>
</tr>
<tr>
<td>--AT</td>
<td>Dividend</td>
<td>K</td>
<td>T</td>
</tr>
<tr>
<td>--HPS Money Market Account</td>
<td>Income</td>
<td>K</td>
<td>T</td>
</tr>
<tr>
<td>--HPS Money Market Account</td>
<td>Income</td>
<td>K</td>
<td>T</td>
</tr>
</tbody>
</table>

**Software**

- **VBA**
- **Excel**
- **Access**
- **PowerPoint**
- **Word**
- **Outlook**
- **Adobe Reader**

**Other Companies (as a Whole)**

- **A**
- **B**
- **C**
- **D**
- **E**
- **F**
- **G**
- **H**
- **I**
- **J**
- **K**
- **L**
- **M**
- **N**
- **O**
- **P**
- **Q**
- **R**
- **S**
- **T**
- **U**
- **V**
- **W**
- **X**
- **Y**
- **Z**

**VIII. OTHER FINANCIAL AFFILIATIONS**

- **None**
### VII. INVESTMENTS and TRUSTS

- **NONE (No reportable income, assets, or transactions)**

<table>
<thead>
<tr>
<th>Description of Asset (excluding real estate)</th>
<th>Source of Income (excluding broad-based mutual funds and insurance companies)</th>
</tr>
</thead>
<tbody>
<tr>
<td>18. - HPX</td>
<td>None</td>
</tr>
<tr>
<td>19. - CSOG</td>
<td>None</td>
</tr>
<tr>
<td>20. - NI</td>
<td>B</td>
</tr>
<tr>
<td>21. - LITC</td>
<td>A</td>
</tr>
<tr>
<td>22. -MSFT</td>
<td>A</td>
</tr>
<tr>
<td>23. - PG</td>
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</tr>
<tr>
<td>24. - WAG</td>
<td>A</td>
</tr>
<tr>
<td>25. - WJ</td>
<td>A</td>
</tr>
<tr>
<td>26. - Family Off-Trust Money Market</td>
<td>A</td>
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</table>

#### Details of Broad-Based Mutual Funds and Insurance Companies

- **VerDate Nov 24 2008 08:49 Jul 28, 2011 Jkt 066720 PO 00000 Frm 00007 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\66720.TXT SJUD1 PsN: CMORC**

**Page 5 of 12**
### VII. INVESTMENTS and TRUSTS

- **INCOME** (Include income, unless otherwise indicated, from trusts and estates, and income from gifts or bequests received during the reporting period.)

<table>
<thead>
<tr>
<th>Description of Asset (Including type of asset)</th>
<th>Value of Investment at Reporting Date</th>
<th>Value of Investment at Reporting Date</th>
<th>Transitory During Reporting Period</th>
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</thead>
<tbody>
<tr>
<td>Plan “10” Allocation under 401(k) Plan</td>
<td>A Dividend</td>
<td>X</td>
<td>T</td>
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<tr>
<td>50. WM</td>
<td>A Dividend</td>
<td>I</td>
<td>T</td>
</tr>
<tr>
<td>51. Fidelity US Treasury Money Market</td>
<td>A Dividend</td>
<td>I</td>
<td>T</td>
</tr>
<tr>
<td>52. Fidelity Account #1 (Trust)</td>
<td>None</td>
<td>K</td>
<td>T</td>
</tr>
<tr>
<td>53. WAGO</td>
<td>None</td>
<td>K</td>
<td>T</td>
</tr>
<tr>
<td>54. CSCG</td>
<td>None</td>
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<tr>
<td>55. VRTC</td>
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<tr>
<td>56. INM</td>
<td>A Dividend</td>
<td>I</td>
<td>T</td>
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<tr>
<td>57. SNC</td>
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<td>K</td>
<td>T</td>
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<tr>
<td>58. AVET</td>
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<td>I</td>
<td>T</td>
</tr>
<tr>
<td>59. AGT</td>
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<td>K</td>
<td>T</td>
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<td>60. WCO</td>
<td>A Dividend</td>
<td>I</td>
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<td>61. PO</td>
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<td>K</td>
<td>T</td>
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<td>62. WAOG</td>
<td>A Dividend</td>
<td>I</td>
<td>T</td>
</tr>
<tr>
<td>63. WDI</td>
<td>A Dividend</td>
<td>I</td>
<td>T</td>
</tr>
<tr>
<td>64. Fidelity Municipal Money Market</td>
<td>A Income</td>
<td>K</td>
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**Financing Obligations**

<table>
<thead>
<tr>
<th>Description of Obligation</th>
<th>Due Date</th>
<th>Amount Due</th>
<th>Value at Fair Market Value</th>
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<tbody>
<tr>
<td>1. Income Code Cards</td>
<td>12/30/2009</td>
<td>$20,000</td>
<td>$20,000</td>
</tr>
<tr>
<td>2. Visa Card</td>
<td>12/30/2009</td>
<td>$30,000</td>
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</tr>
<tr>
<td>3. MasterCard</td>
<td>12/30/2009</td>
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</tr>
<tr>
<td>4. Credit Card</td>
<td>12/30/2009</td>
<td>$70,000</td>
<td>$70,000</td>
</tr>
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</table>

**Notes:**

- X: All income dividends.
- I: Some income dividends.
- T: No income dividends.
VII. INVESTMENTS and TRUSTS - income, value, transactions

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ownership/Fiduciary Reporting Period</td>
<td>Total # of Stocks, Shares, etc.</td>
<td>Ownership/Fiduciary Reporting Period</td>
<td>Total # of Stocks, Shares, etc.</td>
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<tr>
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32. New $35 from (13) Bond Fund

45. IDEO

46. Intel

52. Google

60. WAC

61. WCI

62. Bond/Equity Money Market

<table>
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<tr>
<th>Disclosed</th>
<th>10/01/2011</th>
<th>Value Method Code 3 (12)</th>
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<td>Total # of Stocks, Shares, etc.</td>
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<td>Value Code 3 (11)</td>
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<td>Ownership/Fiduciary Reporting Period</td>
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<td></td>
<td>Total # of Stocks, Shares, etc.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Value Code 3 (11)</td>
<td></td>
</tr>
</tbody>
</table>

1. Stock/Option: A, $5,000 or less
2. Bond/Equity: B, $50,000 or less
3. Commodity: C, $100,000 or less
4. Real Estate (non-inventory): D, $100,000 or less
5. Royalty Interest: F, $1,000,000 or less
6. Derivative: G, $25,000 or less
7. Value Method: H, Market Value
8. Other: XX, Other
9. Disclosure: Disclosure Date
10. Code: Code 3 (12)
## VII. INVESTMENTS and TRUSTS

- Income, other sources (includes those of spouse and dependent children, e.g., dividends, interest, royalties, rents, etc.)

<table>
<thead>
<tr>
<th>Description of assets (including real estate)</th>
<th>Income during reporting period</th>
<th>Gross value of assets</th>
<th>Transferred during reporting period</th>
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<tbody>
<tr>
<td>Plan &quot;401K&quot; retirement account</td>
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<tr>
<td>M. -- MDY</td>
<td>A Dividend</td>
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</tr>
<tr>
<td>T6. -- MSPY</td>
<td>A Dividend</td>
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<td></td>
</tr>
<tr>
<td>T1. -- MOO</td>
<td>A Dividend</td>
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</tr>
<tr>
<td>T2. -- PG</td>
<td>A Dividend</td>
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<td>T4. -- WU</td>
<td>A Dividend</td>
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<td></td>
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<tr>
<td>T5. -- Fidelity National Money Market</td>
<td>Interns</td>
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<tr>
<td>T6. -- Vanguard Corporate 401K</td>
<td>None</td>
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</tr>
<tr>
<td>T7. -- Razar</td>
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</tr>
<tr>
<td>T8. -- CSFO</td>
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</tr>
<tr>
<td>T9. -- HMI</td>
<td>A Dividend</td>
<td></td>
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</tr>
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<td>T50. -- LLTC</td>
<td>A Dividend</td>
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<td>T51. -- AMSTY</td>
<td>A Dividend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T52. -- MOO</td>
<td>A Dividend</td>
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</tr>
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<td>T53. -- PG</td>
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<tr>
<td>T55. -- WU</td>
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### Notes on Sources

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### VII. INVESTMENTS and TRUSTS

**Income, value, transactions (include shares of joint and dependent children, revps, 1040 of filling instructions)**

**NONE** (No reportable income, assets, or transactions.)

<table>
<thead>
<tr>
<th>Description of Asset (including real estate)</th>
<th>M</th>
<th>N</th>
<th>O</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>36. Holiday Municipal Money Market</td>
<td>A</td>
<td>Interc</td>
<td>J</td>
<td>T</td>
</tr>
<tr>
<td>37. Wells Fargo Bank</td>
<td>A</td>
<td>Interest</td>
<td>K</td>
<td>T</td>
</tr>
<tr>
<td>38. Wells Fargo Bank</td>
<td>A</td>
<td>Interest</td>
<td>J</td>
<td>T</td>
</tr>
<tr>
<td>39. Wells Fargo Bank</td>
<td>A</td>
<td>Interest</td>
<td>J</td>
<td>T</td>
</tr>
<tr>
<td>40. Giving Greens</td>
<td>None</td>
<td>I</td>
<td>W</td>
<td></td>
</tr>
<tr>
<td>41. NSM King S. LLC</td>
<td>C</td>
<td>Interest</td>
<td>L</td>
<td>T</td>
</tr>
<tr>
<td>42. Advantage Equity Partners</td>
<td>None</td>
<td>L</td>
<td>U</td>
<td></td>
</tr>
<tr>
<td>43. DAO, LLC</td>
<td>None</td>
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<td>U</td>
<td></td>
</tr>
<tr>
<td>44. DAGR, LLC</td>
<td>D</td>
<td>Distribution</td>
<td>L</td>
<td>U</td>
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<tr>
<td>45. Commercial Bankcards, LLP</td>
<td>B</td>
<td>Distribution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>46. Buffalo Bills (PA), LLP</td>
<td>A</td>
<td>Distribution</td>
<td>J</td>
<td>W</td>
</tr>
<tr>
<td>47. Mackey's, LLP</td>
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<td>Distribution</td>
<td>J</td>
<td>W</td>
</tr>
<tr>
<td>48. Bedford Bills, LLP</td>
<td>A</td>
<td>Distribution</td>
<td>J</td>
<td>W</td>
</tr>
<tr>
<td>49. Buffalo Bills, LLP</td>
<td>D</td>
<td>Distribution</td>
<td>J</td>
<td>W</td>
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<tr>
<td>50. Capital, LLP</td>
<td>D</td>
<td>Distribution</td>
<td>K</td>
<td>W</td>
</tr>
<tr>
<td>51. Buffalo Bills (Tina), LLP</td>
<td>None</td>
<td>J</td>
<td>W</td>
<td></td>
</tr>
<tr>
<td>52. Buffalo Bills (TDC), LLP</td>
<td>A</td>
<td>Distribution</td>
<td>J</td>
<td>W</td>
</tr>
</tbody>
</table>

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1. Source of Compensation
2. Gross Income ($1,000 or less) = $1,000 + 1,000
3. Gross Income ($10,000 or less) = $10,000 + 1,000
4. Gross Income ($100,000 or less) = $100,000 + 1,000
5. Gross Income ($1,000,000 or less) = $1,000,000 + 1,000
6. Gross Income ($10,000,000 or less) = $10,000,000 + 1,000
7. Gross Income ($100,000,000 or less) = $100,000,000 + 1,000
8. Gross Income ($1,000,000,000 or less) = $1,000,000,000 + 1,000
9. Gross Income ($10,000,000,000 or less) = $10,000,000,000 + 1,000
10. Gross Income ($1,000,000,000,000 or less) = $1,000,000,000,000 + 1,000

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VerDate Nov 24 2008 08:49 Jul 28, 2011 Jkt 066720 PO 00000 Frm 00709 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\66720.TXT SJUD1 PsN: CMORC
### VII. INVESTMENTS and TRUSTS

- Income, value, transactions (Includes debt of spouse and dependent children, e.g., bank of filing individual.)

#### NONE

<table>
<thead>
<tr>
<th>Description of Assets (Including Real Estate)</th>
<th>Income During Reporting Period</th>
<th>Gross Value of Assets at End of Reporting Period</th>
<th>Transactions During Reporting Period</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Place "103" after each term change from prior disclosure.

<table>
<thead>
<tr>
<th>103.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>104.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>105.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>
FINANCIAL DISCLOSURE REPORT
Page 11 of 12

FINANCIAL DISCLOSURE REPORT
Page 12 of 12

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was voluntarily withheld because it was applicable statutory provisions pertaining to disclosure.

I further certify that neither income from outside employment and bonuses and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq. 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FAILS OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (18 U.S.C., APP. § 180)

FILING INSTRUCTIONS
Mail signed original and 3 additional copies to:
Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-331
One Columbus Circle, N.E.
Washington, D.C. 20544
James Boasberg

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>LIABILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash on hand and in banks 162 000</td>
<td>Notes payable to bank-savings</td>
</tr>
<tr>
<td>U.S. Government securities and schedule 2 095 000</td>
<td>Notes payable to bank-lending</td>
</tr>
<tr>
<td>Unlisted securities—net schedule 305 000</td>
<td>Notes payable to relatives</td>
</tr>
<tr>
<td>Accounts and notes receivable</td>
<td>Accounts and bills due</td>
</tr>
<tr>
<td>Due from relatives and friends</td>
<td>Unpaid income tax</td>
</tr>
<tr>
<td>Due from others 75 000</td>
<td>Other unpaid income and interest</td>
</tr>
<tr>
<td>Doubtful</td>
<td>Real estate mortgages payable—personal residence 410 000</td>
</tr>
<tr>
<td>Real estate owned—personal residence 1 324 000</td>
<td>Chattel mortgages and other items payable</td>
</tr>
<tr>
<td>Real estate mortgages receivable</td>
<td>Other debentures—&quot;</td>
</tr>
<tr>
<td>Assets and other personal property 15 000</td>
<td></td>
</tr>
<tr>
<td>Cash value—life insurance</td>
<td></td>
</tr>
<tr>
<td>Other assets illiquid</td>
<td></td>
</tr>
<tr>
<td>Total assets 3 974 000</td>
<td>Total liabilities 410 000</td>
</tr>
<tr>
<td>Contingent liabilities</td>
<td>Net Worth 3 564 000</td>
</tr>
</tbody>
</table>

GENERAL INFORMATION

Are you an officer, director, or manager of any business, corporation, partnership, or trust? No
Are any assets pledged? (Note schedule) No
Are you indebted to any bank or other financial institution? No
Have you ever been declared bankrupt? No
Have you ever been a party to any legal action? No

All other special debt: 0

Total liabilities and net worth 3 974 000
### FINANCIAL STATEMENT

#### NET WORTH SCHEDULES

<table>
<thead>
<tr>
<th>Listed Securities</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSCO</td>
<td>$138,959</td>
</tr>
<tr>
<td>MSFT</td>
<td>174,150</td>
</tr>
<tr>
<td>MCO</td>
<td>89,277</td>
</tr>
<tr>
<td>BRKA/B</td>
<td>624,695</td>
</tr>
<tr>
<td>WU</td>
<td>35,112</td>
</tr>
<tr>
<td>PG</td>
<td>165,000</td>
</tr>
<tr>
<td>MDT</td>
<td>64,451</td>
</tr>
<tr>
<td>JNJ</td>
<td>151,580</td>
</tr>
<tr>
<td>WAG</td>
<td>125,757</td>
</tr>
<tr>
<td>INTC</td>
<td>85,680</td>
</tr>
<tr>
<td>LLTC</td>
<td>137,004</td>
</tr>
<tr>
<td>Vanguard 500 Index</td>
<td>101,000</td>
</tr>
<tr>
<td>State Street Equity Index</td>
<td>190,000</td>
</tr>
</tbody>
</table>

Total Listed Securities: $2,082,665

<table>
<thead>
<tr>
<th>Unlisted Securities</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limited Billiard Partnerships</td>
<td>$100,000</td>
</tr>
<tr>
<td>Armstrong Equity Partners</td>
<td>99,976</td>
</tr>
<tr>
<td>DAG LP Fund I</td>
<td>18,263</td>
</tr>
<tr>
<td>DAG LP Fund II</td>
<td>87,786</td>
</tr>
</tbody>
</table>

Total Unlisted Securities: $306,025
AFFIDAVIT

I, JAMES EMANUEL BOASBERG, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

June 15, 2010
(NAME)

Linda L. Gray
(NOTARY)
My Commission Expires
January 31, 2016
STATEMENT OF AMY BERMAN JACKSON, NOMINATED TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

Ms. JACKSON. Thank you, Senator. I would first like to thank you and the Committee for considering my nomination and for scheduling this hearing. I would like to thank President Obama for nominating me. It’s an extraordinary honor and I will certainly dedicated myself, if confirmed, to living up to the confidence he has placed in me.

I would like to also thank Congresswoman Norton not only for recommending me to the President, but for establishing a commission and a process that enabled anyone to fill out an application and be considered.

I would like to introduce to you family members who are here and mention some who can’t be here. It is very humbling to be in this room and realize that it was my grandparents who came here on a boat, all four of them, to this country, with nothing, to escape oppression. They valued education more than anything else and it is through their hard work and their dreams that I sit here today.

They certainly paved the road for me and it—really carpeted, to tell you the truth—and it was their lifelong commitment to service and learning and family that has been instilled in me.

My grandmother, Lena Sauber, who can’t be here, is represented by the necklace that I’m wearing. I may be your first nominee to ever introduce her jewelry. But I wear that to remember the woman who came here, learned the language, became a citizen, was a suffragette, raised three daughters, and ran a business, and I know that she is connected to me and watching here today.

With me here today is my mother, Mildred Berman. She is here today and I would say she’s always been there. She was the welcoming presence every day when I came home from school to greet me and have the perfect snack and in her house, I grew up blissfully unaware that there was anything that I couldn’t do when I grew up as long as I got off the phone and did my homework.

I would like to introduce other members of my family who are here to support me. My cousin, Helen Schlossberg-Cohen, and my father’s sister, Rose Abelson.

I’m also supported here today by my husband, Darryl Jackson. We met in the U.S. attorney’s office many years ago and we’ve always both been committed to returning to public service. He was able to do it when President Bush nominated him to an assistant secretary’s position, and I’m very thankful that he has agreed that it’s my turn, and that he has supported me every step of the way.

I, unfortunately, am not joined today by my two handsome and brilliant sons, David and Matthew. They have recently been delivered to college and so they’re unable to be here. But I hope that they’re watching the Webcast and if not, I am sure it is because they are studying very hard.

I have been blessed as a lawyer to have the good fortune to only work at places with people I loved and people I admired and respected. My colleagues—many of my colleagues from Trout Cacheris are here. And it’s such a small firm, I think I can say that Trout Cacheris is here.
I am so honored by the fact that Plato Cacheris and my other partners have all come. But I would like to especially mention Bob Trout and John Richards, who gave me the gift of a lifetime when they asked me to join their small firm. And my partner and friend, Gloria Solomon, who was the first person I told that I planned to fill out the application for Congresswoman Norton and who did not laugh and who has been thrilled and supporting me every step of the way, along with so many of the women that I count among my close friends who are here today, Jennifer Levy, Ruth Kassinger, Maureen Asterbody (ph), Susan Morrow, Melanie Ferrara, and my many friends who I hope have been able to watch.

To conclude, I really want to talk the most about the two people who can't be here today; my late brother, Gordon Berman, and my father, Barnett Berman. I've always been touched by the line in the Memorial Prayer that says you honor your loves ones, your lost relatives, by standing up and pursuing the ideals that they stood for.

My brother stood for using your law degree to pursue justice. And my father was not a lawyer. He was a doctor, but he was one of those old-fashioned kind of physicians who believed that you treat the patient who has the disease and not the disease who has the patient.

He wrote me a letter on my last day of law school and he said to me that it was expected that I would use my law degree and the gifts that he thought I had for something larger than just private concerns. He said, “Of you, more is expected.”

I have that letter with me today. I know he is here with me today and I trust that he would say that this is what he had in mind.

Thank you.

Senator DURBIN. Thank you very much.

Judge Shadid.

[The biographical information follow.]
709

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   Amy Berman Jackson (maiden name: Amy Sauber Berman)

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.

   Trout Cacheris, PLLC
   1350 Connecticut Avenue, N.W., Suite 300
   Washington, D.C. 20036

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

   1954, Baltimore, Maryland

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.


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.

   2000 – present
   Trout Cacheris, PLLC
   1350 Connecticut Avenue, N.W., Suite 300
   Washington, D.C. 20036
   Partner
1995 – 2000
Family Leave from Law Practice

1986 – 1994
Venable, Beter, Howard and Civiletti
575 7th Street, N.W.
Washington, D.C. 20004
Associate (1986 – 1987)

1980 – 1986
United States Attorney's Office for the District of Columbia
555 4th Street, N.W.
Washington, D.C. 20530
Assistant United States Attorney

1979 – 1980
United States Court of Appeals for the Fourth Circuit
United States Courthouse
101 W. Lombard Street
Baltimore, Maryland 21201
Judicial Law Clerk to the Honorable Harrison L. Winter

Summer 1978
Verner, Liipferl, Bernhard, and McPherson (since dissolved)
Washington, D.C.
Summer Associate

Summer 1977
Frank, Bernstein, Conaway, and Goldman (since dissolved)
Baltimore, Maryland
Summer Associate

Summer 1976
BIC's Ice Cream (since closed)
Cambridge, Massachusetts
Counter Server

Other Affiliations (uncompensated)

2001 – 2003
District of Columbia Spring Valley Restoration Advisory Board
Board Member
711

2001 – 2003
Hebrew Day Institute
2200 Baltimore Road
Rockville, Maryland 20851
Member, Board of Directors

1986 – 1989
D.C. Rape Crisis Center
1625 K Street, N. W.
Washington, D.C. 20006
Member, Board of Directors

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

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

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

Washingtonian Magazine Top Lawyers (2010)
Department of Justice Special Achievement Awards (1985 & 1986)
Harvard College Dean’s List (1973 – 1976)

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 (ABA)
ABA Criminal Justice Section, White Collar Crime Committee
   Co-chair, Department of Justice Liaison Subcommittee (2009 – present)
ABA Section of Litigation
   Co-Director, Division IV: Procedural (1991 – 1992)
   Co-Chair, Training the Advocate Committee (1989 – 1991)
   Member, Task Force on Training the Advocate (1987 – 1989)
   Representative to ABA Steering Committee on Post-Conviction Representation
   Member, Complex Crimes Committee
District of Columbia Bar
   Chair (1992 – 1994)
712

Elected Delegate to the ABA House of Delegates (1986 – 1989)
District of Columbia Women’s Bar Association
Federal Bar Association
Washington Bar Association
Bar Association of the District of Columbia

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.

District of Columbia, 1979
Virginia, 1986

There have been no lapses in either membership.

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

Supreme Court of the United States, 1992
United States Court of Appeals for the District of Columbia, 1983
United States Court of Appeals for the Fourth Circuit, 1980
United States Court of Appeals for the Fifth Circuit, 1993
United States District Court for the District of Maryland, 1980
United States District Court for the Eastern District of Virginia, 1986

These are all currently active with the exception of the Fifth Circuit, where I sought admission in connection with a single appeal. 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.

D.C. Rape Crisis Center Board of Directors (1986 – 1989)
713

Interdisciplinary Council for Developmental and Learning Disorders
Parents' Steering Committee (1996 – 2001)
Special Olympics Northern Virginia Area 26 Council (1987 – 1989, approximate)

In addition, I have made occasional financial contributions over the years to various charitable organizations. Some of these organizations may have called me a "member" solely by virtue of my financial contribution.

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 my knowledge, none of the organizations listed in response to 11a above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin.

12. Published Writings and Public Statements:

To respond to the parts of Question 12 set out below, I searched my electronic calendar, the electronic and physical records I have retained of speeches and presentations (including videotape recordings and paper files), copies of applications completed in prior years listing panel presentations, and my memory.

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.

I searched my memory, my records, and the Internet to provide a list of publications that is as complete as possible, though there may be others I have been unable to identify:


02/06: “Defending the Corporation and its Executives: We’re Not ‘In it Together’ Anymore,” 12th Annual Federal Procurement Institute, ABA Section of Public Contract Law. 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.

I have searched my memory, my records, and the Internet and have not identified any reports, memoranda, or policy statements that I prepared or to which I contributed. I have no recollection of particular reports from the various task forces and committees on which I have served. To prepare this answer, I consulted with the staff of the ABA Section on Litigation, which did not identify any such reports in the Section’s files. To the best of my knowledge, any reports—if they did exist—would have been issued by the Task Force on the Jury, which considered such matters as the need for clear and comprehensible jury instructions, and the Task Force on Children, which focused on the need for legal services for children in the juvenile justice and foster care systems.

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.

I have not testified or issued an official statement on a matter of public policy or legal interpretation to a public body other than through the submission of legal pleadings in judicial proceedings on behalf of my clients.

Minutes of monthly meetings of the Washington, D.C. Spring Valley Restoration Advisory Board, on which I served as a member, can be found at: http://www.nrh.usace.army.mil/projects/WashingtonDC/springvalley/RAB/minutes.htm (last visited June 15, 2010).

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 delivered any political or commencement speeches. I appeared on
panels at the conferences listed below:

03/06: Ethics and Corporate Criminal Investigations—ABA Section of Public

4/22/05: The Boeing Company, Litigation Department. Notes supplied.

1998-2001: I moderated several panels sponsored by the Parents’ Steering
Committee of the Interdisciplinary Council for Developmental and Learning
Disorders at the annual ICDC conference on autism. Video recording of the 1999
panel supplied. I have no other notes, transcript, or recording.

1998: I spoke at the investiture of the Honorable Natalia Combs Greene as a judge
on the Superior Court of the District of Columbia. I have no notes, transcript, or
recording.

1997: Scientific Fraud—ABA Criminal Justice Section National Institute on

1997: Tort Reform—D.C. Judicial Conference. I have no notes, transcript, or
recording.

1996: Closing Arguments in a Products Liability Case—ABA Annual Meeting. I
have no notes, transcript, or recording.

Late 1990s (I do not recall the specific year): Presentation to Johns Hopkins
Medical School students on scientific research fraud as part of the class, “The
Physician and Society.” Notes supplied.

1994: Parallel Criminal, Administrative, and Civil Proceedings—ABA Litigation
Section Annual Meeting. Notes supplied.

1994: Scientific Fraud Investigations—ABA Litigation Section Complex Crimes
Committee Federal Enforcement Seminar. My notes for the talk were
incorporated into the set of notes for Scientific Fraud: ABA Criminal Justice
Section National Institute on White Collar Crime, Fraud: 1997, a copy of which is
supplied.
1993: The Jury's Perspective on Women in the Courtroom—ABA Section of Litigation/Prentice Hall Conference on the Woman Advocate. Video recording supplied.

1993: Responding to a Criminal Investigation, Maryland CPA Association. Notes supplied.

1992: Responding to a Criminal Investigation, National Association of Minority Contractors. I have no notes, transcript, or recording.

1990: Trying an Employment Case—National Employment Law Institute. I have no notes, transcript, or recording.

1990: Cross Examination Workshop—ABA Section of Litigation, ABA Annual Meeting. I have no notes, transcript, or recording.

1988: Training the Advocate—ABA Section of Litigation, ABA Annual Meeting. I have no notes, transcript, or recording.


Although I searched my memory, my files, and the Internet to prepare as complete a list as possible, I may have given other speeches that I have been unable to identify.

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

I searched my memory, my files, and the Internet to prepare as complete a list as possible, though I may have given other interviews that I have been unable to identify. Copies of clips from the following interviews are supplied:

11/14/09: Vanguard (Lagos), “Ex-US Congressman Bags 13 Years Jail Term”

12/24/07: Baton Rouge Advocate, “Boy Scouts Watch Trial”

6/30/01: Milwaukee Journal Sentinel, “Browner’s Computer Wiped Clean by EPA—Same Day Court Had Issued Order”

6/29/01: Associated Press, “Ex-EPA Head Browner Asked for Computer Files to be Deleted”

3/18/89: Richmond Times Dispatch, “Arlington Man Charged in Using Architect’s Seals”


Between 1995 and 2000, I appeared as an expert legal commentator on television on multiple occasions, explaining legal developments in such cases as the O.J. Simpson trial, the Unabomber attacks, the Whitewater Special Prosecutor investigation, and the investigation into the death of Chandra Levy. I appeared on CNN, MSNBC, Fox News, and local D.C. stations WUSA, WRC, and WTTG, and served as a panelist on CNN’s “Burden of Proof.” I also appeared on CBN in 1987 discussing date rape. Of those appearances, I have recordings of the following, for which I have supplied copies:

8/28/01: Fox News, Chandra Levy investigation

04/96: Phil Donahue Show: Jury Nullification

2/5/96: WRC-TV (NBC): Discussing O.J. Simpson telephone call to CNN’s “Burden of Proof” the day before

10/3/95: WRC-TV (NBC): Simpson verdict

10/2/95: CNN “Burden of Proof:” Awaiting the Simpson verdict (excerpts)

9/13/95: WRC-TV (NBC): “Should O.J. Simpson take the stand?”

8/17/95: WRC-TV (NBC): “What do you think of the lawyers in the O.J. Simpson case?”


In addition, transcripts of the following appearances on CNN are available and supplied:

9/24/98: CNN “Upfront Tonight,” Judiciary Committee Sets October 8th or 9th As Day On Which To Vote On Whether To Conduct An Impeachment Inquiry
9/9/98: CNN “Burden of Proof,” Sentencing of Amy Grossberg and Brian Peterson

9/9/98: CNN “Worldview,” Circuit Court Rules Promising Leniency for Testimony Illegal


5/10/97: CNN “Saturday Morning News,” Guest Attorneys Review McVeigh Trial For Week Ending May 10, 1997 and Analyze Each Side’s Apparent Trial Strategy

1/21/97: CNN “Burden of Proof,” Attorneys Prepare For Closing Arguments In the O.J. Simpson Civil Trial

12/12/96: CNN “Burden of Proof,” O.J. Simpson Talked To Police; See What He Had To Say


10/18/95: CNN “Burden of Proof,” Death of Selena

10/16/95: CNN “Burden of Proof,” O.J. Simpson criminal trial

On December 5, 1985, when I was an Assistant United States Attorney, I appeared before the cameras after obtaining a conviction in United States v. Paul Jordan. A copy of the recording is supplied.
On June 9, 1978, I was a passenger on an Amtrak train that collided and derailed in Seabrook, Maryland, and I was interviewed by television news reporters when I arrived at Penn Station in Baltimore. No recordings are available.

On June 17, 1976 (approx.), the Harvard Crimson published an article by Nicholas Lemann recounting the college experiences of the four roommates in my freshman suite. I was interviewed in connection with the article. I have been unable to locate a copy of the article, including through searches of the Harvard Crimson website and archives.

Between 1974 and 1976 (approx.), while in college, I worked at WHRB-FM, the Harvard College radio station, and produced a bi-weekly interview show on women's affairs called "Accent on Women." No recordings are available, but I was not the subject of the interviews – I was asking the questions.

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

I have not held any judicial office.

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

i. Of these, approximately what percent were:

<table>
<thead>
<tr>
<th>Trial Type</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Juried trials</td>
<td>___% [total 100%]</td>
</tr>
<tr>
<td>Bench trials</td>
<td>___% [total 100%]</td>
</tr>
<tr>
<td>Civil proceedings</td>
<td>___% [total 100%]</td>
</tr>
<tr>
<td>Criminal proceedings</td>
<td>___% [total 100%]</td>
</tr>
</tbody>
</table>

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

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

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

e. Provide a list of all cases in which certiorari was requested or granted.
f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

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

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

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.

I have not served as a judge.

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 candidates you have had for elective office or unsuccessful nominations for appointed office.
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I have not held public office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have never held a paid or unpaid position in a political party or election committee. I was a member of the Lawyers' Committee for Bill Clinton in 1992, and did a small amount of fundraising in connection with President Barack Obama's election campaign.

16. Legal Career: Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

1979 to 1980: After graduating from law school, I served as a law clerk to the Hon. Harrison L. Winter of the United States Court of Appeals for the Fourth Circuit.

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

I have not 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.

1980 – 1986
United States Attorney's Office for the District of Columbia
555 4th Street, N.W.
Washington, D.C. 20530
Assistant United States Attorney

1986 – 1995
Venable, Baetjer, Howard and Civiletti
575 7th Street, N.W.
Washington, D.C. 20004
Associate (1986 – 1988)
2000 – present
Trout Cacheris, PLLC
1350 Connecticut Avenue, N.W., Suite 300
Washington, D.C. 20036
Partner

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

I have not served as a mediator or arbitrator.

b. Describe:

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

My law practice has always involved the courtroom. I have handled both civil and criminal cases, and I have seen the criminal law from the perspective of both the prosecution and the defense. My criminal caseload has involved everything from murder and rape on the prosecution side to government contracts fraud, public corruption, and antitrust violations on the defense side. My civil practice has ranged from commercial and real estate related litigation to representing plaintiffs in multi-district tort litigation and victims of sexual assault.

After my clerkship on the Fourth Circuit ended in 1980, I joined the United States Attorney’s Office for the District of Columbia. There, it was my responsibility to seek justice on behalf of victims of crime, to advocate for the appropriate punishment for offenders, and to work with citizens and law enforcement in an effort to rid the community of drug trafficking and the violence associated with it.

Since leaving the U.S. Attorney’s office in 1986, I have been engaged in the private practice of law. In place of the violent crimes and narcotics offenses I once prosecuted, I have focused on complex white collar matters and civil litigation. As a defense attorney, I have counseled clients when the facts supported a negotiated disposition, and I have also put the government to the test of proving its case in court beyond a reasonable doubt. I have litigated issues involving my clients’ constitutional and procedural rights, and I have dealt with evolving investigative techniques such as subpoenas, search warrants, electronic eavesdropping, and undercover sting operations. My practice has also involved the Federal Sentencing Guidelines and their application in plea negotiations, pre-sentence investigations, and sentencing proceedings.
ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

The United States Attorney for the District of Columbia has unique responsibility for both local and federal offenses, and for most of my time in the Office, I prosecuted local crimes. I tried approximately 50 cases to verdict before juries in D.C. Superior Court, and moved through the Misdemeanor, Appellate, Grand Jury, Chronic Offender, Felony II Trial, and Felony I Trial sections. In the Appellate section, I briefed and argued appeals in both the U.S. Court of Appeals for the District of Columbia Circuit and the District of Columbia Court of Appeals. I spent my last two years as an Assistant United States Attorney (1984-86) in the Felony I Trial section, devoted exclusively to first degree murders, rapes, and sexual assaults on children.

Since 1986, my practice has primarily involved federal litigation. My work at Venable included criminal and civil trials and appeals, with the primary emphasis on white collar criminal investigations. The federal enforcement actions I handled included procurement fraud, antitrust violations, environmental crime, and health care fraud. We represented businesses that were the subjects of grand jury investigations or administrative enforcement actions, and we were called upon to represent individual corporate officers and employees as well. I was involved in the representation of witnesses and targets in the Iran-Contra, Whitewater, and HUD Special Prosecutor investigations. Notable criminal matters included representing an individual charged in the Ill Wind government contracts fraud investigation and the jury trial of an electrical contractor charged with lying to the grand jury during the course of a nationwide bid rigging investigation. I briefed and argued cases in several federal circuits, and served as trial counsel for two military courts martial.

On the civil side, we represented plaintiffs in several cases arising out of airline and train crash disasters, and those representations involved multidistrict litigation and federal class actions. Other civil matters included business and real estate disputes and breach of contract actions in both state and federal court, suits on behalf of individual victims of crime, and intellectual property litigation, which entailed seeking temporary restraining orders and injunctions.

My federal litigation practice has continued at Trout Cacheris, where since 2000, I have focused particularly on criminal matters but handled an array of civil cases as well. My cases have involved investigations and charges of bribery, conflict of interest, antitrust, bank fraud, and government contract fraud. In criminal matters, we tend to represent individuals rather than corporations or other entities, but we have handled commercial disputes and employment matters for a number of businesses in D.C., Maryland, and Virginia.
I served as co-counsel in United States v. William J. Jefferson, a public corruption case that was tried to a jury last summer. I have represented individuals involved in the Enron investigation and the Washington Teachers' Union embezzlement matter. Such criminal cases often entail parallel administrative and civil actions growing out of the same sets of facts and circumstances, so my federal practice has also involved Congressional hearings, SEC enforcement actions, bankruptcy proceedings, hearings before other administrative bodies, and civil lawsuits in federal and state court. Other civil litigation matters have included employment discrimination claims, derivative and class action suits alleging securities fraud, breach of contract actions, a products liability case, and legal malpractice, among others. I have continued my representation of victims of crime, and I have been asked to conduct internal investigations by organizations ranging from a law firm to an elementary school. At Trout Cacheris, I have also briefed and argued appeals in the United States Court of Appeals in both criminal and civil cases.

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.

Ninety percent of my time or more has been devoted to litigation. As an Assistant United States Attorney for the District of Columbia from 1980 to 1986, I appeared in court very frequently. Since then, the frequency has varied, but in the aggregate I have appeared in court occasionally. Full-blown trials are less common in private practice than they were when I was a prosecutor, but I have appeared in court regularly for evidentiary hearings, motions practice, sentencing proceedings, and appellate arguments. Due to the nature of our practice, a significant portion of my work has taken place outside the courtroom: federal enforcement matters involve considerable investigation, negotiation, and advocacy with the goal of avoiding trial altogether.

i. Indicate the percentage of your practice in:
   1. federal courts:
   2. state courts of record:
   3. other courts:
   4. administrative agencies:

   2005 to present: federal courts: 85%
   state courts of record: 5%
   other courts: 10%
   administrative agencies: 10%
ii. Indicate the percentage of your practice in:
1. civil proceedings:
2. criminal proceedings:

2005 to present: civil proceedings: 30%
criminal proceedings: 70%
1986 – 2004: civil proceedings: 50%
criminal proceedings: 50%
1980 – 1986: civil proceedings: 100%
criminal proceedings: 100%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried more than 60 cases to verdict, judgment, or final decision. I was sole counsel in nearly all of these cases, chief counsel in one, and associate counsel in about five.

i. What percentage of these trials were:
1. jury: 90%
2. non-jury: 10%

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

I have filed petitions for certiorari and oppositions to petitions for certiorari. I filed petitions in a death penalty appeal, but I have not yet argued before the Court.
Copies of the following pleadings are supplied:

- 2/24/09: William J. Jefferson v. United States, No. 08-1059, Petition for writ of Certiorari to the U.S. Court of Appeals for the Fourth Circuit
- 4/24/09: William J. Jefferson v. United States, No. 08-1059, Reply to brief in Opposition to Petition for writ of Certiorari
- 2/19/08: United States v. Rayburn House Office Building, Room 2113, No. 07-816, Brief in Opposition to Petition for writ of Certiorari
- 12/13/04: Rabbits, et. al., v. United States Court of Appeals for the D.C. Circuit, No. 04-811, Petition for writ of Certiorari to the U.S. Court of Appeals for the D.C. Circuit
- 5/29/92: Crandon, et. al., v. United States, No. 91-1908, Petition for writ of certiorari to the U.S. Court of Appeals for the Fourth Circuit
- 4/30/92: Bunch v. Thompson, No. 91-1757, Petition for writ of Certiorari to the U.S. Court of Appeals for the Fourth Circuit
- 6/11/92: Bunch v. Thompson, No. 91-1757, Petitioner's Reply Brief
- 7/22/92: Bunch v. Thompson, Petition for Rehearing
- 1/16/90: Educational Development Network Corp., and Gerald Kress v. United States, No. 89-1110, Petition for writ of Certiorari to the U.S. Court of Appeals for the 3rd Circuit

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 date 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.


I represented the former Congressman from Louisiana, who was charged in June 2007 with bribery, fraud that deprived the citizens of his honest services, conspiracy, RICO,
money laundering, and violating the Foreign Corrupt Practices Act. We filed more than 20 pre-trial motions addressing significant legal questions raised by the 95-page indictment. The case did not involve any legislation, appropriations, or earmarks, so one issue for which I bore particular responsibility was whether a Member's use of his access or influence to assist private business ventures abroad could constitute an "official act" of a United States Congressman as that term is defined in the bribery statute. I argued motions to dismiss on those grounds and others. The case presented issues similar to those currently pending before the Supreme Court concerning the scope of the honest services statute, and we filed a motion to suppress arising out of the FBI's decision to take digital photographs of documents that fell outside the scope of the warrant during the execution of a search. In addition, we challenged the government's decision to prosecute in the Eastern District of Virginia a defendant who lived and worked in the District of Columbia.

The Jefferson matter was unusual in that it involved three pre-trial appeals. One concerned whether the prosecution could circumvent a Congressman's invocation of his Fifth Amendment act of production privilege by directing a subpoena for his records to a member of his staff instead. I briefed and argued that appeal. The other two raised novel questions related to the application of the Speech or Debate Clause, the constitutional privilege that protects the legislature against invasion or intimidation by the executive branch. The case involved the first search of a Congressman's office in the history of the United States, and we filed an emergency motion seeking the return of the seized records, arguing that the manner in which the search was conducted violated the Clause. A bipartisan group of Congressional leaders joined our challenge. The District Court upheld the search, but the D.C. Circuit reversed, agreeing with our contention that the method used to conduct the search violated the Constitution. The Supreme Court allowed that ruling to stand. I was the primary drafter of the District Court pleadings and the brief on appeal. We also sought Supreme Court review of an opinion by the Fourth Circuit concerning the power of the court to hear a challenge to an indictment when evidence of legislative activity that was privileged under the Clause had been presented to the grand jury.

The case was as complicated factually as it was legally. More than a dozen of the government's witnesses (of whom there were nearly 50 in total) testified under plea or immunity deals, and the investigation involved an undercover sting operation, hundreds of thousands of documents, and hours of secretly recorded telephone conversations and meetings. It took eight weeks to try the case, and the defendant was convicted of 11 counts and acquitted of five. I played a prominent role in the trial, cross-examining about a third of the government's witnesses, including its expert. After sentencing, the court granted our motion for bond pending appeal, finding that the appeal of its rulings on "official acts" raised substantial questions which, if decided in favor of the defense, would result in the reversal of the conviction on every count.

My representation has lasted from 2005 to present. I am counsel of record with co-counsel Robert Trout and Gloria B. Solomon, Trout Cacheris, PLLC, 1350 Connecticut Ave., NW, Suite 300, Washington, D.C. 20036, Tel (202) 464-3300.
Principal counsel for the government are USA Mark D. Lyle and USA Rebecca Bellows, Justin W. Williams U.S. Attorney’s Building, 2100 Jamieson Ave., Alexandria, VA 22314, Tel (703) 299-3700, and Charles E. Duross, U.S. Department of Justice, Criminal Division/Fraud Section, 10th & Constitution Ave., NW, Bond Building, 4th Floor, Washington, DC 20530, Tel (202) 514-2000.

Citations:
In re Grand Jury Subpoena: John Doe, No. 06GJ318, 584 F.3d 175 (4th Cir. 2009) (unscaled 2009)


Since 2002, I have been co-counsel representing a former Managing Director at Merrill Lynch and head of its Energy and Power Group, who had been involved in several transactions with Enron. We also represented his wife, who is the former Vice President for Corporate Communications at Enron.

Our client retained Trout Cacheris shortly after the fall of Enron in connection with an investigation being conducted by the House Permanent Subcommittee on Investigations into Enron’s transactions with a number of investment banks, including Merrill Lynch, and we represented him in the parallel proceedings that ensued: the Department of Justice investigation, the SEC action, a New York Stock exchange investigation, and multiple civil class actions and securities derivative suits filed in federal and state courts.
The Enron related cases raised the question of whether one party to a financial transaction—in this case, the investment bank—could be held responsible for the other party’s failure to account for that transaction properly in its public financial disclosures, and whether the banks owed any duty to Enron’s investors which could have been breached. With respect to the individual bankers, the investigations also turned upon the extent to which they relied upon the advice of the bank’s in-house lawyers and internal vetting processes. There were factual questions to be considered related to the individuals’ level of involvement in the transactions, and whether they had knowledge of the ultimate terms of the deals or how Enron intended to account for them.

My representation has lasted from 2002 to present. I am counsel of record with co-counsel Robert Trout and Gloria B. Solomon, Trout Cachers, PLLC, 1350 Connecticut Ave., NW, Suite 300, Washington, D.C. 20036, Tel (202) 464-3300. Opposing counsel in the criminal matter was Andrew Weissmann (then head of the Enron Task Force), now of Jenner & Block, 919 Third Ave., New York, NY 10022, Tel (212) 891-1650.

Citations:
*In re Enron Corp. Derivative & ERISA Litig.*, 236 F.R.D. 313 (S.D. Tex. 2006), rev’d and remanded, Regents of Univ. of Cal. v. Credit Suisse First Boston (USA), Inc., 482 F.3d 372 (9th Cir. 2007) (The Court of Appeals overturned the trial court’s certification of the class; I worked with counsel for Merrill Lynch in briefing this issue.)

This class action suit brought concerning the Department of Interior’s management of the Indian Trust accounts has been pending since 1996, and it has spawned at least 10 appeals. During 2000 and 2001, attorneys for the plaintiffs asked the court to issue orders to show cause why a number of individual government employees should not be held in contempt in connection with the case. The motions raised issues such as the availability of sovereign immunity and whether any of the named individuals, most of whom were career lawyers from either the Department of Interior or the Department of Justice, had ever been the subject of a specific order that could form the predicate for contempt. Over time, more than 50 individuals were named in contempt motions.

I was the lead lawyer for an attorney who was at that time the Deputy Associate Solicitor General of the Department of Interior. At time wore on, the group of lawyers for the individuals became more organized, and I became one of a handful of attorneys leading the group. When we became aware that the court-appointed Monitor had conducted hours of ex parte communications with the plaintiffs’ attorneys and with the witnesses, and that the court had engaged in over 120 hours of ex parte communications with the Monitor, a group of the named individuals filed a motion seeking the court’s recusal from the contempt proceedings. The court denied the motion, see Cobell v. Norton, 237 F. Supp. 2d 71 (D.D.C. 2003), and the Court of Appeals denied the individuals’ petition for a writ of mandamus.

At a later time, on its own motion, the Court of Appeals reassigned the matter to another judge for other reasons. I was selected to speak on behalf of all of the named individuals at the first hearing before the new judge to whom the case was assigned. The court denied all of the pending motions for order to show cause on January 16, 2007.

My representation lasted from 2001 to 2007. I was lead counsel of record with co-counsel John Thorpe Richardson, Jr., Trout Cachers, PLLC, 1350 Connecticut Ave., NW, Suite 300, Washington, D.C. 20036, Tel (202) 464-3300; Robert D. Luekin, Patton Boggs, 2550 M Street, N.W., Washington, D.C. 20037, Tel (202) 857-6190; and Dwight Bostwick, Zuckerma, Spedared, 1800 M Street, N.W., Washington, D.C. 20036, Tel (202) 778-7822, represented other individuals named in the contempt motions.

Opposing counsel was Keith Harper, Kirkpatrick Stockton, Suite 900, 607 14th St., N.W., Washington, D.C. 20005, Tel (202) 358-5844.

Citations:
(4) Representation of The Boeing Company in Space Technology Development Corp. v. The Boeing Company, No. 1:05cv411 (E.D. Va.) (Leonie M. Brinkema, U.S.D.J.)

Space Technology Development Corp. brought a breach of contract action against Boeing arising out of a letter of intent. We successfully moved to dismiss the matter for failure to state a claim, arguing that the letter was not a contract, but simply an agreement to agree. The trial court’s holding was upheld on appeal, and the motion for rehearing was denied. I was the principal counsel at the District Court and on appeal, and I argued the case in the Fourth Circuit on the day after I argued the first Jefferson appeal. In re Grand Jury Subpoena: John Doe, No. 05GJ1318, 584 F. 3d 175 (4th Cir. 2007).

My representation lasted from 2005 to 2007. I was lead counsel of record with co-counsel John Thorpe Richards, Jr., Trout Cachers, PLLC, 1350 Connecticut Ave., N.W., Suite 300, Washington, D.C. 20036. Tel (202) 465-3300. Opposing Counsel was Ian I. Berlage, Gohn, Hankey & Sichel, LLP, 201 N. Charles Street, Suite 2101, Baltimore, MD 21202, Tel (410) 732-9300.


In 1989, my partner, William D. Dolan, was appointed by the judges of the Circuit Court for the City of Norfolk to investigate charges that Judge Joseph A. Campbell had altered the traffic court docket to disguise the fact that the Commonwealth’s attorney for Virginia Beach—whose driving record was a political issue—had been charged with a traffic offense. Mr. Dolan asked me to co-try the case with him in light of my experience as a prosecutor. We divided the key direct and cross-examinations, and I gave the closing argument.

The case presented a series of factual problems, as a number of the court clerks, concerned about their own involvement, had given inconsistent statements to investigators, and the court’s own computer recorded the changes to the docket in a sequence different from that recalled by any witness. Legal questions were raised concerning the requisite intent, double jeopardy concerns, and other issues involved in the jury instructions.

After trial by jury, we obtained the first felony conviction of a sitting judge in the history of the Commonwealth.

My representation lasted from 1989 to 1990. I was counsel of record with co-counsel William D. Dolan, Venable, 8010 Towers Crescent Drive, Suite 300, Vienna, Virginia 22182, Tel (703) 760-1680. Principal opposing counsel were Wayne Lastig (now deceased), William P. Robinson, Jr. (now deceased), and Anthony Troy, Troutman Sanders, 1001 Hayaxall Point, Richmond, VA 23219, Tel (804) 697-1318.

This perjury case grew out of a nationwide grand jury investigation of bid rigging in the electrical contracting industry. While represented by other counsel, Mr. Mahoney testified with immunity before the grand jury, and the Antitrust Division alleged that he did not testify truthfully concerning meetings of industry officials. The case was tried to a jury before Judge Gasch in 1988. I cross-examined several immunized witnesses and gave the closing argument. The defendant was convicted; I wrote the brief on appeal and handled the oral argument. The conviction was affirmed.

My representation lasted from approximately 1986 to 1990. I was counsel of record with co-counsel Gerard F. Treanor, Venable, 557 7th Street, N.W., Washington, D.C. 20004. Tel (202) 344-8115. Opposing Counsel was USA Stuart Berman, United States Attorney’s Office for the District of Maryland, Southern Division, U.S. Courthouse, 6500 Cherrywood Lane, Greenbelt, MD 20770.

United States v. Mahoney. 893 F. 2d 400 (D.C. Cir. 1990)

(7) Representation of Petitioner in Bunch v. Thompson, a pro bono death penalty appeal.

Under the leadership of former Attorney General Benjamin R. Civiletti, Venable volunteered to take on a pro bono death penalty appeal, and I was lead counsel on the matter. We handled the federal habeas petition at the U.S. District Court for the Eastern District of Virginia, the Fourth Circuit, and the Supreme Court of the United States, and, with the support of the victim’s family, prepared a clemency petition for the governor. When clemency was denied, we filed a second habeas petition, moving up through the Circuit Court of Prince William County, the Virginia Supreme Court, and the entire federal system again. We had no claim of innocence to pursue—the petition was based upon a violation of the defendant’s Miranda rights that resulted in a confession. In the Fourth Circuit, we obtained a rare dissent from one member of the panel. Ultimately, the appeal was unsuccessful.

My representation lasted from approximately 1990 to 1992. I was lead counsel of record with co-counsel Maria H. Tildon (then at Venable), Carefree Blue Cross Blue Shield, 10455 Mill Run Circle, Owings Mills, Maryland 21117, Tel (410) 998 – 6001; and Gerard F. Treanor and Karl A. Racine, Venable, 557 7th Street, N.W., Washington, D.C. 20004. Tel (202) 344-8115. Representing the government was John H. McLees, Jr., Assistant Attorney General, Office of the Attorney General, 900 East Main Street, Richmond, VA 23219, Tel (804) 786 – 2071.

(8) Representation of Defendant in United States v. Thomas — Military court martial, Dover AFB (I have been unable to locate the Case Number, Judge, and opposing counsel)

An Air Force obstetrician, who had only recently completed her medical training, was charged with leaving her post when she left the hospital while a patient—a high ranking officer’s wife—was in labor. Dr. Thomas departed the hospital at the end of her lengthy shift only after she had been informed that the physician relieving her was on his way, but the baby was born in the interim. Although there were no complications with the delivery, the doctor faced not only the end of the career she had just begun, but imprisonment for criminal dereliction of duty. We were able to obtain records from the hospital that reflected other officers’ practices and used them to cross examine the government’s witnesses about the scope of an obstetrician’s duty under the circumstances. Our client was acquitted by the court. I handled several witnesses and made the argument to the court at the close of the government’s case.

My representation lasted from approximately 1986 to 1988. I was counsel of record with co-counsel Gerard P. Treanor, Venable, 575 7th Street, N.W., Washington, D.C. 20004, Tel (202) 344-8115.


Defendant Jordan was charged with two counts of first degree murder arising out of the deaths of the 3-year-old child of two D.C. police officers and her babysitter. The case raised difficult questions surrounding the admissibility of a confession and presented numerous issues arising out of the presence—or absence—of forensic evidence.

Mr. Jordan, an alcoholic, was questioned by Metropolitan Police officers. Since he was not in custody at the time the interview began, he was generally advised of his right to remain silent and his right to counsel, but the complete set of Miranda warnings was not read. Under questioning, he confessed to killing the babysitter and molesting and killing the child. After he had confessed and provided the officers with considerable detail that only the murderer would know, he was placed under arrest, and a formal Miranda waiver was executed.

As his stay at the police station wore on, Mr. Jordan began to exhibit signs of alcohol withdrawal. After his arrest, he agreed to be questioned again on videotape. By then, the withdrawal symptoms had worsened, and the physical effects of his illness were evident on the tape. Also, Mr. Jordan omitted or confused many of the details in the videotaped version of the interview. Thus, both the lengthy pre-trial hearings and the trial entailed considerable psychiatric testimony and legal argument as the defendant challenged the voluntariness of his confession and also sought to suppress it under Miranda v. Arizona.

The defendant was tied to the scene by several carpet fibers present on his clothing the day he was arrested, three weeks after the murders. However, his fingerprints were not among those found, and his blood, semen, and saliva were not found on the premises or
on the victim's clothing. The trial therefore also involved dueling experts in each of these fields of forensic science.

After the defendant was convicted of two counts of first degree murder, the Washington Post reported: "The jury had deliberated 15 hours over three days in the case that had produced some of the most emotional moments, hard-fought courtroom legal battles, and unusual legal twists in recent memory at D.C. Superior Court." I was sole counsel on every aspect of the matter, including a mid-trial emergency appeal.

My representation took place in 1985. I was the sole prosecutor assigned to the case. Defense counsel was James McComas (then Chief, Felony Trial Division, D.C. Public Defender Service), P.O. Box 227, Park Falls, WI 54552. Tel (715) 383-2269.

(10) Representation of the United States in United States v. King (I have been unable to locate the Case Number) (D.C. Sup. Ct.) (Joseph M.F. Ryan, J.)

This was a retrial after a hung jury when the case was first tried by another prosecutor. The defendant was charged with second degree murder and assault with intent to kill while armed for an attack on his grandparents that resulted in his grandfather's death and severe injuries to his grandmother. This time, he was convicted.

My representation took place in 1984. I was the sole prosecutor assigned to the case. Defense counsel was Michele D. Roberts (then at the D.C. Public Defender Service), Akin Gump Strauss Hauer & Feld, PLLP, 1333 New Hampshire Avenue, N.W., Washington, DC 20036, Tel (202) 887-4306.

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 organization(s).

(Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have not engaged in any lobbying activities.

2010: On March 5, the D.C. City Council retained Trout Cacheris to assist in its investigation of alleged irregularities surrounding the award of over 80 million dollars' worth of contracts to individuals associated with the Mayor. This matter has just begun, but we will be reviewing the results of the Special Committee's investigation to date, assisting in taking additional testimony, and providing our independent analysis. This is a pro bono representation.

2008: Representation of Defendant Taneja in United States v. Taneja. Mr. Taneja came to Trout Cacheris when his mortgage company was sued civilly by Wells Fargo in April of 2008. The pleadings alleged a complicated mortgage fraud scheme, and we initiated
contact with the United States Attorney’s Office to negotiate a resolution of the criminal prosecution that we anticipated would ensue. In the meantime, Mr. Taneja filed for bankruptcy. At the time of Mr. Taneja’s plea to a $50 million dollar scheme, the U.S. Attorney’s Office for the Eastern District of Virginia announced that he was the largest bank fraud case in the history of the Office. I was co-counsel on this matter but undertook primary responsibility for preparing Mr. Taneja for and facilitating the multiple de-briefing sessions with the Department of Justice, as well as interacting with the large and contentious group of attorneys for the many creditors. The representation involved extensive negotiations over the terms of the plea agreement and the preparation of sentencing memoranda. Mr. Taneja was sentenced to a term of seven years. The extent of the fraud, and the difficulties involved in defending a mortgage fraud case during a time of great public interest in the role of mortgage market in the collapse of the economy made this a significant matter.

2007 – present: Representation of the head of world wide sales and marketing for the cargo division of a Chilean airline in an international criminal antitrust investigation involving fuel surcharges. The investigation is ongoing, and I have had no contact with the prosecutor to date.

2006 – 2008: Representation of an industrial chemical company salesperson who was the target of a bribery investigation into her company’s use of awards for volume purchases. The representation involved many meetings with the client to ascertain the facts, de-briefing sessions with the prosecutors, and finally, a presentation in which we successfully urged the government to decline prosecution.

2006: Internal investigation: I had primary responsibility for a sensitive internal investigation at a major law firm looking into an employment dispute with a former partner. I interviewed a number of attorneys at the firm, reviewed emails and other documents, and reported our findings to the firm’s general counsel and other members of the management team.

2005: Representation of Defendant in United States v. Bedawi. Dr. Bedawi, an internationally renowned engineering professor at George Washington University, was alleged to have overcharged the U.S. government more than $700,000 on research contracts with the Department of Transportation. The matter resulted in a guilty plea and period of incarceration as well as a civil settlement of the false claims. I was involved in amassing and understanding the financial data, negotiating the terms of the plea and settlement, and preparing a sentencing memorandum.

2003 – 2004: Representation of the president of an industrial coal company in a criminal antitrust investigation. Our client was initially identified as a target of the criminal investigation, but he eventually testified before the grand jury and his testimony helped persuade the Antitrust Division that the matter did not warrant criminal prosecution.

2002 – 2005: Representation related to the embezzlement of funds from the Washington Teacher’s Union by Barbara Bullock: I represented Ms. Bullock’s sister, who had been a recipient of many of the ill-gotten luxury items, and our engagement began when the FBI
executed a search warrant at her home. My client cooperated with the federal investigation, and ultimately, the government did not bring charges against her. I also represented Ms. Bullock’s sister in the parallel civil actions that were joined in American Federation of Teachers v. Bullock, No. 03-CV-79 (D.D.C.)

2001 – 2003: Representation of Plaintiff in Baycol MDL. We represented an individual in an action against Bayer, A.G., the manufacturer of the cholesterol lowering drug Baycol. Baycol was removed from the market in August 2001 due to reports of rhabdomyolysis, a severe and often fatal adverse reaction. Rhabdomyolysis involves muscle cell breakdown, which can lead to renal failure and other organ failure when the contents of the muscle cells enter the bloodstream. Elderly patients, especially those also taking another lipid lowering drug, were most susceptible to fatal rhabdomyolysis reactions. Our client began experiencing muscle weakness shortly after she began taking the medication, and her condition rapidly deteriorated. She reached the point where she could not move her arms and legs, and her muscle weakness compromised her ability to breathe, swallow, and open her eyes. She was close to death when her treating physicians recognized what was causing the problem. Our complaint was joined with others in the Baycol multi-district litigation, and the matter resulted in a negotiated settlement.

2001 – 2003: Representation of Carol Browner, the former Administrator of the U.S. Environmental Protection Agency. We represented Ms. Browner in connection with contempt proceedings in Landmark Legal Foundation v. Environmental Protection Agency, 272 F. Supp. 2d 70 (D.D.C. 2001). In 2000, the plaintiffs brought a Freedom of Information Act action seeking agency records concerning certain proposed regulations. On January 10, 2001, the eve of the change in administrations, the plaintiffs sought an order from the court barring the destruction of any responsive records. The court issued the order, but on that same date, Ms. Browner requested that her hard drive be reformatted and wiped clean in anticipation of the transition. Ms. Browner did not have notice of the court’s order at the time, and she did not utilize email during her term as EPA Administrator in any event. Based upon those facts, the court denied the plaintiffs’ motion to hold Ms. Browner in contempt personally although it granted the motion for sanctions against the agency.

1992 – 1994 (approx): Representation of a doctor and his wife who were passengers on USAir flight 405. In March 1992, a plane leaving LaGuardia for Cleveland attempted to take off even though too much time had elapsed after the wings had last undergone de-icing. Our clients survived the crash that plunged the plane into Flushing Bay, but they were badly injured. The wife was one of the most seriously injured passengers not killed in the crash, and she underwent multiple operations to repair the damage to her legs. The husband sustained a shoulder injury. While the passengers were struggling to get out of the frigid waters, the fuel on the surface ignited, and both of our clients also suffered burns which required them to endure excruciating burn treatment. The passengers’ cases were consolidated in the multi-district litigation for proceedings on the availability of punitive damages, but the cases were handled individually for purposes of compensatory damages. Our case raised particularly complicated and interesting valuation issues. The couple was quite wealthy, and the husband was eventually able to return to his radiology
practice, but his economic success had come from his entrepreneurial energy and creativity, which were severely damaged by the emotional effects of the crash. The wife did not lose any income, but she had been a dancer and tennis player, and her legs were permanently damaged. The matter was resolved after protracted negotiations.

1988 – 1992: Representation of Dr. Baltimore: I participated in Venable's representation of a Nobel prize-winning biologist in connection with allegations of fraud in scientific research reported in an article which he co-authored. While Dr. Baltimore personally was not alleged to have engaged in any wrongdoing, he became the public face of the case due to his vociferous defense of his colleague, Dr. Imanishi-Kari. The matter was significant because it involved monitoring parallel Congressional, administrative, and criminal proceedings, as well as managing the many consequences of the publicity surrounding the charges. The Congressional committee investigating the matter brought in document examiners from the U.S. Secret Service, who performed an ink and paper analysis and accused Dr. Imanishi-Kari of falsifying data. The U.S. Attorney's office ultimately concluded that the Secret Service's analysis was flawed and unreliable, and no criminal charges were brought.

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.

Intensive Session in Trial Advocacy Skills: Georgetown Law Center/D.C. Bar CLE,
Team Leader—1991-1993

National Institute for Trial Advocacy:
Washington, D.C. (Advanced Advocates Program) 2009
Gainesville, FL (Advanced Program) 1988
Lawrence, KS 1988 — 1989
Boulder, CO 1987
NITA Teacher Training Program

Harvard Law School — Instructor, Trial Advocacy Workshop 1984 — 1992
Emory Law School — Instructor, Trial Advocacy Workshop 1990
University of Texas — Instructor, Trial Advocacy Workshop 1989

I did not use syllabi in teaching these courses and so I have none to supply.

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 do not expect to derive any income from any deferred income arrangements. I have a pension plan at Trout Cacheris, which I would roll over into an individual IRA if I am confirmed. My capital investment in the firm would be returned to me pursuant to the firm's Operating Agreement.

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

I do not have plans to pursue outside employment during my service with the court.

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


23. Statement of Net Worth: Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. Potential Conflicts of Interest:

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts of interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I would recuse myself from any matter in which a party is represented by Trout Cacheris (my current law firm) or Kelley Drye (where my husband is a partner).

At present, my husband and I own stock in a number of public companies. If confirmed, I will follow the guidance of the Administrative Office of U.S. Courts and of the District Court in undertaking any appropriate reinvestment into diversified funds. If I continue to own any individual stocks, I would recuse myself from any cases in which I have investments.

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

I would handle all matters involving potential conflicts of interest through careful adherence to the Code of Conduct for United States Judges as well as other
relevant Canons and statutory provisions, seeking to avoid not only actual conflicts of interest, but the appearance of any conflict. I would seek the advice of the Chief Judge and other more experienced jurists on the court if I was uncertain about what to do, and in close questions, I would err on the side of caution.

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.

At Trout Cachersis, I have worked on several matters for the non-profit organization, Food & Friends (approximately 25 hours). In 2005, I was retained by a small elementary school to look into allegations of inappropriate conduct by a teacher. The matter required great sensitivity in balancing the needs and sometimes conflicting views and concerns of the school students, their parents, the rest of the faculty, the school, and the teacher involved. This pro bono representation involved more than 30 hours of time. I currently represent a public charter school at a substantially reduced hourly rate (115 hours to date), and I also represented a group of young Bowie State College students in a small pro bono matter (25 hours).

On March 5, 2010, a Special Committee of the D.C. City Council engaged my partner, Robert Trout, and Trout Cachersis on a pro bono basis to assist it in its investigation of alleged irregularities surrounding the award of over 80 million dollars' worth of contracts to individuals associated with the Mayor. I am assisting in this effort. We have been reviewing the results of the Special Committee's investigation to date, assisting in taking additional testimony, and providing our independent analysis, and I have expended more than 150 hours on this matter to date. The work is likely to continue to occupy a substantial portion of my time for the next several months.

I also supervised and participated in a number of pro bono matters at Venable. In particular, I served as lead counsel when Venable undertook the pro bono representation of an indigent individual sentenced to death in Virginia. We pursued federal habeas relief at the U.S. District Court for the Eastern District of Virginia, the Fourth Circuit, and the U.S. Supreme Court, and prepared a clemency petition for the governor. When clemency was denied, we filed a second habeas petition, moving through the state system—the Circuit Court of Prince William County and Virginia Supreme Court—and the entire federal system again. Over the course of the representation, I personally spent more than 250 hours on the matter.

Also, I edited and supervised work on an amicus brief that Venable attorneys drafted pro bono for the Women's Legal Defense Fund, on the question of whether the prior sexual history of the victim of sexual misconduct by a doctor should be admissible in a professional disciplinary proceeding.
From 1996 to 2001, I served as a member of the Parents Steering Committee for the Interdisciplinary Council for Learning and Communication Disorders, creating written materials and panel presentations for parents of children with autism.

Finally, when I left the U.S. Attorney’s office in 1986, I volunteered to serve a three-year term as a Board member for the D.C. Rape Crisis Center in an effort to continue my work on behalf of victims of crime. After my term ended, I assisted by training volunteers three times a year and taking many calls at no charge informing RCC counselors and clients about their legal rights and obligations. I devoted at least 200 hours to Rape Crisis Center matters.

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.


Since March 7, 2010, I have been in contact with pre-nomination officials at the Department of Justice. I interviewed with attorneys from the White House Counsel’s Office and Department of Justice on April 13, 2010. On June 17, 2010, 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.
FINANCIAL DISCLOSURE REPORT
NOMINATION FILING

1. Person Reporting (Give name, title, address)
   Jackson, Amy L.

2. Cover or Organization
   United States District Court for the District of Columbia

3. Date of Report
   06/12/2010

4. Filing Caution: If judge, indicate judicial district and name of judge.
   District Judge - Washington

5. Report Type (check appropriate box)
   A. Judicial
   B. Non-Judicial, Principal Financial Interests
   C. Non-Judicial, Other Financial Interests
   D. Amended/Rectified

6. Reporting Period
   08/06/2009

I. POSITIONS

<table>
<thead>
<tr>
<th>POSITION</th>
<th>NAME OF ORGANIZATION/ENTITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member</td>
<td>Trace Caruthers, PLLC</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

II. AGREEMENTS

<table>
<thead>
<tr>
<th>DATE</th>
<th>PARTIES AND TERMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2009</td>
<td>Trace Caruthers, Alexander and Hamilton Operating Agreement provides for the payment of a withdrawing Member's Capital at a discount not to exceed 50% (internal)</td>
</tr>
</tbody>
</table>

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the space for each part when you have no reportable information. Sign on last page.
III. NON-INVESTMENT INCOME

A. Filer's Non-Investment Income

<table>
<thead>
<tr>
<th>DATE</th>
<th>SOURCE AND TYPE</th>
<th>INCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 2003</td>
<td>Trust Collection from property income</td>
<td>$280,118.00</td>
</tr>
<tr>
<td>2. 2004</td>
<td>Trust Collection from property income</td>
<td>$213,000.00</td>
</tr>
<tr>
<td>3. 2006</td>
<td>Trust Collection from property income</td>
<td>$9,354.86</td>
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</tbody>
</table>

B. Spouse's Non-Investment Income (if you were married during any portion of the reporting year, complete this section)

<table>
<thead>
<tr>
<th>DATE</th>
<th>SOURCE AND TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 2004</td>
<td>U.S. Department of Commerce salary</td>
</tr>
<tr>
<td>2. 2005</td>
<td>Kelley Dow, LLP (law firm partnership income)</td>
</tr>
</tbody>
</table>

IV. REIMBURSEMENTS

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>DATES</th>
<th>LOCATION</th>
<th>PURPOSE</th>
<th>ITEMS PAID OR PROVIDED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
FINANCIAL DISCLOSURE REPORT

Page 3 of 15

Name of Person Reporting: Jackson, Alex B.

Date of Report: 06/17/2010

V. GIFTS. Includes gifts to spouse and dependent children; see pp. 39-41 of filing instructions.

☐ NONE (No reportable gifts.)

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>DESCRIPTION</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
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<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
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<tr>
<td>3.</td>
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<tr>
<td>4.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

VI. LIABILITIES. (Include debt of spouse and dependent children; see pp. 33-35 of filing instructions.)

☐ NONE (No reportable Liabilities.)

<table>
<thead>
<tr>
<th>CREDITOR</th>
<th>DESCRIPTION</th>
<th>VALUE CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Clark University</td>
<td>College tuition 2009-10</td>
<td>K</td>
</tr>
<tr>
<td>2. Georgetown Day School</td>
<td>Tuition 2009-10</td>
<td>K</td>
</tr>
<tr>
<td>3. The Moravian School for Boys</td>
<td>Tuition 2009-10</td>
<td>K</td>
</tr>
<tr>
<td>4. Georgetown Day School</td>
<td>Tuition 2009-10</td>
<td>K</td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# VII. INVESTMENTS and TRUSTS

- **NONE (No reportable income, assets, or transactions)**

<table>
<thead>
<tr>
<th>Description of Assets including Derivatives</th>
<th>Income During Period (If Any)</th>
<th>Value at End of Reporting Period</th>
<th>Value Included in Gross Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cherry Choei Real Estate</td>
<td>A Dividend</td>
<td>K T</td>
<td>K T</td>
</tr>
<tr>
<td>Cherry Choei Securities Account</td>
<td>A Dividend</td>
<td>I T</td>
<td>I T</td>
</tr>
<tr>
<td>Cherry Choei, 15 months</td>
<td>A Dividend</td>
<td>I T</td>
<td>I T</td>
</tr>
<tr>
<td>Cherry Choei, 24 months</td>
<td>A Dividend</td>
<td>I T</td>
<td>I T</td>
</tr>
<tr>
<td>Texas Carboro Capital Account</td>
<td>None</td>
<td>M T</td>
<td>M T</td>
</tr>
<tr>
<td>FTCE</td>
<td>A Dividend</td>
<td>K T</td>
<td>K T</td>
</tr>
<tr>
<td>GREP</td>
<td>B Distributions</td>
<td>K T</td>
<td>K T</td>
</tr>
<tr>
<td>COAX</td>
<td>A Dividend</td>
<td>K T</td>
<td>K T</td>
</tr>
<tr>
<td>NAAL</td>
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<td>K T</td>
<td>K T</td>
</tr>
<tr>
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<td>K T</td>
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<tr>
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<td>K T</td>
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<tr>
<td>PACRX</td>
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<td>K T</td>
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<tr>
<td>NYAX</td>
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<td>K T</td>
<td>K T</td>
</tr>
<tr>
<td>TGRAX</td>
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<td>K T</td>
<td>K T</td>
</tr>
<tr>
<td>YFAAX</td>
<td>A Dividend</td>
<td>K T</td>
<td>K T</td>
</tr>
<tr>
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<td>K T</td>
</tr>
<tr>
<td>SIBP</td>
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<td>K T</td>
<td>K T</td>
</tr>
</tbody>
</table>
### VII. INVESTMENTS and TRUSTS

- Income, value, transactions (includes property and interests in limited partnerships, limited liability companies, and other entities)

<table>
<thead>
<tr>
<th>Description of Assets</th>
<th>Reporting Period</th>
<th>Value (FV)</th>
<th>Value (AMT)</th>
<th>Value (AMT)</th>
<th>Part in D.</th>
<th>Date Transaction Occurred</th>
<th>Code</th>
<th>Code</th>
<th>Code</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>1/1/2007 - 12/31/2007</td>
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<td></td>
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<td></td>
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<td></td>
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<td></td>
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<td></td>
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</tbody>
</table>

- Shareholders' equity
  - Common
  - Preferred

- Dividends
  - Amount
  - Date

- Transfers
  - Description
  - Date
### VII. INVESTMENTS and TRUSTS

- **NONE** (No reportable income, assets, or transactions)

<table>
<thead>
<tr>
<th>Description of asset</th>
<th>Income during reporting period</th>
<th>Fair market value at end of reporting period</th>
<th>Transactions during reporting period</th>
</tr>
</thead>
<tbody>
<tr>
<td>FE (1) ABD</td>
<td>$B 12,300,000</td>
<td>$84,500,000</td>
<td>$115,000,000</td>
</tr>
<tr>
<td>FE (2) ABD</td>
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<td>$84,500,000</td>
<td>$115,000,000</td>
</tr>
<tr>
<td>FE (3) ABD</td>
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<td>$84,500,000</td>
<td>$115,000,000</td>
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</table>

**VerDate Nov 24 2008 08:49 Jul 28, 2011 Jkt 066720 PO 00000 Frm 007 54 Fmt 6601 Sfmt 6601 S:\GPO\HEARINGS\66720.TXT SJUD1 PsN: CMORC**
### VII. INVESTMENTS and TRUSTS

#### NONE (No reportable income, assets, or transactions)

<table>
<thead>
<tr>
<th>Date of Accrual of Income (excluding IRA assets)</th>
<th>Gross Value of Net Income during Reporting Period</th>
<th>Transactions during Reporting Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-01-08</td>
<td>A Dividends</td>
<td></td>
</tr>
<tr>
<td>01-01-08</td>
<td>B Interest</td>
<td></td>
</tr>
<tr>
<td>01-01-08</td>
<td>C Distributions</td>
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<tr>
<td>01-01-08</td>
<td>D Dividends</td>
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<tr>
<td>01-01-08</td>
<td>E Interest</td>
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<td>01-01-08</td>
<td>G Dividends</td>
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<td>01-01-08</td>
<td>H Interest</td>
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<tr>
<td>01-01-08</td>
<td>I Distributions</td>
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<tr>
<td>01-01-08</td>
<td>J Dividends</td>
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<tr>
<td>01-01-08</td>
<td>K Interest</td>
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<tr>
<td>01-01-08</td>
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<td>M Dividends</td>
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</tr>
<tr>
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<td>N Interest</td>
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<td>01-01-08</td>
<td>P Dividends</td>
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<td>Q Interest</td>
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<tr>
<td>01-01-08</td>
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<td>01-01-08</td>
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<td>V Dividends</td>
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<td>01-01-08</td>
<td>f Dividends</td>
<td></td>
</tr>
<tr>
<td>01-01-08</td>
<td>g Interest</td>
<td></td>
</tr>
<tr>
<td>01-01-08</td>
<td>h Distributions</td>
<td></td>
</tr>
<tr>
<td>01-01-08</td>
<td>i Dividends</td>
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</tr>
<tr>
<td>01-01-08</td>
<td>j Interest</td>
<td></td>
</tr>
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<td>k Distributions</td>
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<td>01-01-08</td>
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<tr>
<td>01-01-08</td>
<td>m Interest</td>
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<td>01-01-08</td>
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<td>01-01-08</td>
<td>o Dividends</td>
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</tr>
<tr>
<td>01-01-08</td>
<td>p Interest</td>
<td></td>
</tr>
<tr>
<td>01-01-08</td>
<td>q Distributions</td>
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</tr>
<tr>
<td>01-01-08</td>
<td>r Dividends</td>
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</tr>
<tr>
<td>01-01-08</td>
<td>s Interest</td>
<td></td>
</tr>
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<td>01-01-08</td>
<td>t Distributions</td>
<td></td>
</tr>
<tr>
<td>01-01-08</td>
<td>u Dividends</td>
<td></td>
</tr>
<tr>
<td>01-01-08</td>
<td>v Interest</td>
<td></td>
</tr>
<tr>
<td>01-01-08</td>
<td>w Distributions</td>
<td></td>
</tr>
<tr>
<td>01-01-08</td>
<td>x Dividends</td>
<td></td>
</tr>
<tr>
<td>01-01-08</td>
<td>y Interest</td>
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<td>01-01-08</td>
<td>z Distributions</td>
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<td>01-01-08</td>
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<td></td>
</tr>
<tr>
<td>01-01-08</td>
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<td>Interest</td>
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<tr>
<td>01-01-08</td>
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<tr>
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<td>~ Dividends</td>
<td></td>
</tr>
<tr>
<td>01-01-08</td>
<td>_ Interest</td>
<td></td>
</tr>
<tr>
<td>01-01-08</td>
<td>` Distributions</td>
<td></td>
</tr>
</tbody>
</table>
VII. INVESTMENTS and TRUSTS

- Income: wages, salaries, tips, non-cash benefits, other income, and other assets, if any, held or sold.
- Transactions during reporting period.

<table>
<thead>
<tr>
<th>Name</th>
<th>Category</th>
<th>Details</th>
<th>Value</th>
<th>Code</th>
<th>Gross Value at End of Reporting Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAPL</td>
<td>Dividend</td>
<td>None</td>
<td>K</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>BAC</td>
<td>Dividend</td>
<td>None</td>
<td>I</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>BBY</td>
<td>Dividend</td>
<td>None</td>
<td>I</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>CSCO</td>
<td>Dividend</td>
<td>None</td>
<td>K</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>DIS</td>
<td>Dividend</td>
<td>None</td>
<td>I</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>EMM</td>
<td>None</td>
<td>None</td>
<td>J</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>IBM</td>
<td>Dividend</td>
<td>None</td>
<td>J</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>NDQO</td>
<td>Dividend</td>
<td>None</td>
<td>J</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>HPQ</td>
<td>Dividend</td>
<td>None</td>
<td>J</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>HD</td>
<td>Dividend</td>
<td>None</td>
<td>J</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>MSFT</td>
<td>Dividend</td>
<td>None</td>
<td>J</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>MSKB</td>
<td>Dividend</td>
<td>None</td>
<td>J</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>MSFT</td>
<td>Dividend</td>
<td>None</td>
<td>J</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>XLF</td>
<td>Dividend</td>
<td>None</td>
<td>J</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>XLU</td>
<td>Dividend</td>
<td>None</td>
<td>J</td>
<td>T</td>
<td></td>
</tr>
</tbody>
</table>
## VII. INVESTMENTS and TRUSTS

During the reporting period, the individual listed in this financial disclosure report did not have any investments or trusts. All the entries are marked with an X, indicating no transactions or holdings during the reported period. The table includes columns for the name of the person reporting, the name of the investment or trust, the type of investment, the number of shares or units outstanding, the value of the investment at the end of the reporting period, and the potential profit or loss if sold at the current market value. The entries are marked with Xs to indicate no activity or holdings.

### Table

<table>
<thead>
<tr>
<th>Description of Asset</th>
<th>Number of Shares (if applicable)</th>
<th>Value of Asset</th>
<th>Nature of Investment</th>
<th>Transactions During Reporting Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Notes

- The table contains multiple entries marked with Xs, indicating no transactions or holdings for the period.
- The report is accompanied by a signature and a date, ensuring the authenticity and recentness of the information.

---

**Signature and Date:**

[Signature]

Date: 08/17/2010
## VII. INVESTMENTS and TRUSTS

### NONE (No reportable income, assets, or transactions.)

<table>
<thead>
<tr>
<th>Description of nature (including relationship)</th>
<th>Income during reporting period</th>
<th>Gross value at end of reporting period</th>
<th>Transactions during reporting period</th>
</tr>
</thead>
<tbody>
<tr>
<td>105. COV</td>
<td>Dividend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>104. KO</td>
<td>Dividend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>103. INT</td>
<td>Dividend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>116. OMCC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>117. PAU</td>
<td>Dividend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>118. PDP</td>
<td>Dividend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>119. VU</td>
<td>Dividend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>120. MMB</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>111. IMEX</td>
<td>Dividend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>112. RDS</td>
<td>Dividend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>113. Toy</td>
<td>Dividend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>114. CD American Express</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>115. CD Wellington</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>116. RO</td>
<td>Dividend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>117. PI</td>
<td>Dividend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>118. FDCV</td>
<td>Dividend</td>
<td></td>
<td></td>
</tr>
<tr>
<td>119. CD Legus, Bank</td>
<td>Dividend</td>
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<td></td>
</tr>
</tbody>
</table>
### VII. INVESTMENTS and TRUSTS

#### None (No reportable income, assets, or transactions)

<table>
<thead>
<tr>
<th>Description of Assets (including outstanding amounts)</th>
<th>Amount or Description of Income</th>
<th>Value at the End of the Reporting Period</th>
<th>Value of the Identity of Indirect Interests</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **120.** CD Bank of America, A
  - Type: Dividend
  - Description: Dividend

- **121.** CD Wilmington, A
  - Type: Dividend
  - Description: Dividend

- **122.** CD American Express, A
  - Type: Dividend
  - Description: Dividend

- **123.** CD Wilmington, A
  - Type: Dividend
  - Description: Dividend

- **124.** CD Superstar Bank Inc., A
  - Type: Dividend
  - Description: Dividend

- **125.** CD Bank of America, A
  - Type: Dividend
  - Description: Dividend

- **126.** CD Bank of America, A
  - Type: Dividend
  - Description: Dividend

- **127.** CD Bank of America, A
  - Type: Dividend
  - Description: Dividend

- **128.** CD, A
  - Type: Dividend
  - Description: Dividend

- **129.** CD, A
  - Type: Dividend
  - Description: Dividend

- **130.** CD, A
  - Type: Dividend
  - Description: Dividend

- **131.** CD, A
  - Type: Dividend
  - Description: Dividend

- **132.** CD, A
  - Type: Dividend
  - Description: Dividend

- **133.** CD, A
  - Type: Dividend
  - Description: Dividend

- **134.** CD, A
  - Type: Dividend
  - Description: Dividend

- **135.** CD, A
  - Type: Dividend
  - Description: Dividend

- **136.** CD, A
  - Type: Dividend
  - Description: Dividend
### VII. INVESTMENTS and TRUSTS

- **NONE** (No reportable income, assets, or transactions.)

#### Description of Assets

<table>
<thead>
<tr>
<th>Description of Assets</th>
<th>Income during Reporting Period</th>
<th>Gross Value at End of Reporting Period</th>
<th>Transactions during Reporting Period</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Income</td>
<td>Gross Value</td>
<td></td>
</tr>
</tbody>
</table>

#### Examples

<table>
<thead>
<tr>
<th>Description of Assets</th>
<th>Income</th>
<th>Gross Value</th>
<th>Transactions</th>
</tr>
</thead>
<tbody>
<tr>
<td>137. CO SUPREME BANK</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>138. CO BANK OF AMERICA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>139. CO BOARD OF CODEX</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>140. CO BOARD OF CODEX</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>141. DDB</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>142. EMERGENCY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>143. FDIC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>144. NATIONAL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>145. MOLCH</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>146. MOCO</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>147. PNCH</td>
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<td></td>
<td></td>
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<tr>
<td>148. PTOX</td>
<td></td>
<td></td>
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<td>149. TPOX</td>
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<td>150. PTOX</td>
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<tr>
<td>151. PEOX</td>
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<td></td>
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<tr>
<td>152. PEOX</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>153. PEOX</td>
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</tbody>
</table>
### VII. INVESTMENTS and TRUSTS

- **NONE (No reportable income, assets, or transactions)**

#### Description of asset

<table>
<thead>
<tr>
<th>Description of asset</th>
<th>Income during reporting period</th>
<th>Fair Value at end of reporting period</th>
<th>Transfer during reporting period</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Account Code</td>
<td>Cash</td>
<td>Value</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Filer (E) and Other Reporters

- **114. DC College Savings Plan 329 Account A**
  - Note: L T
- **115. DC College Savings Plan 329 Account B**
  - Note: L T
- **116. State of Hawaii Defined**
  - Note: L T
- **117. Unhealth share - joint account with parents**
  - Note: L T
- **138. ASSETS IN ESTATE A**
  - Note: L T
  - **92. Ford Motor Co Long Corp: Mar 19/85**
    - Note: L T
  - **93. DOWAC Corp Midland Corp: Dec 12/95**
    - Note: L T
  - **94. Salve Ers FFL Mutual Corp: Mar 9/95**
    - Note: L T
  - **112. Salve Ers FFL Mutual Corp: Mar 9/95**
    - Note: L T

#### Stockholders (F) and Officers (P)

- **113. Salve Ers FFL Mutual Corp**
  - Note: L T
FINANCIAL DISCLOSURE REPORT
Page 14 of 15

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS


FINANCIAL DISCLOSURE REPORT
Page 15 of 15

IX. CERTIFICATION

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is correct, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it was not applicable (as determined pursuant to applicable statutory provisions permitting non-disclosure).

I further certify that I have not received from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. § 735, and Judicial Conference regulations.

[Signature]

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSELY OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (18 U.S.C. §§ 1505)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 7-301
One Columbus Circle, N.E.
Washington, D.C. 20544
**FINANCIAL STATEMENT**

**NET WORTH**

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>LIABILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash on hand and in banks</td>
<td>Notes payable to banks-accrued</td>
</tr>
<tr>
<td>186 430</td>
<td></td>
</tr>
<tr>
<td>U.S. Government securities: Series EE bonds</td>
<td>Notes payable to banks-accrued</td>
</tr>
<tr>
<td>2 000</td>
<td></td>
</tr>
<tr>
<td>U.S. Government securities: Series I bonds</td>
<td>Notes payable to banks-accrued</td>
</tr>
<tr>
<td>1 329 077</td>
<td></td>
</tr>
<tr>
<td>Unlisted securities—net schedule</td>
<td>Notes payable to banks-accrued</td>
</tr>
<tr>
<td>146 176</td>
<td></td>
</tr>
<tr>
<td>Accounts and notes receivable</td>
<td>Notes payable to banks-accrued</td>
</tr>
<tr>
<td>15 000</td>
<td></td>
</tr>
<tr>
<td>Due from relatives and friends</td>
<td>Unpaid interest tax</td>
</tr>
<tr>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Due from others</td>
<td>Accounts and notes due</td>
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<tr>
<td>83 965</td>
<td></td>
</tr>
<tr>
<td>Real estate owned—net schedule</td>
<td>Real estate mortgage—personal account</td>
</tr>
<tr>
<td>710 600</td>
<td>468 148</td>
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<tr>
<td>Real estate mortgages payable</td>
<td>Real estate mortgage—personal account</td>
</tr>
<tr>
<td>336 636</td>
<td></td>
</tr>
<tr>
<td>Assets and other personal property</td>
<td>Other debt-secured</td>
</tr>
<tr>
<td>27 600</td>
<td></td>
</tr>
<tr>
<td>Cash, vault life insurance</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Other assets</td>
<td></td>
</tr>
<tr>
<td>83 965</td>
<td></td>
</tr>
<tr>
<td>State of Israel Bonds</td>
<td>Total liabilities and net worth</td>
</tr>
<tr>
<td>55 351</td>
<td>3 819 784</td>
</tr>
<tr>
<td>259 Accounts</td>
<td>Total liabilities and net worth</td>
</tr>
<tr>
<td>83 965</td>
<td>3 819 784</td>
</tr>
<tr>
<td>Trust Custodian cash account and undistributed 2009 earnings</td>
<td>Total liabilities and net worth</td>
</tr>
<tr>
<td>147 420</td>
<td>483 148</td>
</tr>
<tr>
<td>Account owned jointly with parent</td>
<td>Net Worth</td>
</tr>
<tr>
<td>111 165</td>
<td>3 336 636</td>
</tr>
<tr>
<td>Total assets</td>
<td></td>
</tr>
<tr>
<td>3 819 784</td>
<td></td>
</tr>
<tr>
<td>CONTINGENT LIABILITIES</td>
<td>GENERAL INFORMATION</td>
</tr>
<tr>
<td>Are you or your spouse a guarantor?</td>
<td>Are any assets pledged? (Add schedule)</td>
</tr>
<tr>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>On loans or credits?</td>
<td>Are you indebted in any way to an attorney?</td>
</tr>
<tr>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Provision for Federal Income Tax</td>
<td>Have you ever taken bankruptcy?</td>
</tr>
<tr>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
### FINANCIAL STATEMENT
### NET WORTH SCHEDULES

<table>
<thead>
<tr>
<th>Listed Securities</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAPL</td>
<td>$25,688</td>
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<tr>
<td>BA</td>
<td>6,418</td>
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<tr>
<td>BAC</td>
<td>1,574</td>
</tr>
<tr>
<td>BACPRC</td>
<td>1,113</td>
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<td>BMY</td>
<td>2,321</td>
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<tr>
<td>BRECX</td>
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<td>BRKB</td>
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<tr>
<td>CMI</td>
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<td>ECHSX</td>
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<td>FERCX</td>
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<tr>
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<tr>
<td>Stock</td>
<td>Quantity</td>
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<tr>
<td>-------</td>
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<td>MALOX</td>
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<td>TFSMX</td>
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<td>BPTRX</td>
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<td>FAIRX</td>
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<td>VSGBX</td>
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<td>TTRZ</td>
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<td>TGBAX</td>
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<td>RVTR+B</td>
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<td>6,888</td>
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<td>FBIDX</td>
<td>5,537</td>
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<tr>
<td>FID MGD INC PORT</td>
<td>3,627</td>
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</tbody>
</table>

Total Listed Securities: $1,329,065
<table>
<thead>
<tr>
<th>Unlisted Securities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CD JOHNSON BANK, 1.350% JUN 07 2010</td>
<td>$25,000</td>
</tr>
<tr>
<td>CD SUPERIOR BANK, BIRMINGHAM, AL, 0.550% JUNE 23 2010</td>
<td>9,996</td>
</tr>
<tr>
<td>CD SUPERIOR BANK, BIRMINGHAM, AL, 0.550% JUN 23 2010</td>
<td>19,992</td>
</tr>
<tr>
<td>CD BANK OF AMERICA, 2.50% JUN 16 2010</td>
<td>19,992</td>
</tr>
<tr>
<td>CD BANK OF AMERICA, NA CHARLOTTE, NC, 0.900% SEP 30 2010</td>
<td>4,994</td>
</tr>
<tr>
<td>CD BANK OF AMERICA, NA CHARLOTTE, NC, 0.900% SEP 30 2010</td>
<td>4,994</td>
</tr>
<tr>
<td>CD BEAL BANK, SSF, 3.00% OCT 13 2010</td>
<td>24,926</td>
</tr>
<tr>
<td>CD BEAL BANK, NEVADA, 3.00% OCT 13 2010</td>
<td>24,926</td>
</tr>
<tr>
<td>CD CHEVY CHASE BANK, 13 MONTH</td>
<td>5,789</td>
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<tr>
<td>CD CHEVY CHASE BANK, 13 MONTH</td>
<td>5,547</td>
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<tr>
<td><strong>Total Unlisted Securities</strong></td>
<td>$146,176</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Real Estate Owned</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal residence</td>
<td>$1,720,600</td>
</tr>
<tr>
<td>Vacation Time Share</td>
<td>10,000</td>
</tr>
<tr>
<td><strong>Total Real Estate Owned</strong></td>
<td>$1,730,600</td>
</tr>
</tbody>
</table>
AFFIDAVIT

I, AMY BERNAN JACKSON, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

[Signature]

JULY 16, 2010

(NAME)

Sharyn M. Ellisby
Notary Public, District of Columbia
My Commission Expires 1/14/2011
I offered a program to our local schools for courthouse and jailhouse tours and in school or courthouse mock trials. I worked with the Illinois State Bar Association’s Learn Program to establish a means for private tax-deductible donations to the schools to pay for class trips to the courthouse and jail. I regularly visit our grade, junior, and high schools to lecture and review and perform mock trials.

One of my most significant community contributions has been as a member of the Board of Directors and later as an active volunteer for the Sojourn Domestic Violence Shelter. While on the Board, I helped obtain a grant and a lawyer for the clients’ representation. In recent years, I have continued to encourage pro bono representation of Sojourn’s clients and have developed a program of educational seminars at a local library to aid unrepresented persons in family law matters.

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.

Senator Richard Durbin formed a bipartisan committee to screen candidates for judicial vacancies in our jurisdiction. I submitted a written application to the Committee in early November 2009. The Committee interviewed me in Springfield on January 9, 2010. Mine was among the names subsequently recommended to Senator Durbin by the Committee.

Senator Durbin interviewed me on January 23, 2010. I understand that Senator Durbin subsequently forwarded four names to President Obama, including mine. On February 26, 2010, I was contacted by staff from the Department of Justice and have had periodic conversations with them regarding paperwork and process. I interviewed in Washington, D.C., with attorneys from the White House Counsel’s Office and the Department of Justice on April 9, 2010. On June 17, 2010, 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.
FINANCIAL DISCLOSURE REPORT
 NOMINATION FILING

1. Person Reporting (Name, firm, etc. if on behalf of another)

2. Office or Organization

3. Date of Report

4. Type offilings (check all that apply)

5. Report Type (check one)

6. Reporting Period

7. Chick or Office Address

8. Certification

I. POSITIONS

<table>
<thead>
<tr>
<th>POSITION</th>
<th>NAME OF ORGANIZATION/ENTITY</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
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</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
</tr>
</tbody>
</table>

II. AGREEMENTS

<table>
<thead>
<tr>
<th>DATE</th>
<th>PARTIES AND TERMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1016</td>
<td>Judges Retirement System, State of Illinois - in appeal</td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
</tbody>
</table>
III. NON-INVESTMENT INCOME. (Reporting individual and spouse see pt. 37-38 of filing instructions.)

A. Filer's Non-Investment Income

<table>
<thead>
<tr>
<th>DATE</th>
<th>SOURCE AND TYPE</th>
<th>INCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 2006</td>
<td>State of Illinois, Appellate Judge salary</td>
<td>$154,287.05</td>
</tr>
<tr>
<td>2. 2007</td>
<td>State of Illinois, Appellate Judge salary</td>
<td>$158,290.00</td>
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<tr>
<td>3. 2008</td>
<td>State of Illinois, Appellate Judge salary</td>
<td>$61,285.74</td>
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</tbody>
</table>

B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.

<table>
<thead>
<tr>
<th>DATE</th>
<th>SOURCE AND TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 2006-2010</td>
<td>Lovaglia, Mastrer, Zullman &amp; DeCubis, P.C. Law Firm, salary</td>
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IV. REIMBURSEMENTS. (Transportation, lodging, food, entertainment)

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>DATES</th>
<th>LOCATION</th>
<th>PURPOSE</th>
<th>ITEMS PAID OR PROVIDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. CREDIT</td>
<td></td>
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<td></td>
<td></td>
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</tbody>
</table>
FINANCIAL DISCLOSURE REPORT

Page 3 of 6

V. GIFTS. (Includes those to spouse and dependents. Children are pp. 31-33 of filing instructions.)

☑ NONE (No reportable gifts.)

<table>
<thead>
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<th>SOURCE</th>
<th>DESCRIPTION</th>
<th>VALUE</th>
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<tbody>
<tr>
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<tr>
<td>2.</td>
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<tr>
<td>4.</td>
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</table>

VI. LIABILITIES. (Includes those of spouse and dependent children on pp. 31-33 of filing instructions.)

☑ NONE (No reportable liabilities.)

<table>
<thead>
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<th>CREDITOR</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
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<tr>
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<tr>
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<tr>
<td>4.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### VII. INVESTMENTS and TRUSTS

- Income, values, transactions (include those of spouses and dependent children, step, half of affiliated interests)

**NONE (No reportable income, assets, or transactions)**

<table>
<thead>
<tr>
<th>Description of Asset (including trustees)</th>
<th>Income during reporting period</th>
<th>Gross value at end of reporting period</th>
<th>Transactions during reporting period</th>
</tr>
</thead>
<tbody>
<tr>
<td>View Code 1 (e.g., div., rev., etc.)</td>
<td>F1</td>
<td>F2</td>
<td>F3</td>
</tr>
<tr>
<td>View Code 2 (e.g., appreciation)</td>
<td>F1</td>
<td>F2</td>
<td>F3</td>
</tr>
<tr>
<td>View Code 3 (e.g., principal)</td>
<td>F1</td>
<td>F2</td>
<td>F3</td>
</tr>
</tbody>
</table>

#### 1. Private Bank Account
- Net worth: $10,000 - $25,000
- Income: $3,000
- Gross value: $20,000
- Transactions: none

#### 2. American General Annuity - A
- Net worth: $10,000 - $25,000
- Income: $2,000
- Gross value: $15,000
- Transactions: none

#### 3. American General Annuity - B
- Net worth: $10,000 - $25,000
- Income: $2,000
- Gross value: $15,000
- Transactions: none

#### 4. T. Rowe Price 2015 Target Fund
- Net worth: $10,000 - $25,000
- Income: $3,000
- Gross value: $20,000
- Transactions: none

#### 5. IRA #1
- Net worth: $10,000 - $25,000
- Income: $2,000
- Gross value: $15,000
- Transactions: none

#### 6. Merrill Lynch Cash Retirement Reserve CD
- Net worth: $10,000 - $25,000
- Income: $3,000
- Gross value: $20,000
- Transactions: none

#### 7. Merrill Lynch BlackRock Global Allocation FD Inc. A
- Net worth: $10,000 - $25,000
- Income: $2,000
- Gross value: $15,000
- Transactions: none

- Net worth: $10,000 - $25,000
- Income: $2,000
- Gross value: $15,000
- Transactions: none

#### 9. Merrill Lynch BlackRock Global Notional Interest Tack A
- Net worth: $10,000 - $25,000
- Income: $3,000
- Gross value: $20,000
- Transactions: none

#### 10. Country Life Whole Life
- Net worth: $10,000 - $25,000
- Income: $2,000
- Gross value: $15,000
- Transactions: none

#### 11. Equitable Whole Life
- Net worth: $10,000 - $25,000
- Income: $2,000
- Gross value: $15,000
- Transactions: none

#### 12. Nationwide Whole Life
- Net worth: $10,000 - $25,000
- Income: $2,000
- Gross value: $15,000
- Transactions: none

#### 13. Judges Retirement System Date of Hire Income (as earned)
- Net worth: $10,000 - $25,000
- Income: $3,000
- Gross value: $20,000
- Transactions: none
FINANCIAL DISCLOSURE REPORT
Page 5 of 6

Name of Person Reporting
Myersough, Sue E.

Date of Report
06/12/2010

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. (Indicate part of Report)

FINANCIAL DISCLOSURE REPORT
Page 6 of 6

Name of Person Reporting
Myersough, Sue E.

Date of Report
06/14/2010

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it was not applicable statutory provisions permitting nondisclosure.

I further certify that earned income from outside employment and bonuses and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et seq., 1 U.S.C. § 170, and Judicial Conference regulations.

Signature

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSELY OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 105)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:
Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-361
One Columbus Circle, N.E.
Washington, D.C. 20544
**FINANCIAL STATEMENT**

**NET WORTH**

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>LIABILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash on hand and in banks</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>U.S. Government securities</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Listed security-free schedule</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Unlisted securities</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Accounts and notes receivable</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Due from relatives and friends</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Due from others</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Unpaid income tax</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Unpaid income tax</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Real estate mortgages payable</td>
<td>Notes payable to banks/received</td>
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<tr>
<td>—primary residence</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Real estate mortgages receivable</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Other real estate</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Personal property</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Cash value-redeemable</td>
<td>Notes payable to banks/received</td>
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<tr>
<td>Other assets receivable</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Judicial Pension - State of Illinois</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Fiscal Interest Expenses</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Total liabilities</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Total assets</td>
<td>Notes payable to banks/received</td>
</tr>
<tr>
<td>Total liabilities and net worth</td>
<td>Notes payable to banks/received</td>
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</tbody>
</table>

**CONTINGENT LIABILITIES**

- **General Information**
- **Assessment, control or guarantee**
- **On leases or contracts**
- **Legal Claims**
- **Provision for Federal Income Tax**
- **Other Special Debts**

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Sue Myerscough
861

FINANCIAL STATEMENT
NET WORTH SCHEDULES

Listed Securities
T. Rowe Price - 2015 Target Fund $239,452
IRA: Cash Retirement Reserve CSI 1,250
IRA: Blackrock Global Allocation Fund, Inc. A 19,121
IRA: Blackrock Natural Resources Trust A 7,141
Total Listed Securities $266,964

AFFIDAVIT

I, SUE E. MYERSCOUGH, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

6/15/2010
(DATE)

Sue E. Myerscough
(NAME)

OFFICIAL SEAL
JENNIFER L. JONES
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 11-13-2011

Jennife L. Jones
(NOTARY)
Senator Durbin. Thanks very much. Well, thank you all for the introductions of your family and friends who came with you today. I know that none of us come here by ourselves. There are many things that inspire us and those who stand alongside us on life's journey.

I will ask a few questions of a pretty general nature, because as Senator Sessions mentioned earlier and for the record, you have been investigated inside and out. You have been asked the questions by many and you have faced a lot of briefings and other things that prepare you undoubtedly for this hearing.

Some of the members who were not in attendance may have their own particular questions that they may ask.

Ms. Totenberg, one of the most important things for a judge is to make certain that they focus on the facts in the courtroom and the law and are not influenced by outside sources.

Can you give the assurance to this Committee that when you make your decisions, you will not be affected by anything said on NPR Radio?

[Laughter.]

Ms. Totenberg. I am very proud of my sister, who is not in the country right now, and I can assure you that I will not be influenced by her. We have—I have had to operate in the same legal world, in a larger sense, for some time, but I am very used to being extremely independent and I think that that's the—obviously, I have absolutely complete commitment to implementing the role of a district court judge on an independent basis and hearing the facts and making my own conclusions based on applicable law and without regard to NPR.

Senator Durbin. Since there are no Republicans present—well, never mind.

[Laughter.]

Senator Durbin. Now, you had an interesting case that you served on as a mediator involving a group of students who asserted a school district’s prohibition of clothing depicting the Confederate flag violated their First Amendment rights. And I take it that this took place in Georgia, in Atlanta.

Ms. Totenberg. In south Georgia.

Senator Durbin. As the mediator, you had to try to balance the school district’s legitimate educational policy interest against the constitutional interests of the students.

Tell me what you took into consideration in that mediation and how it ended.

Ms. Totenberg. Well, of course, at one level, you never know what happens after you think you’ve got the settlement done. But what you had to take into consideration was that the school district has a very strong interest in making all students feel comfortable and be prepared to focus on the central mission of schools, education, and not to feel that they are subject to humiliation because of what somebody else may be wearing on their tee shirt.

And on the other hand, students have a real First Amendment right under Tinker to express their viewpoints. And so the question really was how to accommodate those interests so that it would not be an impossible situation for other students attending the school, for the school district to be in a position where it can say “We care
about all students and we want to make all students feel that they are learning and functioning in a nondiscriminatory, welcome educational environment.

And I think the resolution ultimately was some degree of control over what the nature of the tee shirts were that the students found acceptable, where they could express themselves, but that there would be some limits on what would be worn on their tee shirts.

Now, it’s some years ago, so there may have been some other aspects of the resolution, as well. But I think that was really what we were trying to do and because it was a mediation as opposed to an arbitration, there was a real opportunity to work with people, to talk about what are these interests and how do you need to address these for the future.

Senator DURBIN. My background here does not say how it ended.

Ms. TOTENBERG. Well, that’s pretty much how it ended, was that there was a—I don’t know what—there might have been attorney’s fees or anything else, but they had this resolution where they were going to agree; as far as I understood, that there would be some policy from the school district that could, to some extent, restrict clothing, which is normally allowed, in fact, in school districts to have clothing policies; but at the same time, some amount of expressions allowed on the clothing, but it cannot be offensive.

And so I think that really was the scope of what was going to be the expression on the tee shirts was the resolution.

Senator DURBIN. Judge Myerscough, you spent a number of years as a trial court judge, handling civil and criminal cases, and then on the appellate court for a number of years, as well, and now seeking to return to the trial level in the Federal courts.

I know you have thought through how that would change your approach on the bench. But I would like to ask you the question that I will ask the others, as well.

I had a gentleman named Scott Lassar, who was a U.S. attorney in Chicago, who was seeking reappointment and he came for an interview before me and Senator Carol Moseley Braun, and I asked him, in the Federal court system, in the criminal process, at what point are the scales balanced. At what point can the criminal defendant really believe that they have as much power as the prosecutor in terms of asserting their constitutional rights and asserting their innocence, which most do?

And he said to me, “When the jury is picked. Until the jury is selected, the government has all the power with grand juries, with investigations, with the things that can be asked of potential criminal defendants and witnesses.” He said, “The tables are not balanced at that point. The scales aren’t balanced until the jury is chosen and at that point, there is balance in the process.”

What is our observation, having been witness to and part of that process for so many years?

Judge MYERSCOUGH. I disagree with him. I believe that the scales are balanced from the moment that party walks into my courtroom.

I’ve been a former teacher. I taught French and English. I was a litigator. I defended police officers and I defended doctors, lawyers, and then I went on the bench and I held every position there is in every docket at the trial court, whether associate judge, crimi-
nal, civil. And the last 12 years I’ve spent observing what happens in the trial court.

And I believe that what I can do in the courtroom is what I have done for the last 23 years, which is give every litigant my full attention, whether it’s the government or it’s the defendant, and apply the law to the facts and give that defendant—if it’s a jury trial he wants, a jury trial. And then if he chooses to plead, which very often happens in Federal court, then I will apply, as instructed by the Supreme Court, the sentencing guidelines, the commentary to the guidelines, and then listen to the government and the defendant in imposing my sentence accordingly and explain the reasons for my sentence.

Senator Durbin. I think the point he was driving at was before the courtroom, before the case comes to the courtroom, whether there is a balance or fairness in the process or whether there is more power on the government side.

So before the courtroom, before anyone comes before you, what is your impression of the process leading up to that?

Judge Myerscough. Well, there is substantially more manpower with the U.S. attorney’s office. They’re very talented prosecutors. They have a backup in their investigators that does not exist with the public defender’s office.

But I have to say, at least in the Central District, in Springfield, in the county court and the U.S. attorney’s office and the public defender’s office, we have exceptional representation for defendants.

Senator Durbin. Judge Boasberg, what is your impression?

Judge Boasberg. I think that I would agree that the scales are not imbalanced to the extent that there are many practices that enable a defendant to even the scales. The government, of course, has to obtain an indictment through a grand jury process. They can’t simply arrest someone or file a complaint. They actually have to get him indicted.

And as an assistant United States attorney who dealt with grand juries on a regular basis, I believe that many are skeptical, that many are interested, particularly in the District of Columbia, in hearing a great deal about the facts and the law before voting to indict.

After indictment, there’s broad discovery under Rule 16. There are Brady obligations the government must comply with, which, again, I took seriously as a prosecutor and, if confirmed, would enforce as a judge. And then, of course, there are motions to suppress, motions in limine, and other different pleadings that the defense can file.

So that by the time the case is actually queued up for trial, a great deal has occurred and then if the playing field is not balanced at that point, it’s the evidence that imbalances it rather than the procedures.

Senator Durbin. Judge Shadid, you were a defense attorney before ascending to the bench. What is your impression?

Judge Shadid. My impression, Senator, and thank you for the question, is that you have to always keep in mind that this is a process and that the founding fathers thought of this process and built into the Constitution safeguards for criminal defendants in
the Fourth Amendment, the Fifth Amendment, and a number of others.

And those safeguards although maybe don’t stop initially from a grand jury indictment or an arrest, but they are built in so that when a competent lawyer is appointed to represent the defendant, that the rules and the responsibilities of the government are in place to protect that person’s rights and address any wrongs that may have occurred.

Senator DURBIN. Ms. Jackson, along that same line, I had an opportunity—we have an interesting tradition that is about 6 or 8 years old now that every 2 years, when a new Senate is elected, we have dinner with the Supreme Court.

I do not know who—I think Senator Daschle actually came up with the original idea. But it is an interesting trek across the street to gather in the hallway of the Supreme Court and to actually sit down with a Supreme Court justice for an informal evening.

I had an opportunity last year to sit with Justice Kennedy and I said to him at that point that I was going to be chair of the Crime Subcommittee of the Senate Judiciary Committee, which I chaired for a short time before Senator Specter took it over.

I said to him, “What do you think ought to be my priority? What should I look at when it comes to the criminal justice system in America, from your perspective?” And he said, “Look at our system of corrections, incarceration.” He said, “There won’t be a single justice here, I don’t believe, who wouldn’t agree with me that something needs to be done.”

We incarcerate so many people in America under circumstances which many have challenged, and, of course, hope that each one has gone through a just process, reaching that conclusion. But for some reason, America has such a high level of incarceration in our institutions and there are serious questions, in his mind.

Now, I understand that a judge is not going to set the sentencing standards that the Congress is responsible for and is restricted in terms of evidence and the rules of evidence and the like. But what is your thought, as you reflect on your background as a prosecutor and a defense attorney, on those two elements?

Ms. JACKSON. I think my background leads me to a place where I see the role of the district court judge as ensuring that both sides get a completely full and fair hearing. I believe strongly in the importance of vigorous law enforcement, but I also believe strongly in the presumption of innocence and the rights of a defendant to be recognized at trial.

And fortunately, the policy question of what should be done about the corrections system was properly placed in your lap and not mine, but I will certainly be attentive to my role to make sure that if anyone is committed to that system, it would be after a scrupulously fair trial.

Senator DURBIN. I would like to ask, Ms. Totenberg, you served as a monitor or in a special master capacity on two Federal district courts.

Ms. TOTENBERG. Right.

Senator DURBIN. You were appointed by the DC district court to monitor a consent degree involving the city’s special education system and you were appointed by the district court for the district
of Maryland to serve as special master in connection with litigation over the special education system in Baltimore.

How has your experience working in these capacities prepared you or given you some background that would be helpful as a district judge?

Ms. TOTENBERG. Thank you very much for the question. The experiences in total have given me a very deep understanding, in fact, of how to move cases, how to manage cases.

The opportunity, as I said in my introduction, of working with both Judge Garbis and Judge Friedman has been extraordinarily educational. We've talked about all aspects of the case. They are complex cases which involve a variety of phases, and I think that that breadth of experience in complex litigation with multiple parties and, frankly, ever-changing proceedings will be extremely helpful in handling some of the more challenging cases that do come into the Federal courts, whether they be in the area of antitrust or in mass tort cases or in class actions.

I think it's really invaluable experience and I feel I have been truly tutored by the best.

Senator DURBIN. Judge Boasberg, my staff had a question prepared here, which said you may or may not remember that I chaired your Senate nomination hearing a few years back, but you have already reminded me that you did and that I gave a book to one of your children at that time, and it is certainly a pleasure to see you here today.

You were confirmed after my hearing by a vote of 98–0, and I wish you the same good luck in this undertaking. But I asked you at that time in 2002, in your nomination hearing before the Committee on Governmental Affairs, about your thoughts on judicial temperament.

Well, here we are 8 years later and I would like to know what you think about what you have seen in a courtroom and how important the temperament issue is when it comes to the administration of justice.

Judge BOASBERG. Thank you, Senator. I do remember it well. In fact, the book that you gave my then 5-year-old son about Abraham Lincoln's top hat is in my briefcase today, although my now 14-year-old son, I think, is almost as tall as Abraham Lincoln without the hat.

It's been something that's obviously been extremely important to me throughout my time. I can say that I've never flown off the handle and held anyone in criminal contempt in the 8-plus years I've been a judge, and I think that judges who are best able to control their courtrooms are ones who don't threaten contempt all the time. And I can say that I haven't threatened it or issued any order of holding someone in criminal contempt in my time.

I think that it's not always easy for any of us, particularly those who have had young children, to be as patient as we would like to be all the time, but I have certainly endeavored to do so and have endeavored to cultivate such a reputation and would hope to continue that, if fortunate enough to be confirmed.

Senator DURBIN. Judge Myerscough, the issue of judicial temperament? You were a practicing attorney before you were on the bench.
Judge Myerscough. I believe it’s very important and I, luckily, walk in a long line of predecessors who have shown extreme judicial temperament. I would like to say I have followed in their footsteps with my own temperament. In the last 23 years, I have not held anyone in contempt.

But I think what’s most important in terms of patience is the need to move the case should not outweigh the need to listen to the parties and to listen to the evidence in the case.

We do have a backlog, a terrible backlog, and it will be taken care of. I will work the extra hours to do that, but I will not do that at the expense of shortening the evidence that’s to be presented in my courtroom.

Senator Durbin. Judge Shadid, you faced that, did you not, when you faced the backlog in your own court?

Judge Shadid. I did. But if I may, I’m happy to hear Justice Myerscough offer to work the extra hours.

I did face this. We did have a backlog, it was pointed out earlier, and the matter was resolved by just, I think, paying attention to detail.

But more importantly or as importantly, I think there are a number of qualities that make a fine trial judge and temperament has to be one of them. I believe the trial courts are the gatekeeper for the public’s first entry into the justice system or the judicial system and, as a result, they set the tone for the public’s confidence in the system, and I think they do that best by even-handed, fair-minded disposition, with a level playing field.

Thank you.

Senator Durbin. Ms. Jackson, you have been in the courtroom and seen it from both tables in terms of the issue of judicial temperament. What would you say?

Ms. Jackson. Well, I think, certainly, my trial experience has given me a good reason to understand the importance of judicial temperament. Obviously, I have not served as a judge, but I would hope that what my background investigation has revealed is that of all the many things that can be said about me, that I am a real person and I relate to other people from all walks of life.

And I think that ability to connect and to understand will inform my judging, hopefully, inform my temperament and help me to achieve the goal that I have, which is to rule efficiently, because I think people are waiting for your rulings, and to rule clearly, because I think people need to understand them.

Senator Durbin. Well, I thank you all for your patience and waiting while we recessed and returned. And I thank all the friends and family who have gathered today on your behalf.

The record is going to remain open for 1 week for additional letters, statements and questions from Committee members and I would ask you, if you receive those questions, to try to respond promptly. The process in the Judiciary Committee will undoubtedly be explained to you about matters coming on the Committee calendar and then most likely held over a week. So the sooner we can complete the record, the better and more likely that if there is a positive vote from the Committee—and I hope for all of you there will be—that we can move it to the floor for consideration before the end of this calendar year.
I thank everyone for being here today. And this Committee will stand adjourned.

[Whereupon, at 4:07 p.m., the hearing was adjourned.]
[Questions and answers and submissions for the record follow.]
QUESTIONS AND ANSWERS
Responses of James E. Boosberg
Nominee to be United States District Judge for the District of Columbia
to the Written Questions of Senator Tom Coburn, M.D.

1. Some people refer to the Constitution as a "living" document that is constantly evolving as society interprets it. Do you agree with this perspective of constitutional interpretation?

Response: No, I do not agree with this perspective of constitutional interpretation.

2. Justice William Brennan once said: "Our Constitution was not intended to preserve a preexisting society but to make a new one, to put in place new principles that the prior political community had not sufficiently recognized." Do you agree with him that constitutional interpretation today must take into account this supposed transformative purpose of the Constitution?

Response: I believe that district judges must carefully follow constitutional interpretations articulated by the Supreme Court and their particular circuit. When faced with an issue of truly first impression, district judges should begin with the text of the Constitution and then use only those interpretive tools endorsed by the Supreme Court.

3. Do you believe judicial doctrine rightly incorporates the evolving understandings of the Constitution forged through social movements, legislation, and historical practice?

Response: I believe that district judges must carefully follow constitutional interpretations articulated by the Supreme Court and their particular circuit. When faced with an issue of truly first impression, district judges should begin with the text of the Constitution and then use only those interpretive tools endorsed by the Supreme Court.

4. Do you believe empathy is an essential ingredient for arriving at just decisions and outcomes and should play a role in a judge's consideration of a case?

Response: If empathy means sympathizing with one party such that a judge fails to follow the law, then I believe it should not play a role in a judge's consideration of a case.

5. Is any transaction involving the exchange of money subject to Congress's Commerce Clause power?

Response: The Supreme Court has held that the Commerce Clause is very broad; in some recent cases, however, such as United States v. Morrison, 120 S. Ct. 1740 (2000), and United States v. Lopez, 115 S. Ct. 1624 (1995), the Court has made clear that it is not unlimited. I would, if confirmed, apply that jurisprudence in evaluating any challenge brought to Congress's power under the Commerce Clause.
6. What limitations remain on the individual Second Amendment right now that it has been incorporated against the States?

Response: In *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010), the Supreme Court applied the Second Amendment’s protections to the states. In so doing, it reiterated that the holding in *District of Columbia v. Heller*, 128 S. Ct. 2783 (2008), “did not cast doubt on such longstanding regulatory measures as ‘prohibitions on the possession of handguns by felons and the mentally ill,’ ‘laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.’” *Id.* at 3047.

a. Is it limited only to possession of a handgun for self-defense in the home, since both *Heller* and *McDonald* involved cases of handgun possession for self-defense in the home?

Response: As quoted above, *Heller* and *McDonald* recognized a number of limitations on individual gun possession, but they did not settle every question about the legality of possible restrictions on such possession. Those issues are currently being litigated all over the country, and, if confirmed, I would follow applicable precedent in determining the legality of any restrictions challenged before me.

7. In *Roper v. Simmons*, 543 U.S. 551 (2005), Justice Kennedy relied in part on the “evolving standards of decency” to hold that capital punishment for any murderer under age 18 was unconstitutional. I understand that the Supreme Court has ruled on this matter, but do you agree with Justice Kennedy’s analysis?

Response: Justice Kennedy’s analysis is binding precedent, and, if confirmed as a district court judge, I would follow it.

a. Do you agree that the Constitution’s prohibition on cruel and unusual punishment “embodies a principle whose application is appropriately informed by our society’s understanding of cruelty and by what punishments have become unusual?”

Response: If confirmed as a district court judge, I would be required to follow the law as set forth by the Supreme Court. On Eighth Amendment questions, I would be guided by the framework articulated by the Supreme Court in *Roper v. Simmons*, 543 U.S. 551 (2005), and other cases in which the Court has analyzed what constitutes “cruel and unusual punishment.”

b. How would you determine what the evolving standards of decency are?

Response: Making a determination about evolving standards of decency would fall to the Supreme Court. If confirmed and facing the issue, I would be guided
by the Supreme Court's decisions and any framework it has articulated for making such determinations.

e. Do you think that a judge could ever find that the "evolving standards of decency" dictated that the death penalty is unconstitutional in all cases?

Response: As the Supreme Court has repeatedly held that the death penalty is constitutional, I do not believe a district judge could find it unconstitutional in all cases.

d. What factors do you believe would be relevant to the judge's analysis?

Response: As I do not believe a district judge could find the death penalty unconstitutional in all cases, I would not engage in such analysis.

8. In your view, is it ever proper for judges to rely on contemporary foreign or international laws or decisions in determining the meaning of the Constitution?

Response: It is not proper for a district court judge to rely on contemporary foreign or international laws or decisions in determining the meaning of the Constitution, except in those very limited circumstances in which the Supreme Court has endorsed such reliance.

a. Is it appropriate for judges to look for foreign countries for "wise solutions" and "good ideas" to legal and constitutional problems?

Response: District courts should only do so in the very limited circumstances where the Supreme Court or their circuit has endorsed such an approach.

b. If so, under what circumstances would you consider foreign law when interpreting the Constitution?

Response: If confirmed, I would consider foreign law only in those circumstances in which the Supreme Court has ruled it is appropriate to be considered.

c. Do you believe foreign nations have ideas and solutions to legal problems that could contribute to the proper interpretation of our laws?

Response: If confirmed, I would consider foreign law only in those circumstances in which the Supreme Court has ruled it is appropriate to be considered.

d. Would you consider foreign law when interpreting the Eighth Amendment? Other amendments?
Response: If confirmed, I would consider foreign law only in those circumstances in which the Supreme Court has ruled it is appropriate to be considered.
Responses of James E. Boasberg
Nominee to be United States District Judge for the District of Columbia
to the Written Questions of Senator Jeff Sessions

I. As a D.C. Superior Court Judge, you have had to make sentencing decisions using
the District of Columbia's Sentencing Guidelines, which are similar to the Federal
Sentencing Guidelines, and are also advisory.

a. How much deference do you afford the D.C. Sentencing Guidelines?

Response: As a Superior Court judge, I give a great deal of deference to the D.C.
Sentencing Guidelines. In fact, I have imposed sentences that are within the
Guidelines in the vast majority of my felony cases.

b. If confirmed, do you anticipate affording the Federal Sentencing Guidelines
the same level of deference?

Response: Yes, if confirmed, I expect to afford the Federal Sentencing
Guidelines a great deal of deference.

c. Under what circumstances do you believe it is appropriate for a district court
judge to depart downward from the sentencing guidelines?

Response: When the Federal Sentencing Guidelines were mandatory, the U.S.
Sentencing Commission enumerated particular circumstances in which judges
were permitted to depart upward or downward. Although the Guidelines are no
longer mandatory, I would, if confirmed, expect to consult those departure criteria
in deciding whether to depart upward or downward.

d. Given that you served as a federal prosecutor when the guidelines were
mandatory, and you have served as a judge under a system where the
guidelines are advisory, what is your view regarding whether the current
federal scheme, where the Guidelines are advisory, is producing consistent
and fair sentencing from one defendant to the next?

Response: As a judge on the D.C. Superior Court, I have found the D.C.
Sentencing Guidelines immensely helpful. Instead of starting from scratch in
fashioning an appropriate sentence, I can refer to a presumptive sentencing range
that has been determined by looking at the heartland of historical sentences. I and
other judges on the Superior Court have thus greatly benefited from the
Sentencing Guidelines and follow them in the vast majority of our cases, even
though they are not mandatory. I would expect similarly consistent and fair
sentencing under the Federal Sentencing Guidelines, which are also advisory, not
mandatory.
2. When Justice Stevens announced his retirement, the President said that he would select a Supreme Court nominee with "a keen understanding of how the law affects the daily lives of the American people."

a. Do you believe judges should ever base their decisions on a desired outcome, or solely on the law and facts presented?
   Response: Judges should not work from a desired outcome in assessing the law and facts. Instead, they should follow the law and facts to whatever outcome they dictate.
   i. Please discuss an example of a case where you have had to set aside your own desired outcome and rule based solely on the law.
      Response: I have not presided over cases in which my desired outcome was contrary to the law.

b. Do you believe a judge should consider his or her own values or policy preferences in determining what the law means?
   Response: No.
   i. If so, under what circumstances?
      Response: N/A
   ii. Please identify any cases in which you've done so.
      Response: N/A
   iii. If not, please discuss an example of a case where you have had to set aside your own values or policy preferences and rule based solely on the law.
      Response: I have not presided over cases in which my preferences were contrary to the law.

c. During her confirmation hearings, Justice Sotomayor rejected President Obama's so-called "empathy standard" stating, "We apply the law to facts. We don’t apply feelings to facts." Do you agree with Justice Sotomayor?
   Response: Yes, I agree with Justice Sotomayor.

3. Do you believe that the Second Amendment is an individual right or a collective right? Please explain your answer.
Response: The Supreme Court in District of Columbia v. Heller, 128 S.Ct. 2783 (2008), and McDonald v. City of Chicago, 130 S. Ct. 3020 (2010), held that the Second Amendment bestows an individual right to bear arms. That is the law that I would follow if confirmed.

a. What standard of scrutiny do you believe is appropriate in a Second Amendment challenge against a Federal or State gun law?

Response: In District of Columbia v. Heller, 128 S.Ct. 2783 (2008), and McDonald v. City of Chicago, Illinois, 130 S. Ct. 3020 (2010), the Supreme Court left open the question of what level of heightened scrutiny should apply to a Second Amendment challenge. When the Supreme Court or the D.C. Circuit determines the level of scrutiny, I will, if confirmed, follow that standard.

4. What is your view of the role of a judge?

Response: A judge should fairly and impartially uphold the law as it is written and apply it to the cases that appear before him or her.

5. Do you believe that the death penalty constitutes cruel and unusual punishment under the Constitution? Please explain your answer.

Response: With a few narrow exceptions, the Supreme Court has held that the death penalty does not constitute cruel and unusual punishment under the Eighth Amendment to the Constitution. I would, if confirmed, follow that determination.

6. Do you believe that the death penalty is an acceptable form of punishment? Please explain your answer.

Response: The Supreme Court has determined that the death penalty is a constitutional and acceptable form of punishment. I would, if confirmed, follow that determination.

7. Please describe with particularity the process by which these questions were answered.

Response: I received these questions on September 22, 2010, from the Department of Justice’s Office of Legal Policy. I prepared a draft of these answers, which I sent to OLP on September 24. I then discussed this draft with OLP staff that same day and submitted my final draft on September 26 for transmission to the Committee.

8. Do these answers reflect your true and personal views?

Response: Yes.
Responses of Amy B. Jackson
Nominee to be United States District Judge for the District of Columbia
to the Written Questions of Senator Tom Coburn, M.D.

1. Some people refer to the Constitution as a "living" document that is constantly evolving as society interprets it. Do you agree with this perspective of constitutional interpretation?

Response: No. I do not believe that the Constitution is constantly evolving as society interprets it.

Justice William Brennan once said: "Our Constitution was not intended to preserve a preexisting society but to make a new one, to put in place new principles that the prior political community had not sufficiently recognized." Do you agree with him that constitutional interpretation today must take into account this supposed transformative purpose of the Constitution?

Response: I am not familiar with the context in which this statement was made or what Justice Brennan has said about how the Constitution’s purpose could or should inform its interpretation. A District Judge should look to the language of the Constitution and to Supreme Court and appellate court precedent interpreting that language in an effort to apply the principles embodied in the Constitution to the circumstances presented in a particular case.

2. Do you believe judicial doctrine rightly incorporates the evolving understandings of the Constitution forged through social movements, legislation, and historical practice?

Response: I believe that it is the role of the legislature, and not the courts, to determine whether and how evolving social views should be incorporated in law.

3. Do you believe empathy is an essential ingredient for arriving at just decisions and outcomes and should play a role in a judge’s consideration of a case?

Response: No.

4. Is any transaction involving the exchange of money subject to Congress’s Commerce Clause power?

Response: The Supreme Court has held that the scope of the Commerce Clause is broad, but not unlimited. If I am confirmed and I am presented with a case involving the application of the Commerce Clause, I would carefully read the statute that is the subject of the lawsuit and apply the relevant Supreme Court and D.C. Circuit precedents, including United States v. Lopez, 514 U.S. 549 (1995), and Morrison v. United States, 529 U.S. 598 (2000).
during motions and bench trials. It is the role of a judge to perform all of these tasks with objectivity, intellectual honesty, appropriate temperament, efficiency, sound judgment, and clear reasoning.

6. **Do you believe that the death penalty constitutes cruel and unusual punishment under the Constitution? Please explain your answer.**

Response: The Supreme Court has held that the death penalty comports with the Eighth Amendment except in certain specific circumstances.

7. **Do you believe that the death penalty is an acceptable form of punishment? Please explain your answer.**

Response: Congress has determined that certain federal crimes should be punishable by the death penalty, and the Supreme Court has held that the death penalty comports with the Eighth Amendment. If confirmed as a District Court judge, I would be bound by federal law and Supreme Court precedent.

8. **Please describe with particularity the process by which these questions were answered.**

Response: I received the questions from the Department of Justice Office of Legal Policy on Wednesday, September 22, 2010, and carefully drafted answers to them myself. I reviewed those answers with representatives of the Department of Justice and requested that they be submitted to the Committee.

9. **Do these answers reflect your true and personal views?**

Response: Yes.
Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
September 15, 2010

Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Hearing On Judicial Nominations
September 15, 2010

Today we welcome to the Committee six of President Obama's highly qualified nominees to fill some of the growing number of vacancies on the federal bench. I thank Senator Durbin for chairing this important hearing today which includes two nominees from his home state of Illinois. I also thank our Ranking Member, Senator Sessions, for his cooperation and that of his staff in working with us to continue to make progress with the confirmation hearing today and with additional hearings later this month.

Each of the nominees before us today has strong support. Senator Dodd and Senator Lieberman support the nomination of Susan Carney of Connecticut to the Second Circuit. Amy Totenberg, nominated to the Northern District of Georgia, has the support of her home state Senators, both Republicans, Senator Chambliss and Senator Isakson. Of course Senator Durbin, along with Senator Barrasso, strongly support the two nominees to the Central District of Illinois, Justice Sue Myresough and Judge James Shaddick, who are appearing before the Committee today. I note that Justice Myresough is finally getting a hearing before the Committee, 15 years after she was first nominated to the Federal bench. Congressman Aaron Schock, the Republican Congressman who represents the home district of both nominees, has also come over from the House to introduce the nominees today.

We also welcome to the Committee today Congresswoman Eleanor Holmes Norton of the District of Columbia, who is here to introduce the two nominees to the D.C. circuit court James Boasberg and Amy Jackson. We have two more nominations to fill vacancies on that court pending on the Committee's agenda this week. I hope we can report those nominations favorably tomorrow.

These nominations demonstrate how President Obama continues to work with Senators from both sides of the aisle to identify qualified nominees to fill vacancies on the Federal bench. In light of the broad bipartisan support we have seen for most of judicial nominations it is surprising and extremely disappointing that Republican obstruction in the Senate has led to so few confirmations and to the growing judicial vacancy crisis in this country.
I hope that in light of the skyrocketing vacancies on the Federal courts, we can proceed without delay to consider the nominees before us today as well as the many still pending on the Senate's Executive Calendar. The cooperation of Senator Sessions has led us to make consistent progress in Committee holding confirmation hearings and reporting nominations promptly to the Senate floor. Regrettably, we have not seen similar cooperation by the Senate's Republican leadership which instead has insisted on months of delay before agreeing to vote on judicial nominations that are confirmed unanimously and refused to consider many others. This serves no good purpose. This obstruction is wrong. I have called for it to end, but the Republican Senate leadership persists in their practice.

One recent example is the nomination of Jane Stranch of Tennessee to the Sixth Circuit. Last year, Senator Sessions and I worked to have the nomination reported by the Committee in a prompt manner. Ms. Stranch had the support of her home state Senators, both Republicans, and was reported by this Committee with strong bipartisan support. Yet it still took nearly 10 months before her nomination came to a vote because of obstruction by the Senate Republican leadership. Early this week, we were finally able to consider her nomination and it was confirmed again with broad bipartisan support. There is no excuse for the Senate not to now be allowed to turn to the many other judicial nominations that remain stalled on the Executive Calendar, nearly all of whom were reported unanimously by this Committee.

Several recent newspaper articles have discussed the judicial vacancy crisis that has been created by the Republican strategy of slow-walking the Senate's consideration of noncontroversial nominations. These include many nominees who, when they finally get a vote after waiting months and months and months, get an unanimous vote. These include nominees who have the strong support of Republican home state Senators, yet still have required cloture votes to proceed. These include district court nominations, which are traditionally considered without delays, and they have never been targeted for obstruction by Democrats or Republicans when they have been supported by their home State Senators. Yet, last year, the Senate was allowed to confirm only 12 Federal circuit and district court judges all year. That was the lowest total in more than 50 years. So far this year, we have confirmed only 29 more and achieved what one recent news story noted is the lowest number of confirmations in more than 40 years.

As I noted earlier this week during the Senate's consideration of the Stranch nomination, Justice Anthony Kennedy--a Justice nominated by a Republican President--spoke last month at the Ninth Circuit conference about the cost of skyrocketing judicial vacancies not only in California but throughout the country. He said, "It's important for the public to understand that the excellence of the federal judiciary is at risk." He further noted that, "If judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled." I hope all Senators will heed Justice Kennedy's serious warning because he is absolutely correct. We should not let partisan calculations stand in the way of doing our job for the American people.

We have fallen well off the pace we set for nominations in 2001 and 2002. By this date in 2002, a Democratic Majority in the Senate had confirmed 77 of the circuit and district court nominations of President Bush, a Republican President. The Democrats had been in charge for only 13 months and we already confirmed 77. In stark contrast, to date we have confirmed only 41 of President Obama's circuit and district court nominations. I had hoped to make progress
before the recess, but Republicans permitted us to confirm only four noncontroversial nominations as the Senate wrapped up, objecting to an even greater number of nominations favorably reported by this Committee—five—and sending them back to the President. As a result, 16 judicial nominations remain stalled on the Executive Calendar today, all of which could easily be considered and confirmed.

The Senate has taken more than five times as long to consider President Obama's circuit court nominations reported by the Committee than we did to consider President Bush's during his first 2 years in office and it has taken three times as long to consider his district court nominations, nominations that are almost never controversial. It is not fair to the bipartisan work of this Committee for the Senate Republican Leadership to continually obstruct and delay nominations. It is not fair to the nominees. They can't go forward with their lives while this is pending. They have a law practice. Everything is on hold for month after month after month. But most of all, it is not fair to the American people who rely on the federal courts to provide justice and are harmed by the backlogs created by having one in eight federal judgeships vacant.

I hope that we do better with the highly qualified judicial nominees before us today.

Susan Carney of Connecticut has been nominated to fill one of three vacancies on the Second Circuit. After working for 17 years in private practice, she served as Associate General Counsel of the Peace Corps and is currently the Deputy General Counsel of Yale University. Ms. Carney graduated cum laude from Harvard College and earned her J.D. magna cum laude from Harvard Law School.

President Obama nominated Amy Mil Totenberg to sit on the Northern District Court of Georgia. Ms. Totenberg is currently in private practice in Atlanta and also serves as a Special Master for the U.S. District Court for the District of Maryland and as a Court Monitor, and has served as a Court-Appointed Mediator for the U.S. District Court for the District of Columbia. Previously, Ms. Totenberg was general counsel to the Atlanta Board of Education, a part-time municipal court judge, and a partner at The Law Project. She graduated magna cum laude from Harvard College and earned her J.D. from Harvard Law School. If confirmed by the Senate, she would fill one of four vacancies on the district court in the Northern District of Georgia.

Justice Sue Myrescough has been nominated to the Central District of Illinois. She currently serves on the Fourth District Appellate Court of Illinois and previously served on the Seventh Judicial Circuit of Illinois. She is also an adjunct associate professor in the Department of Medical Humanities at the Southern Illinois University School of Medicine. Prior to becoming a judge, she worked in private practice for six years. Justice Myrescough earned her undergraduate degree, with honors, and her law degree from Southern Illinois University.

Judge James Shadid has also been nominated to the Central District of Illinois. He is a judge on the Tenth Judicial Circuit of Illinois and was previously a sole practitioner, a part-time commissioner on the Illinois Court of Claims, and a part-time Assistant Public Defender in the Peoria County Public Defender's Office. Judge Shadid was briefly a law partner in private practice and early in his career he also worked part-time at the Office of the Attorney General of Illinois. When he was appointed to serve as a state judge, Judge Shadid became the first Arab-
American judge in Illinois. If confirmed, he will be the only federal Arab-American judge in the state, and one of only a handful of Arab-American federal judges in the country. Judge Shaddid graduated from Bradley University and John Marshall Law School.

Amy Berman Jackson has been nominated for a seat on the District Court for the District of Columbia. She is a partner in private practice and previously served six years as an Assistant U.S. Attorney for the District of Columbia, in the district to which she has now been nominated to the bench. Ms. Jackson graduated, cum laude, from Harvard College and cum laude from Harvard Law School.

Judge James E. "Jeb" Boasberg is nominated to the U.S. District Court for the District of Columbia. He was appointed to his current seat as a judge on the District of Columbia Superior Court by President George W. Bush in 2002. Judge Boasberg has also worked as a Federal prosecutor and in private practice. He graduated, magna cum laude, from Yale College, earned a graduate degree from Oxford University and received his law degree from Yale Law School.

I welcome the nominees and their families to the Committee today.

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September 22, 2010

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

We are pleased to inform you that the Committee on the Judiciary of the New York City Bar has found Susan L. Carney, Esq. APPROVED for appointment to the United States Court of Appeals for the Second Circuit.

Very truly yours,

Elizabeth Donoghue
Chair

cc: The Honorable Jeff Sessions
Ranking Member
Committee on the Judiciary
Statement of Senator Joseph Lieberman
Regarding the Nomination of Susan L. Carney
to the United States Court of Appeals for the Second Circuit

September 15, 2010

Thank you, Chairman Leahy and Ranking Member Sessions, for allowing me to offer this statement in support of Susan L. Carney’s nomination to serve on the United States Court of Appeals for the Second Circuit.

I commend President Obama’s decision to nominate Ms. Carney to serve on the Second Circuit. With over three decades of legal experience, Susan Carney has ably served our country, the state of Connecticut, and the organizations she has worked for with honor and distinction.

Susan Carney’s legal acumen and long career of devoted public service should make her a valuable addition to the Second Circuit. For the past twelve years, Susan Carney has served in Yale University’s Office of the Vice President and General Counsel, most recently as Acting General Counsel and Deputy General Counsel. In this capacity, Ms. Carney is the second-ranking legal officer of a leading educational and research institution with an annual budget of more than $2 billion. Her portfolio includes a variety of complex areas covered by federal law, including scientific research, intellectual property, and health care. Ms. Carney has also managed the legal aspects of Yale’s international affiliations and transactions in dozens of countries worldwide.
Prior to her work for Yale, Ms. Carney served as Associate General Counsel of the Peace Corps where she was twice honored for her outstanding service and contributions to the organization.

Ms. Carney has an impressive record of legal training and experience. She graduated from Harvard University with a Bachelor of Arts degree and went on to earn a law degree from Harvard, graduating *magna cum laude.* She served as a Law Clerk to Judge Levin Hicks Campbell on the United States Court of Appeals for the First Circuit before working in private practice with two law firms as an associate, partner, and founding partner. Ms. Carney has been admitted to practice in seven courts, including the U.S. Supreme Court, the U.S. Court of Appeals for the First Circuit, and the U.S. Court of Appeals for the Ninth Circuit and is a member of the Massachusetts, District of Columbia, and Connecticut bars. Ms. Carney also serves on the Board of Directors of the National Association of College & University Attorneys.

I am pleased that Susan Carney’s nomination is proceeding through the confirmation process, and I look forward to working with you and the rest of our Senate colleagues to consider Susan Carney’s nomination to the Second Circuit Court of Appeals.
Remarks by Congressman Aaron Schock to the U.S. Senate Judiciary Committee in Support of the Nomination of Judge James Shadid for U.S. District Judge

Thank you Senator Durbin and Members of the Committee for allowing me to share with you my reasons for enthusiastically supporting President Obama's nomination of state Circuit Court Judge James Shadid as a federal District Court Judge.

Jim Shadid is from my hometown of Peoria, Illinois, but that is not why I am here in support of his nomination. I want to make clear that my support is not perfunctory support for someone from my district.

I am here because state Circuit Court Judge James Shadid has been an outstanding Circuit Court Judge by every measure. In fact, he is a role model for what it takes to clear backlogged cases and efficiently running the courts. More importantly, he is also a role model for fairness, justice and protecting the public.

James Shadid has the perfect temperament to serve the public as a Judge. He comes to trials with no preconceived notions and is abundantly fair, has deep insights into the law, and has always ensured criminal defendants a fair trial. If and when those defendants have been found guilty, Judge Shadid's sentencing for violent criminals has been consistent—he is a tough, no nonsense, clear-headed judge who has handed down thoughtful, but tough sentences.

In a well known case in the Peoria area, a defendant was on trial for shooting a gun into a crowd at one of Peoria's high schools. The defendant was found guilty. Judge Shadid sentenced him to 24 years in prison. The sentence was appealed and the Appellate Court found that Judge Shadid "placed an undue emphasis on the fact that the shooting took place in a school," reversed the sentence and remanded the case back to Judge Shadid for re-sentencing. The appearance of the Appellate Court pressing Judge Shadid to go easier on the defendant's sentence was plain for all to see.

Judge Shadid carefully considered the Appellate Court's ruling, clarified the legal basis on the sentence and once again came down with a sentence of 24 years in prison for the defendant.

Our Circuit Court Misdemeanor Court was notoriously backlogged with cases for a very long time. The average turn-around time was eight months. Though he was in a position to focus on other, sometimes more interesting types of cases, Judge Shadid volunteered to step up and take on the mess. He swiftly eliminated the backlog and put in place a more efficient process that has radically improved the functioning of the Misdemeanor Court.

Judge Shadid goes above and beyond the call of duty by holding mock trials in partnership with local high schools. This has given students invaluable insight into the criminal justice system...
and I personally know of many young people whose lives have been turned around by Judge Shadid's admirable efforts to help at-risk youth.

All in all, I do not believe it is possible to find a better person to serve as a federal Court Judge. I commend Senator Durbin for his recommendation of Judge Shadid and President Obama for nominating James Shadid to serve the public as a federal District Court Judge in Illinois.

I thank the Committee for your consideration.