

S. HRG. 111-695, Pt. 7

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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NOMINATIONS OF SUSAN L. CARNEY, NOMINEE TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT; AMY TOTENBERG, NOMINEE TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA; JAMES E. BOASBERG, NOMINEE TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA; AMY B. JACKSON, NOMINEE TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA; JAMES E. SHADID, NOMINEE TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS; AND, SUE E. MYERSCOUGH, NOMINEE TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS

WEDNESDAY, SEPTEMBER 15, 2010

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:02 a.m., Room SD-226, Dirksen Senate Office Building, Hon. Richard J. Durbin presiding.

Present: Senators Franken and Sessions.

OPENING STATEMENT OF HON. RICHARD J. DURBIN, A U.S. SENATOR FROM THE STATE OF ILLINOIS

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.

(561)

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, Katharine 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.]

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.

1987-1990, Yale Law School; J.D., 1990
1985-1986, Oxford University; M.St., 1986
1981-1985, 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 Nest
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 91105
Law Clerk to Hon. Dorothy W. Nelson

1989
Wilmer, 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)

Yale Law School Association of Washington, D.C. (1995 – 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)

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)

Yale Law School Association of Washington, D.C. (1995 – present)

Vice President (1997-2001)

Yale Club of Washington, D.C. (1995 – present)

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.

Product Placement in Movies Cannot Be Regulated as Commercial Speech Under the First Amendment, WLF Legal Backgrounder (Jan. 22, 1993) (co-author).

With Malice Toward None: A New Look at Defamatory Republication and Neutral Reportage, 13 COMM/ENT 455 (Spring 1991) (cited in 5 published opinions)

Seditious Libel v. Incitement to Mutiny: Britain Teaches Hand and Holmes A Lesson, 10 Oxford J. Legal Studies 106 (1990), republished with Spanish translation in 28 Comp. Juridical Review 77 (1991).

Chancery as Megalosaurus: Lawyers, Courts, and Society in Bleak House, 21 University of Hartford Studies in Literature 38 (1989).

While at Oxford, I wrote a movie review for a magazine called *Isis* in November 1985. In college, I wrote two pieces on the Washington Redskins for the *Yale Daily News* in January 1984. In high school, I wrote many sports articles for the *St. Albans News*. I did not retain copies.

- 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:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_senate_hearings&docid=f:80608.wais

- 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.

May 24, 2010 – United States District Court for the District of Columbia – remarks at the investiture of U.S. Attorney Ronald C. Machen, Jr.

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.

July 16, 2009 – Office of the U.S. Attorney, Washington, D.C. – talk to Assistant U.S. Attorneys about prosecuting Domestic Violence cases.

April 24, 2009 – Office of the U.S. Attorney, Washington, D.C. – talk to police officers of the Metropolitan Police Department of Washington, D.C., about courtroom testimony.

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.

May 22, 2006 – Office of the U.S. Attorney, Washington, D.C. – talk to Assistant U.S. Attorneys about prosecuting felony cases.

April 13, 2006 – Georgetown University Law Center, Washington, D.C. – talk to the Criminal Justice Clinic class 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.

March 19, 2004 – D.C. Bench-Bar Conference, Washington, D.C. – participation on a panel on closing arguments.

February 11, 2004 – George Washington University Law School, Washington, D.C. – talk to a seminar class on homicide cases. I spoke without notes.

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.

October 10, 2003 – George Washington University Law School, Washington, D.C. – speech to a CLE seminar on automobile negligence cases.

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.

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

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.

Neely Tucker and Alia Ibrahim, "*Mesa Gets Life Terms in Gallaudet Slayings*," The Washington Post, July 11, 2002, at B01.

Arlo Wagner, "*Gallaudet Killer Gets Life Sentence*," The Washington Times, July 11, 2002, at B01.

Susan Roth, "*Mesa Sentenced to Life in Prison*," Gannett News Service, July 11, 2002.

"Former Student Gets 6 Life Terms in the Murders of 2 Classmates," The Miami Herald, July 11, 2002, at A15.

Gary Martin, "*Deaf Teens' Killer Gets Life*," San Antonio Express-News, July 11, 2002, at 1B.

Derrill Holly, "*Six Life Terms for Murders of Two College Students*," AP, July 10, 2002.

Derrill Holly, "*Former Gallaudet Student Convicted of Killing Classmates*," AP, May 22, 2002.

Kevin Diaz, "*D.C. Jury Convicts Former Student of Gallaudet Murders*," Star Tribune, May 22, 2002, at 1A.

Susan Roth, "*Mesa Convicted in Gallaudet Murder Trial*," Gannett News Service, May 21, 2002.

Arthur Santana, "*Gallaudet Case Goes to Jury*," The Washington Post, May 21, 2002, at B05.

Arthur Santana, "*Man Gets Life, No Parole, in Slayings*," The Washington Post, Jan. 12, 2002, at B02.

Arthur Santana, "*D.C. Man Convicted of Women's Slayings*," The Washington Post, Oct. 3, 2001, at B07.

Neely Tucker, "*National Zoo Shooter Gets 25-Year Term*," The Washington Post, Mar. 17, 2001, at A01.

Arlo Wagner, "*Zoo Gunman Gets 25 Years in Prison*," The Washington Times, Mar. 17, 2001, at A1.

Petula Dvorak, "*A Home in Hearts Left Behind*," The Washington Post, Mar. 15, 2001, at B01.

Neely Tucker, "*17-Year-Old Admits to Shootings Outside Zoo*," The Washington Post, Oct. 26, 2000.

Arlo Wagner, "*Youth Pleads Guilty to Zoo Shooting Spree That Wounded 7*," The Washington Times, Oct. 26, 2000, at C1.

"*Black Fire Fighters Cleared*," The Sun Reporter, Aug. 4, 1994.

Jim Doyle, "*S.F. Probe Clears Leaders of Black Firefighter Groups*," The San Francisco Chronicle, July 23, 1994, at A21.

Laurie Becklund and Roxane Arnold, "*Law Students Aid the Homeless*," Los Angeles Times, Aug. 7, 1988, Metro; Part 2; Page 1.

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:

United States v. Powell, 2008 D.C. Super. LEXIS 2 (June 17, 2008)
Pardue v. Center City Consortium Schools, Inc., 2003 D.C. Super. LEXIS 30 (July 29, 2003).

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

1. 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.

AUSA Michelle Jackson, 555 4th St., N.W.; Washington, DC 20530, 202-514-7586; Defense Counsel Thomas Dybdahl, Public Defender Service, 633 Indiana Avenue, NW; Washington, DC 20004, 202-628-1200.

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.

AUSA Michelle Jackson, 555 4th St., N.W.; Washington, DC 20530, 202-514-7586; Defense Counsel Thomas Dybdahl, Public Defender Service, 633 Indiana Avenue, NW; Washington, DC 20004, 202-628-1200.

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.

AUSA Sharon Donovan, 555 4th St., N.W.; Washington, DC 20530, 202-514-7586; Defense Counsel Maribeth Raffinan, Public Defender Service, 633 Indiana Avenue, NW; Washington, DC 20004, 202-628-1200.

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.

AUSA Sean Tonoli, 555 4th St., N.W.; Washington, DC 20530, 202-514-7586; Defense Counsel Andrew Ferguson, Public Defender Service, 633 Indiana Avenue, NW; Washington, DC 20004, 202-628-1200.

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

AUSA William Frentzen, 555 4th St., N.W.; Washington, DC 20530, 202-514-7586; Defense Counsel Eve Hanan and Anna Rodrigues, Public Defender Service, 633 Indiana Avenue, NW; Washington, DC 20004, 202-628-1200.

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.

AUSA Amy Zubrensky, 555 4th St., N.W.; Washington, DC 20530, 202-514-7586; Defense Counsel Jason Tulley, Public Defender Service, 633 Indiana Avenue, NW; Washington, DC 20004, 202-628-1200.

7. WDG 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.

Plaintiff's counsel: Michele Roberts, 1333 New Hampshire Ave., N.W.; Washington, DC 20036, 202-887-4306. Defense counsel: Daniel Rezneck, Office of Attorney General, 441 4th St., NW; Washington, DC 20001, 202-727-3401.

8. Pardue 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.

9. Kreuzer v. George Washington University, 03-3645. After many motions and a preliminary injunction hearing, I granted summary judgment to the defendant in a property dispute between the university and a neighbor.

Plaintiff's counsel: Michael Hannon, 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.

1. United States v. Powell, 2008 D.C. Super. LEXIS 2 (June 17, 2008). Counsel were AUSA Amy Zubrensky, 555 4th St., N.W.; Washington, DC 20530, 202-514-7586; and Defense Counsel Jason Tulley, Public Defender Service, 633 Indiana Avenue, NW; Washington, DC 20004, 202-628-1200.

2. Pardue 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.

3. United States v. Richard Purnell, 2007 CF2 022457, AUSA Robert Okun, 555 4th St., N.W.; Washington, DC 20530, 202-514-7586; Defense Counsel: George Rickman, 3814 13th St., NW; Washington, DC 20011, 202-723-3955.

4. United States v. Kacy Queen, 04-FEL-3431, AUSA Robert Okun, 555 4th St., N.W.; Washington, DC 20530, 202-514-7586; Defendant *pro se*.

5. United States v. Donovan Braxton, 2005 CTF 4611, AAG Duane M. Kokesch, 441 Fourth Street, NW; Room #450-N; Washington, DC 20001, 202-727-3401; Defense Counsel: Effie Forde, 1717 K St., NW; Suite 600; Washington, DC 20036, 202-508-1843.

6. Kreuzer v. George Washington University, 03-3645, Plaintiff's counsel: Michael Hannon, 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.

7. Hicks v. Howard, 02-7572, Plaintiff's counsel: Sarah Starrett, 1717 Massachusetts Ave., NW; Suite 704; Washington, DC 20036; 202-328-7300; Defense counsel: Daniel Prywes, 600 – 14th St., NW; Washington, DC 20005; 202-508-6094.

8. Fowler v. J.A. Jones, 02-8130, Plaintiff's counsel: Michael Hoare, 1400 K St., NW, Suite 1000; Washington, DC 20005; 202-408-7901; Defense counsel: Connie Bertram, 777 6th St., NW; Washington, DC 20001; 202-728-7122.

9. Cavaceppi v. Rock Creek Int'l School, 03-6490, Plaintiff's counsel: Michael Hoare, 1400 K St., NW, Suite 1000; Washington, DC 20005; 202-408-7901; Defense counsel: Thomas Mugavero, 515 King St.; Suite 450; Alexandria, VA 22314; 703-280-9273.

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.

Digsby v. United States, 981 A.2d 589 (D.C. 2009) (reversal for admission of DEA report without chemist post-Crawford).

Teal v. United States, 974 A.2d 262 (D.C. 2009) (remanded for findings regarding government's possible interference with witness).

Bolton v. Bernabei & Katz, 954 A.2d 953 (D.C. 2008) (remanded for further consideration of motion to amend answer).

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

Pratt v. DCHA, 942 A.2d 656 (D.C. 2008) (reversal of judgment of possession to Landlord in Landlord-Tenant case).

Callahan v. United States, 937 A.2d 141 (D.C. 2007) (reversal for admission of DEA report without chemist post-Crawford).

Howard v. United States, 929 A.2d 839 (D.C. 2007) (reversal for admission of DEA report without chemist post-Crawford).

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).

Washkoviak v. SLMA, 900 A.2d 168 (D.C. 2006) (reversal of grant of motion to dismiss).

Zuurbier v. MedStar, 895 A.2d 905 (D.C. 2006) (reversal in part of summary judgment order).

Medrano v. Osterman, 885 A.2d 310 (D.C. 2005) (vacating and remand of determination of binding contract).

Levitt v. D.C. Office of Employee Appeals, 869 A.2d 364 (D.C. 2005) (reversal of affirmance of OEA Board).

- 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 these cases. My two published opinions also concern constitutional issues. Pardue 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 Kreuzer v. George Washington University, 03-3645. 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

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.

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

I have not practiced law alone.

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

1991 – 1994
Keker & Van Nest
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

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

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

b. Describe:

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

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.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 60% |
| 2. non-jury: | 40% |

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

I have not 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.

1. United States v. Mesa, F-1002-01 (Judge Robert Richter). Co-counsel: Jennifer M. Collins, Wake Forest School of Law, 1834 Wake Forest Road; Winston-Salem, NC 27109, 336-758-3852. Defense counsel: Ferris Bond, Box 83699, Gaithersburg, MD 20883, 202-682-4100.

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.

2. United States v. Weldon, F-6482-99 (Judge Robert Richter): Defense counsel: Kenny Robinson, 717 D St., NW; 4th Floor; Washington, D.C. 20004, 202-347-5901.
3. United States v. Lewis, F-6780-99 (Judge Lee Satterfield): Co-counsel: Glenn Kirschner, United States Attorney's Office, 555 4th St., NW; Washington, DC 20530, 202-514-7425. Defense counsel: John Copacino, Georgetown Legal Clinic; 111 F St., NW; Washington, D.C. 20001, 202-662-9500.

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.

5. United States v. Turner, F-724-98 (Judge Nan Shuker): Co-counsel: Julie Grohovsky, Department of Justice, 950 Pennsylvania Avenue, NW; Washington, DC 20530, 202-514-2000. Defense counsel: Tanya Chutkan, 5301 Wisconsin Avenue, NW; Washington, DC 20015; 202-237-2727.

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.

6. United States v. Butts, F-1804-00 (Judge Shellie Bowers): Defense counsel: Harold Martin, 1140 Connecticut Ave., NW; Suite 1100; Washington, DC 20036, 202-452-8080.

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.

7. United States v. Hager, F-8602-97 (Judge Judith Retchin): Defense counsel: Richard Gilbert, 601 Pennsylvania Avenue, NW; Suite 900 South; Washington, DC 20004, 202-898-0857.

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 inculcate 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.

8. United States v. Mercer, F-1061-96 (Judge Judith Retchin): Defense counsel: Joseph Conte, 400 7th St., N.W.; Washington, DC 20004, 202-638-4100.

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.

9. United States v. Donelson, F-1518-00 (Judge Pat Wynn): Defense counsel: Daniel McGuan, deceased.

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.

10. United States v. Tyer, F-1499-00 (Judge Patricia Broderick): Defense counsel: Anna Rodriques, 633 Indiana Avenue, NW; Washington, DC 20004, 202-628-1200.

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 organizations(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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

My father, Emanuel Boasberg, 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 an 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.

AO 10
Rev. 1/2008

**FINANCIAL DISCLOSURE REPORT
NOMINATION FILING**

*Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §8 101-111)*

1. Person Reporting (last name, first, middle initial) Boasberg, James E.	2. Court or Organization U.S. District Court, District of Columbia	3. Date of Report 6/17/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) District Judge -- Nominee	5a. Report Type (check appropriate type) <input checked="" type="checkbox"/> Nomination, Date 6/16/2010 <input type="checkbox"/> Initial <input type="checkbox"/> Annual <input type="checkbox"/> Final 5b. <input type="checkbox"/> Amended Report	6. Reporting Period 1/1/2009 to 5/30/2010
7. Chambers or Office Address D.C. Superior Court 300 Indiana Ave., NW Washington, DC 20001	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	
<p>IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the <i>NONE</i> box for each part where you have no reportable information. Sign on last page.</p>		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

POSITION	NAME OF ORGANIZATION/ENTITY
1. Member	St. Albans School Governing Board
2.	
3.	
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

DATE	PARTIES AND TERMS
1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT
 Page 2 of 12

Name of Person Reporting	Date of Report
Bousberg, James V.	6/17/2010

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*
A. Filer's Non-Investment Income
☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> <i>(yours, not spouse's)</i>
1. 2010	D.C. Courts	\$72,542.00
2. 2009	D.C. Courts	\$174,100.00
3. 2008	D.C. Courts	\$174,100.00
4.		

B. Spouse's Non-Investment Income *- If you were married during any portion of the reporting year, complete this section.
(Dollar amount not required except for honoraria.)*
☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2010	Alarm.com -- salary
2. 2009	Alarm.com -- salary
3. 2009	Digital Sports -- salary
4. 2009	Self-employed business consultant

IV. REIMBURSEMENTS *- transportation, lodging, food, entertainment.
(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*
☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT
 Page 3 of 12

Name of Person Reporting Rousberg, James E.	Date of Report 6/17/2010
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V. GIFTS. (Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)

☐ NONE (No reportable gifts.)

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. Exempt			
2.			
3.			
4.			
5.			

VI. LIABILITIES. (Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)

☒ NONE (No reportable liabilities.)

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.			
2.			
3.			
4.			
5.			

Boasberg, James E.

6/17/2019

☐ NONE (No reportable income, assets, or transactions.)[illegible]

1. Income From Codes	A = \$1,000 or less	B = \$1,001 - \$2,500	C = \$2,501 - \$5,000	D = \$5,001 - \$15,000	E = \$15,001 - \$50,000
(Use Column B1 and B4)	F = \$10,001 - \$100,000	G = \$100,001 - \$1,000,000	H = \$1,000,001 - \$5,000,000	I = More than \$5,000,000	
2. Value Codes	J = \$15,000 or less	K = \$15,001 - \$30,000	L = \$30,001 - \$100,000	M = \$100,001 - \$250,000	
(Use Columns C1 and D3)	N = \$250,001 - \$500,000	O = \$500,001 - \$1,000,000	P1 = \$1,000,001 - \$5,000,000	P2 = \$5,000,001 - \$25,000,000	
	P3 = \$15,000,001 - \$50,000,000		P4 = More than \$50,000,000		
3. Value Method Codes	Q = Appraisal	R = Cost (Real Estate Only)	S = Acquisition	T = Cash Market	
(Use Column C2)	U = Book Value	W = Other	X = Gifted		

FINANCIAL DISCLOSURE REPORT
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Name of Person Reporting	Date of Report
Rossberg, James E.	6/17/2010

VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-40 of filing instructions.)

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

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-11)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-11)	(5) Identity of buyer/seller (if private transaction)
18. --BRKB		None	K	T					
19. --CSCO		None	J	T					
20. --JNJ	B	Dividend	K	T					
21. --LLTC	A	Dividend	J	T					
22. --MSFT	A	Dividend	K	T					
23. --PG	A	Dividend	K	T					
24. --WAG	A	Dividend	K	T					
25. --WU	A	Dividend	J	T					
26. --Fidelity US Treasury Money Market	A	Dividend	K	T					
27. Brokerage Account #3 (IRA)									
28. --BRKA		None	N	T					
29. --BRKB		None	K	T					
30. --CSCO		None	K	T					
31. --JNJ	B	Dividend	L	T					
32. --LLTC	B	Dividend	K	T					
33. --MSFT	A	Dividend	K	T					
34. --PG	A	Dividend	J	T					

1. Income Code (see Column B1 and D4)	A - \$1,000 or less F - \$50,001 - \$100,000 J - \$115,000 or less N - \$150,001 - \$400,000 P1 - \$450,001 - \$1,000,000 Q - Approval (see Column C2)	B - \$1,000 - \$2,500 G - \$100,001 - \$1,000,000 K - \$15,000 - \$100,000 O - \$200,001 - \$1,000,000 R - Cash (Real Estate Only) V - Other	C - \$2,500 - \$5,000 H - \$1,000,001 - \$5,000,000 L - \$50,001 - \$100,000 P2 - \$1,000,001 - \$5,000,000 P3 - More than \$5,000,000 S - Accrual W - Exhausted	D - \$5,001 - \$15,000 I2 - More than \$5,000,000 M - \$100,001 - \$250,000 P2 - \$1,000,001 - \$25,000,000 T - Cash Market	E - \$15,001 - \$25,000
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FINANCIAL DISCLOSURE REPORT
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Name of Person Reporting	Date of Report
Boasberg, James E.	6/17/2010

VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-50 of filing instructions.)

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

A. Description of Assets (including trust name) Place "XX" after each asset exempt from prior disclosure	U. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-I)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (I-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (I-P)	(4) Gain Code 1 (A-I)	(5) Identity of buyer/seller (if private transaction)
35. --WAG	A	Dividend	K	T					
36. --WU	A	Dividend	J	T					
37. --Fidelity US Treasury Money Market	A	Dividend	J	T					
38. Brokerage Account #4 (Trust)									
39. --BRKB		None	K	T					
40. --CSCO		None	K	T					
41. --INTC	A	Dividend	K	T					
42. --JNJ	A	Dividend	J	T					
43. --LLTC	A	Dividend	K	T					
44. --MDT	A	Dividend	J	T					
45. --MSFT	A	Dividend	K	T					
46. --MCO	A	Dividend	J	T					
47. --PG	A	Dividend	K	T					
48. --WAG	A	Dividend	J	T					
49. --WU	A	Dividend	J	T					
50. --Fidelity Municipal Money Market	A	Interest	K	T					
51. Brokerage Account #5 (Trust)									

1. Income Code:	A = \$1,000 or less (See Column T1 and D4)	F = \$50,001 - \$100,000	J = \$15,001 - \$25,000	G = \$100,001 - \$150,000	K = \$15,001 - \$25,000	O = \$500,001 - \$1,000,000	C = \$1,001 - \$5,000	H = \$1,000,001 - \$5,000,000	D = \$1,001 - \$15,000	I = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Code:	J = \$15,000 or less (See Column T1 and D3)	N = \$250,001 - \$500,000	P1 = \$15,000,001 - \$25,000,000	R = Cash (Real Estate Only)	S = Annuities	T = Cash Market	P2 = \$1,000,001 - \$5,000,000	P3 = More than \$5,000,000			
3. Value Method Code:	Q = Appraisal (See Column T2)	U = Book Value	V = Other	W = Estimated							

Name of Person Reporting
Boasberg, James E.

Date of Report
6/17/2010

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

A Description of Assets (including trust assets) Place "X" after each asset except from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (I-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(1) Value Code 2 (I-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
52. --BRKB		None	K	T					
53. --CSCO		None	J	T					
54. --JNJ	A	Dividend	J	T					
55. --LLTC	A	Dividend	J	T					
56. --MDT	A	Dividend	J	T					
57. --MSFT	A	Dividend	K	T					
58. --MCO	A	Dividend	J	T					
59. --PG	A	Dividend	J	T					
60. --WAG	A	Dividend	J	T					
61. --WU	A	Dividend	J	T					
62. --Fidelity Municipal Money Market	A	Interest	J	T					
63. Brokerage Account #6 (Trust)									
64. --BRKB		None	K	T					
65. --CSCO		None	J	T					
66. --INTC	A	Dividend	J	T					
67. --JNJ	A	Dividend	J	T					
68. --LLTC	A	Dividend	J	T					

1. Income Code Codes:	A = \$1,000 or less	B = \$1,001 - \$2,500	C = \$2,501 - \$5,000	D = \$5,001 - \$15,000	E = \$15,001 - \$50,000
(See Column D1 and D4)	F = \$50,001 - \$100,000	G = \$100,001 - \$1,000,000	H = \$1,000,001 - \$5,000,000	I = More than \$5,000,000	
2 Value Codes:	J = \$15,000 or less	K = \$15,001 - \$50,000	L = \$50,001 - \$100,000	M = \$100,001 - \$250,000	N = \$250,001 - \$500,000
(See Column C1 and C3)	O = \$500,001 - \$1,000,000	P = \$1,000,001 - \$100,000,000	Q = \$100,000,001 - \$500,000,000	R = More than \$500,000,000	
3 Value Method Codes:	Q = Appraisal	R = Cost (Real Estate Only)	S = Agreement	T = Cash Method	
(See Column C2)	U = Book Value	V = Other	W = Estimated		

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Boatberg, James E.

Date of Report

6/17/2010

VII. INVESTMENTS and TRUSTS – income, value, transactions (includes those of spouse and dependent children; see pp. 34-66 of filing instructions.)

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

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
69. --MDT	A	Dividend	J	T					
70. --MSFT	A	Dividend	J	T					
71. --MCO	A	Dividend	J	T					
72. --PG	A	Dividend	J	T					
73. --WAG	A	Dividend	J	T					
74. --WU	A	Dividend	J	T					
75. --Fidelity Municipal Money Market	A	Interest	J	T					
76. Brokerage Account #7 (Trust)									
77. --BRKB		None	K	T					
78. --CSCO		None	J	T					
79. --JNJ	A	Dividend	J	T					
80. --LLTC	A	Dividend	J	T					
81. --MSFT	A	Dividend	J	T					
82. --MCO	A	Dividend	J	T					
83. --PG	A	Dividend	J	T					
84. --WAG	A	Dividend	J	T					
85. --WU	A	Dividend	J	T					

1. Income Gain Codes: (See Columns D1 and D4)	A = \$1,000 or less F = \$10,001 - \$100,000 J = \$10,000 or less (See Columns C1 and C3)	D = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$100,001 - \$1,000,000	I = \$2,501 - \$5,000 H = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P = \$1,000,001 - \$5,000,000	P = \$1,001 - \$15,000 R = \$15,001 - \$50,000 S = \$50,001 - \$100,000 T = \$100,001 - \$500,000 U = \$500,001 - \$1,000,000	E = \$15,001 - \$50,000 V = \$50,001 - \$100,000 W = \$100,001 - \$500,000 X = \$500,001 - \$1,000,000
2. Value Codes: (See Columns C1 and C3)	W = \$10,000 or less X = \$10,001 - \$50,000 Y = \$50,001 - \$100,000 Z = \$100,001 - \$500,000	AA = \$100,001 - \$500,000 AB = \$500,001 - \$1,000,000 AC = \$1,000,001 - \$5,000,000 AD = \$5,000,001 - \$10,000,000	AE = \$10,000 or less AF = \$10,001 - \$50,000 AG = \$50,001 - \$100,000 AH = \$100,001 - \$500,000	AI = \$500,001 - \$1,000,000 AJ = \$1,000,001 - \$5,000,000 AK = \$5,000,001 - \$10,000,000 AL = \$10,000,001 - \$50,000,000	AM = \$50,000,001 - \$100,000,000 AN = \$100,000,001 - \$500,000,000 AO = \$500,000,001 - \$1,000,000,000 AP = \$1,000,000,001 - \$5,000,000,000
3. Value Method Codes: (See Columns C7)	Q = Appraisal U = Broker Value	R = Cost (Real Estate Only) V = Other	S = Amortized W = Encumbered	T = Cash Market	

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Boasberg, James E.

Date of Report

6/17/2010

VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-40 of filing instructions.)

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

A Description of Assets (including trust assets) Place "X" after each asset except from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
86. --Fidelity Municipal Money Market	A	Interest	J	T					
87. Wells Fargo Bank	A	Interest	K	T					
88. Wells Fargo Bank	A	Interest	J	T					
89. Wells Fargo Bank	A	Interest	J	T					
90. Galaxy Desserts		None	J	W					
91. 705 King St. LLC	C	Interest	L	T					
92. Armstrong Equity Partners		None	L	U					
93. DAG, LLC		None	K	U					
94. DAG II, LLC	D	Distribution	L	U					
95. Continental Billiards, LLP	B	Distribution							
96. Buffalo Billiards (PA), LLP	A	Distribution	J	W					
97. Mackey's, LLP	A	Distribution	J	W					
98. Bedrock Billiards, LLP	A	Distribution	J	W					
99. Buffalo Billiards, LLP	D	Distribution	J	W					
100. Carpool, LLP	D	Distribution	K	W					
101. Buffalo Billiards (TN), LLP		None	J	W					
102. Buffalo Billiards (TX), LLP	A	Distribution	J	W					

1. Income Code (See Column B1 and D4)	A = \$1,000 or less F = \$10,001 - \$100,000 J = \$10,000 or less (See Column C1 and D3)	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 Q = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H = \$1,000,001 - \$5,000,000 L = \$10,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$5,000,000	D = \$1,001 - \$15,000 I2 = More than \$1,000,000 M = \$100,001 - \$250,000 P3 = \$2,000,001 - \$25,000,000	E = \$15,001 - \$100,000
2. Value Code (See Column C1 and D3)	N = \$10,001 - \$100,000 P2 = \$25,000,001 - \$50,000,000 Q = Approval (See Column C7)	R = Cash (Real Estate Only) V = Other	S = Appreciated W = Depreciated	T = Cash Account	

FINANCIAL DISCLOSURE REPORT
 Page 10 of 12

Name of Person Reporting Rosenberg, James E.	Date of Report 6/17/2010
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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-68 of filing instructions.)

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

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, etc.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
103.									
104.									
105.									

1. Income: Cash Dividends (See Column B1 and D4)	A = \$1,000 or less F = \$100,001 - \$100,000	B = \$1,001 - \$1,000 G = \$100,001 - \$1,000,000	C = \$1,001 - \$1,000 H = \$1,000,001 - \$5,000,000	D = \$1,001 - \$1,000 I = \$1,000,001 - \$5,000,000	E = \$1,001 - \$1,000 J = \$1,000,001 - \$5,000,000
2. Value: Other (See Column C1 and D3)	I = \$11,000 or less N = \$210,001 - \$100,000	K = \$11,001 - \$100,000 O = \$100,001 - \$1,000,000	L = \$10,001 - \$100,000 P = \$1,000,001 - \$5,000,000	M = \$10,001 - \$100,000 Q = \$1,000,001 - \$5,000,000	R = \$10,001 - \$100,000 S = \$1,000,001 - \$5,000,000
3. Value: Method: Other (See Column C2)	Q = Appraisal U = Book Value	R = Cash (Real Estate Only) V = Other	S = Acquisition W = Estimated	T = Cash Market	

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting	Date of Report
Bousberg, James E.	6/17/2010

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

Section VII -- The trusts listed as brokerage accounts 4-7 are trusts for the benefit of my children. I am not the trustee of any of them.

Section VII -- At line 95, my share of Continental Billiards was sold during the reporting period. I no longer own any interest.

FINANCIAL DISCLOSURE REPORT

Page 12 of 12

Name of Person Reporting	Date of Report
Bousberg, James E.	6/17/2010

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 met applicable statutory provisions permitting non-disclosure.

I further certify that earned income 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. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature _____

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
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) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		162	000	Notes payable to banks-secured			
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities-see schedule	2	092	000	Notes payable to relatives			
Unlisted securities--see schedule		306	000	Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others		75	000	Other unpaid income and interest			
Doubtful				Real estate mortgages payable-personal residence		410	000
Real estate owned- personal residence	1	324	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize: "			
Autos and other personal property		15	000				
Cash value-life insurance							
Other assets itemize:							
				Total liabilities		410	000
				Net Worth	3	564	000
Total Assets	3	974	000	Total liabilities and net worth	3	974	000
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, cosigner or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT
NET WORTH SCHEDULES

Listed Securities

CSCO	\$ 138,959
MSFT	174,150
MCO	89,277
BRKA/B	624,695
WU	35,112
PG	165,000
MDT	64,451
JNJ	151,580
WAG	125,757
INTC	85,680
LLTC	137,004
Vanguard 500 Index	101,000
State Street Equity Index	190,000
Total Listed Securities	<u>\$ 2,082,665</u>

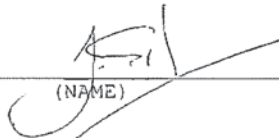
Unlisted Securities

Limited Billiard Partnerships	\$ 100,000
Armstrong Equity Partners	99,976
DAG LP Fund I	18,263
DAG LP Fund II	87,786
Total Unlisted Securities	<u>\$ 306,025</u>

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
(DATE)


(NAME)
Linda Y. Gray
(NOTARY)
My Commission expires
January 31, 2015

**STATEMENT OF AMY BERMAN JACKSON, NOMINATED TO BE
UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CO-
LUMBIA**

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.]

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.

1976 – 1979, Harvard Law School; J.D. (*cum laude*), 1979
1972 – 1976, Harvard College; A.B. (*cum laude*), 1976
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, Baetjer, Howard and Civiletti
575 7th Street, N.W.
Washington, D.C. 20004
Partner (1988 – 1995)
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, Lipfert, Bernhard, and McPherson (since dissolved)
Washington, D.C.
Summer Associate

Summer 1977
Frank, Bernstein, Conoway, 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

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.

Superlawyers – Washington, D.C. (2010)
 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
 Member, Task Force on Jury Initiatives (1995 – 1998)
 Member, Task Force on Children (1993 – 1995)
 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
 Judicial Evaluation Committee (1988 – 1991)
 Chair (1992 – 1994)

Elected Delegate to the ABA House of Delegates (1986 – 1989)
 District of Columbia Women's Bar Association
 Judicial Endorsements Committee (1987 – 1989)
 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.

Assistant United States Attorneys' Association (1985 – 1994 & 2000 – present)
 The Barristers (1987 – 1995, approximate)
 D.C. Rape Crisis Center Board of Directors (1986 – 1989)
 D.C. Spring Valley Restoration Advisory Board (2001 – 2003)
 Hebrew Day Institute Board of Directors (2001 – 2003)

Hexagon, Inc. (1981 – 1986, approximate)
 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 those 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:

6/6/07: Co-author, letter to the editor of USA Today concerning Congressman William J. Jefferson, from Robert Trout, Amy Berman Jackson, and Gloria B. Solomon. Copy supplied.

03/06: "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.

11/1/2004: Co-author, op-ed piece in *The Legal Times*: "Q: Who's Better for Lawyers? A: John Kerry," by Alan I. Baron and Amy Berman Jackson. Copy supplied.

2000: Co-author, "For Parents, By Parents, A Resource Guide." Copy supplied.

4/7/1993: "Bank Fraud: The Institutional Response to a Criminal Investigation," *The Review of Banking and Financial Services*. Copy supplied.

1992: "Cross Examination of an Expert Witness," *The Practical Litigator*, Vol. 3, Number 1, ALI-ABA Jan. 1992. 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.nab.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 Contract Law Annual Federal Procurement Institute. Notes supplied.

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 ICDL 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 White Collar Crime, Fraud. Notes supplied.

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.

1987 – 1994 (approx): D.C. Rape Crisis Center Volunteer Training (annual presentation). Notes supplied.

1987 – 1993 "Dollars and Sense: Recent Developments in Government Contracting" —Fraud, Waste and Abuse Investigations, Venable, Baetjer & Howard/George Mason University School of Law (annual presentation). Notes supplied.

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.

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

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"

6/24/08: Talking Points Memo (Internet Blog), "Did the Feds Really Raid Sweeney's Congressional Office?" at http://tpmmuckraker.talkingpointsinemo.com/2008/06/fbi_told_sweeney_to_prese_rve_c.php (last visited June 15, 2010)

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

6/30/01: Milwaukee Journal Sentinel, "Browner's Computer Wiped Clean by EPA—Came 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"

7/20/80: William Safire, "On Language"

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

2/6/96: 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?"

9/27/95: WUSA-TV (CBS): O.J. Simpson closing arguments

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

5/31/97: CNN "Burden of Proof," Panel Discussion on the Timothy McVeigh Trial

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

11/25/96: CNN "Inside Politics," O.J. Simpson's Second Day on the Witness Stand

7/31/96: CNN "Burden of Proof," Richard Jewell investigation

6/27/96: CNN "Burden of Proof," O.J. Simpson civil trial

4/9/96: CNN "Burden of Proof," More Evidence in the Unabomber Case

2/5/96: CNN "Burden of Proof," O.J. Simpson case - Simpson telephones

2/5/96: CNN, and O.J. Simpson Special Presentation, Part 2

1/15/96: CNN "Burden of Proof," O.J. Simpson verdict

11/8/95: CNN "Burden of Proof," Oklahoma City bomber case

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:

jury trials:	_____ %
bench trials:	_____ % [total 100%]
civil proceedings:	_____ %
criminal proceedings:	_____ % [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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 candidacies you have had for elective office or unsuccessful nominations for appointed office.

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)
Partner (1988 – 1995)

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 multi-district 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:	
administrative agencies:	10%

1986 to 2004: federal courts: 60%
state courts of record: 25%
other courts: 5%
administrative agencies: 10%

1980 to 1986: federal courts: 5%
state courts of record: 95%
other courts:
administrative agencies:

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:
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: *Babbitt, 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 state as to each case:

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

- (1) Representation of Defendant William J. Jefferson in *United States v. Jefferson*, No. 1:07CR209 (E.D. Va.) (T.S. Ellis, III, U.S.D.J.)

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 AUSA Mark D. Lytle and AUSA Rebeca 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:

United States v. Rayburn House Office Building, Room 2113, 497 F.3d 654 (D.C. Cir. 2007), *cert. denied*, 128 S. Ct. 1738 (2008)
In re: Search of the Rayburn House Office Building Room No. 2113, 434 F. Supp.2d 3 (D.D.C. 2006)
United States v. Jefferson, 546 F.3d 300 (4th Cir. 2008), *cert denied* 129 S. Ct. 2383 (2009)
In re Grand Jury Subpoena: John Doe, No. 05GJ1318, 584 F.3d 175 (4th Cir. 2007) (unscaled 2009)
United States v. Jefferson, 615 F. Supp. 2d 448 (E.D. Va. 2009)
United States v. Jefferson, 594 F. Supp. 2d 655 (E.D. Va. 2009)
United States v. Jefferson, 623 F. Supp.2d 678 (E.D. Va. 2009)
United States v. Jefferson, 623 F. Supp.2d 683 (E.D. Va. 2009)
United States v. Jefferson, 571 F. Supp. 2d 696 (E.D. Va. 2008)
United States v. Jefferson, 562 F. Supp. 2d 687 (E.D. Va. 2008), *clarified on denial of reconsideration*, *United States v. Jefferson*, 634 F. Supp.2d 595 (E.D. Va. 2009)
United States v. Jefferson, 562 F. Supp. 2d 719 (E.D. Va. 2008)
United States v. Jefferson, 562 F. Supp. 2d 695 (E.D. Va. 2008)
United States v. Jefferson, 562 F. Supp. 2d 707 (E.D. Va. 2008)
United States v. Jefferson, 534 F. Supp. 2d 645 (E.D. Va. 2008), *aff'd*, *United States v. Jefferson*, 546 F.3d 300 (4th Cir. 2008)
United States v. Jefferson, No. 1:07CR209, 2008 WL 780699 (E.D. Va., Mar. 20, 2008)
United States v. Jefferson, No. 1:07CR209, 2009 WL 2447850 (E.D. Va., Aug. 8, 2009)
United States v. Jefferson, No. 1:07CR209, 2009 WL 2447845 (E.D. Va., Aug. 8, 2009)

- (2) Representation of an investment banker in Enron-related matters: *SEC v. Merrill Lynch & Co. Inc.*, No. H-03-0946 (S.D. Tex.) and *In Re Enron Corp. Securities, Derivative, and ERISA Litigation*, MDL 1446 (S.D. Tex.) (Melissa Harmon, U.S.D.J.)

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 Cacheris, 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. Sec., Derivative & ERISA Litig., 623 F. Supp. 2d 798 (S.D. Tex. 2009)
In re Enron Corp. Sec., Derivative & ERISA Litig., 610 F. Supp. 2d 600 (S.D. Tex. 2009)
In re Enron Corp. Sec., Derivative & ERISA Litig., 586 F. Supp. 2d 732 (S.D. Tex. 2008)
In re Enron Corp. Sec., Derivative & ERISA Litig., 540 F. Supp. 2d 759 (S.D. Tex. 2007)
In re Enron Corp. Sec., Derivative & ERISA Litig., 540 F. Supp. 2d 800 (S.D. Tex. 2007)
In re Enron Corp. Sec., Derivative & ERISA Litig., 491 F. Supp. 2d 690 (S.D. Tex. 2007)
In re Enron Corp. Sec., Derivative & ERISA Litig. 490 F. Supp. 2d 784 (S.D. Tex. 2007)
In re Enron Corp. Securities, 465 F. Supp. 2d 687 (S.D. Tex. 2006)
In re Enron Corp. Sec., Derivative & ERISA Litig., 463 F. Supp. 2d 628 (S.D. Tex. 2006)
In re Enron Corp. Sec., Derivative & ERISA Litig., 439 F. Supp. 2d 692 (S.D. Tex. 2006)
In re Enron Corp. Sec., 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 (5th 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.)
In re Enron Corp. Securities, 529 F. Supp. 2d 644 (S.D. Tex. 2006)
In re Enron Corp. Sec., Derivative & ERISA Litig., 388 F. Supp. 2d 780 (S.D. Tex. 2005)
In re Enron Corp. Sec., Derivative & ERISA Litig., 391 F. Supp. 2d 541 (S.D. Tex. 2005)
In re Enron Corp. Sec., Derivative & ERISA Litig., 229 F.R.D. 126 (S.D. Tex. 2005)
In re Enron Corp. Sec., Derivative & ERISA Litig., 228 F.R.D. 541 (S.D. Tex. 2005)
In re Enron Corp. Sec., Derivative & ERISA Litig., 511 F. Supp. 2d 742 (S.D. Tex. 2005)
In re Enron Corp. Sec., Derivative & ERISA Litig., 314 B.R. 354 (S.D. Tex. 2004)
In re Enron Corp. Sec., Derivative & ERISA Litig., 310 F. Supp. 2d 819 (S.D. Tex. 2004)
In re Enron Corp. Sec., Derivative & ERISA Litig., 284 F. Supp. 2d 511 (S.D. Tex. 2003)
In re Enron Corp. Sec., Derivative & ERISA Litig., 235 F. Supp. 2d 549 (S.D. Tex. 2002)
Newby v. Enron Corp., 188 F. Supp. 2d 684 (S.D. Tex. 2002)

- (3) Representation of Interior Department lawyer in *Cobell v. Norton*, No. 1:96 CV 01285 (D.D.C.) (Royce C. Lamberth, U.S.D.J.)

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. As 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 Richards, Jr., Trout Cacheris, PLLC, 1350 Connecticut Ave., NW, Suite 300, Washington, D.C. 20036, Tel (202) 464-3300; Robert D. Luskin, Patton Boggs, 2550 M Street, N.W., Washington, D.C. 20037, Tel (202) 457-6190; and Dwight Bostwick, Zuckerman, Spaeder, 1800 M Street, N.W., Washington, D.C. 20036, Tel (202) 778 - 1882, 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) 508 - 5844.

Citations:

Cobell v. Norton, 237 F. Supp.2d 71 (D.D.C. 2003)

In re Brooks, 383 F.3d 1036 (D.C. Cir. 2004), *cert. denied*, *Babbitt v. United States District Court for the District of Columbia*, 543 U.S. 1150 (2005).

- (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 Cacheris, PLLC, 1350 Connecticut Ave., NW, Suite 300, Washington, D.C. 20036, Tel (202) 464-3300. Opposing Counsel was Jan I. Berlage, Gohn, Hankey & Stichel, LLP, 201 N. Charles Street, Suite 2101, Baltimore, MD 21202, Tel (410) 752-9300.

Space Technology Development Corp. v. The Boeing Company, 209 Fed.Appx. 236, 2006 WL 3612816 (4th Cir. December 12, 2006).

- (5) Representation of the Commonwealth of Virginia in *Commonwealth v. Campbell*, Cr. No. 89-2067-F-08 (Va. Cir. Ct.) (Hon. William W. Sweeney, J.)

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 Lustig (now deceased); William P. Robinson, Jr. (now deceased); and Anthony Troy, Troutman Sanders, 1001 Haxall Point, Richmond, VA 23219, Tel (804) 697-1318.

- (6) Representation of Defendant in *United States v. Mahoney*, No. 88-0216 (D.D.C.) (Oliver Gasch, U.S.D.J.)

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, 575 7th Street, N.W., Washington, D.C. 20004, Tel (202) 344-8115. Opposing Counsel was AUSA 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)

United States v. Mahoney, No. 88-0216-OG, 1989 WL 7385 (D.D.C. January 26, 1989)

- (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), Carefirst 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, 575 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.

Bunch v. Thompson, 949 F.2d 1354 (4th Cir. 1991), *cert. denied*, 505 U.S. 1230 (1992), *reh'g. denied*, 505 U.S. 1244 (1992)

- (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 F. Treanor, Venable, 575 7th Street, N.W., Washington, D.C. 20004, Tel (202) 344-8115.

- (9) Representation of the United States in *United States v. Jordan*, Crim. No. F-1164-85 (D.C. Sup. Ct.) (Hon. Eugene M. Hamilton, J.)

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) 583-2269.

- (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 organizations(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 his 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 debriefing 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, debriefing 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. Bedewi*. Dr. Bedewi, 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. 2003). In 2000, the plaintiffs brought a Freedom of Information Act action seeking agency records concerning certain proposed regulations. On January 19, 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 dampened 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 Member—2007, 2002, 1998, 1985 – 1990
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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

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 Cacheris, 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 Cacheris 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.

On May 15, 2009, I submitted an application to Congresswoman Eleanor Holmes Norton's District of Columbia Nominating Commission in response to the Commission's public solicitation of applications for the three vacancies on the court. I was interviewed by the Commission on July 3, 2009. The Commission recommended me to the Congresswoman, and she interviewed me on October 8, 2009. The Congresswoman then submitted my name, along with others, to the White House. In early November 2009, I updated my application to the Commission in connection with its announcement of the fourth vacancy on the court. I appeared before the Commission again on January 4, 2010.

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 the 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.

AO 10
Rev. 1/2008FINANCIAL DISCLOSURE REPORT
NOMINATION FILINGReport Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Jackson, Amy U.	2. Court or Organization United States District Court for the District of Columbia	3. Date of Report 06/17/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) District Judge - nominee	5a. Report Type (check appropriate type) <input checked="" type="checkbox"/> Nomination, Due 6/17/2010 <input type="checkbox"/> Initial <input type="checkbox"/> Annual <input type="checkbox"/> Final 5b. <input type="checkbox"/> Amended Report	6. Reporting Period 01/01/2009 to 05/31/2010
7. Chambers or Office Address 1350 Connecticut Avenue Suite 300 Washington, D.C. 20036	8. On the basis of the information contained in this Report and any qualifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	
<p>IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.</p>		

I. POSITIONS. (Reporting individual only; see pp. 9-11 of filing instructions.)

☐ NONE (No reportable positions.)

POSITION	NAME OF ORGANIZATION/ENTITY
1. Member	Trout Cascheris, PLLC
2. Personal Representative	Estate A
3.	
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☐ NONE (No reportable agreements.)

DATE	PARTIES AND TERMS
1. May 2008	Trout Cascheris Amended and Restated Operating Agreement provides for the payout of a withdrawing Member's Capital Account over a three year period. (no control)
2.	
3.	

FINANCIAL DISCLOSURE REPORT
 Page 2 of 15

Name of Person Reporting Jackson, Amy B.	Date of Report 06/17/2010
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III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 17-24 of filing instructions.)

A. Filer's Non-Investment Income
☐ NONE (No reportable non-investment income.)

DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1. 2008	Trout Cachens (law firm partnership income)	\$286,758.00
2. 2009	Trout Cachens (law firm partnership income)	\$212,000.00
3. 2010	Trout Cachens (law firm partnership income)	\$59,364.00
4.		

B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.
 (Dollar amount not required except for honoraria.)

☐ NONE (No reportable non-investment income.)

DATE	SOURCE AND TYPE
1. 2009	U.S. Department of Commerce (salary)
2. 2009	Kelley Drye, LLP (law firm partnership income)
3. 2010	Kelley Drye, LLP (law firm partnership income)
4.	

IV. REIMBURSEMENTS - transportation, lodging, food, entertainment
 (Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

☐ NONE (No reportable reimbursements.)

SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1. Exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT
 Page 3 of 15

Name of Person Reporting Jackson, Amy B.	Date of Report 06/17/2010
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V. GIFTS. (Includes those to spouse and dependent children; see pp. 18-31 of filing instructions.)

☐ NONE (No reportable gifts.)

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. Exempt		
2.		
3.		
4.		
5.		

VI. LIABILITIES. (Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)

☐ NONE (No reportable liabilities.)

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1. Clark University	College tuition 2009 - 10	K
2. Georgetown Day School	Tuition 2009 - 10	K
3. The New School of Northern Virginia	Tuition 2008 - 09	K
4. Georgetown Day School	Tuition 2008 - 09	K
5.		

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Name of Person Reporting Jackson, Amy B.	Date of Report 06/17/2010
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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-48 of filing instructions.)

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

A. Description of Assets (including trust assets) Place "X" after each asset except from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(3) Value Code 2 (J-P)	(4) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Chevy Chase Bank Accounts	A	Interest	K	T	Exempt				
2. Chevy Chase Young Savers Accounts	A	Interest	J	T					
3. CD Chevy Chase, 13 month	A	Interest	J	T					
4. CD Chevy Chase, 13 month	A	Interest	J	T					
5. Trent Cochran Capital Account		None	M	T					
6. FPCIZ	A	Dividend	K	T					
7. GRSPX	B	Distribution	K	T					
8. LCORX	A	Dividend	K	T					
9. MALOX	A	Distribution	K	T					
10. TFSMX	A	Dividend	K	T					
11. BPTRX		None	K	T					
12. FAIRX	A	Dividend	K	T					
13. VFHX	A	Dividend							
14. TGBAX	A	Dividend	K	T					
15. IVAEX	A	Dividend	K	T					
16. GHAAAX		None	K	T					
17. SGENX	A	Dividend	K	T					

1. Income Gain Codes (See Columns B1 and B3)	A = \$1,000 or less F = \$10,001 - \$100,000 J = \$10,000 or less N = \$10,001 - \$500,000 P1 = \$15,000,001 - \$50,000,000 Q = Appraisal W = Real Value	B = \$1,001 - \$2,500 C = \$2,501 - \$10,000 K = \$1,001 - \$50,000 O = \$50,001 - \$1,000,000 R = Cost (Real Estate Only) V = Other	G = \$2,501 - \$5,000 H = \$5,000,001 - \$10,000,000 L = \$10,001 - \$50,000 P2 = \$1,000,001 - \$5,000,000 P3 = More than \$5,000,000 > = Assessed W = Exempted	D = \$5,001 - \$10,000 I2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$10,001 - \$25,000
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FINANCIAL DISCLOSURE REPORT
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 Name of Person Reporting
 Jackson, Amy B.

 Date of Report
 06/17/2010

VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-40 of filing instructions.)

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

A. Description of Assets (including trust assets) Place "X" after each asset except from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. ISTIX		None	K	T					
19. TGLMX	A	Dividend	K	T					
20. RYOTX		None	J	T					
21. BRF	A	Dividend	J	T					
22. RSG	A	Dividend	J	T					
23. HPQ	A	Dividend	J	T					
24. CVX	A	Dividend							
25. GAM+B	A	Dividend	J	T					
26. RVT+B	A	Dividend	J	T					
27. VZ	A	Dividend							
28. ODVYX		None	J	T					
29. MACSX		None	J	T					
30. MSFT	A	Dividend	J	T					
31. GRAIX		None	J	T					
32. PM	A	Dividend	J	T					
33. COP	A	Dividend	J	T					
34. D	A	Dividend							

1. Income Gain Codes (See Columns D1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$1,000,001 - \$500,000 N = \$150,001 - \$500,000 P1 = \$75,000,001 - \$10,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$200,001 - \$1,000,000 R = Cash (Real Estate Only) U = Bank Value V = Other	C = \$2,501 - \$5,000 H = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P2 = \$5,000,001 - \$10,000,000 P4 = More than \$10,000,000 S = Assessment W = Encumbrance	D = \$1,001 - \$15,000 I2 = More than \$5,000,000 M = \$100,001 - \$500,000 P3 = \$5,000,001 - \$10,000,000 T = Cash Market	E = \$15,001 - \$50,000
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FINANCIAL DISCLOSURE REPORT
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 Name of Person Reporting
 Jackson, Amy B.

 Date of Report
 06/17/2010

VII. INVESTMENTS and TRUSTS – Income, value, transactions (Includes those of spouse and dependent children; see pp. 14-40 of filing instructions.)

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

A Description of Assets (including trust assets) Place "XX" after each asset except from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., term, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. DO	A	Dividend							
36. EXPD	A	Dividend	J	T					
37. EXC	A	Dividend							
38. FPL	A	Dividend							
39. TTRZX	A	Dividend	J	T					
40. VGSDX	A	Dividend	K	T					
41. AMB-L	A	Dividend							
42. CGMPX	A	Dividend							
43. CSX	A	Dividend							
44. EMR	A	Dividend							
45. OEF	A	Dividend							
46. VTI	A	Dividend							
47. PHO	A	Dividend							
48. FCV SX	A	Dividend							
49. GTEYZ	A	Dividend							
50. LAALX	A	Dividend							
51. PCRLX	D	Dividend							

1. Income Gain Codes	A = \$1,000 or less F = \$10,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P = \$125,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H = \$1,000,001 - \$1,000,000 L = \$50,001 - \$100,000 Q = \$1,000,001 - \$1,000,000 R = More than \$1,000,000	D = \$5,001 - \$10,000 I = \$100,001 - \$1,000,000 M = \$100,001 - \$250,000 P = \$1,000,001 - \$1,000,000 S = Assessed T = Cash Market	E = \$10,001 - \$50,000 J = \$100,001 - \$1,000,000 N = \$250,001 - \$500,000 P = \$1,000,001 - \$1,000,000 W = Estimated
2. Value Codes (See Columns C1 and C2)					
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other			

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Name of Person Reporting

Jackson, Amy B.

Date of Report

06/17/2010

VII. INVESTMENTS and TRUSTS – Income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

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

A. Description of Assets (including mutual assets) Place "XX" after each asset except from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-I)	(2) Type (e.g., div., rent, or int.)	(3) Value Code 2 (I-P)	(4) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (I-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
52. POF	A	Dividend							
53. TROW	A	Dividend							
54. FMIEEX	A	Dividend							
55. TYG	A	Dividend							
56. JPM-Z	A	Interest							
57. BWF	A	Interest							
58. PNH	A	Interest							
59. MFLDX		None	K	T					
60. PRGFX	A	Dividend	L	T					
61. PRPDX	B	Dividend	L	T					
62. PRWCX	B	Dividend	L	T					
63. PNDIX	B	Dividend	K	T					
64. PTRAX	C	Distribution	L	T					
65. PRRXX	A	Dividend	L	T					
66. Schwab Money Market Fund	A	Interest	J	T					
67. Merrill Lynch Bank Deposit Program	A	Interest	K	T					
68. ISA Wilmington SFS FSB	A	Interest	J	T					

1. Income Gain Codes: (See Column H1 and H12)	A = \$1,000 or less F = \$50,001 - \$100,000 I = \$10,001 - \$50,000 N = \$210,001 - \$500,000 P2 = \$21,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000 R = Cash (Estate Estate Only) V = Other	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$1,000,000 L = \$30,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = Other than \$50,000,000 S = Assumed W = Estimated	D = \$5,001 - \$15,000 I2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000 T = Cash Market	E = \$15,001 - \$50,000
2. Value Codes: (See Column C1 and C2)					
3. Value Method Codes: (See Column C3)	Q = Appraisal U = Book Value				

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Jackson, Amy B.

Date of Report

06/17/2010

VII. INVESTMENTS and TRUSTS -- Income, value, transactions (Includes those of spouse and dependent children; see pp. 34-40 of filing instructions.)

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

A Description of Assets (including trust assets) Place "EX" after each asset except from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div, rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
69. AAPL		None	K	T					
70. BAC	A	Dividend	J	T					
71. BMY	A	Dividend	J	T					
72. CSCO		None	J	T					
73. CMI	A	Dividend	K	T					
74. DIS	A	Dividend	J	T					
75. EMC		None	J	T					
76. GE	A	Dividend	J	T					
77. GOOG		None	J	T					
78. HPQ	A	Dividend	J	T					
79. HD	A	Dividend	J	T					
80. MHS		None	J	T					
81. MRK	A	Dividend	J	T					
82. MDT	A	Dividend	J	T					
83. NGK	A	Dividend	J	T					
84. PG	A	Dividend	K	T					
85. XLU	A	Dividend	K	T					

1. Income Tax Codes (See Columns M and P4)	A = \$1,000 or less F = \$10,001 - \$100,000 J = \$100,001 - \$500,000 N = \$500,001 - \$1,000,000 P = \$1,000,001 - \$5,000,000 Q = \$5,000,001 - \$50,000,000 R = Over \$50,000,000	D = \$1,001 - \$1,500 E = \$1,501 - \$1,999,999 G = \$2,000,000 - \$2,999,999 H = \$3,000,000 - \$3,999,999 I = \$4,000,000 - \$4,999,999 K = \$5,000,000 - \$5,999,999 L = \$6,000,000 - \$6,999,999 M = \$7,000,000 - \$7,999,999 O = \$8,000,000 - \$8,999,999 P = \$9,000,000 - \$9,999,999 Q = \$10,000,000 - \$10,999,999 R = \$11,000,000 - \$11,999,999 S = \$12,000,000 - \$12,999,999 T = \$13,000,000 - \$13,999,999 U = \$14,000,000 - \$14,999,999 V = \$15,000,000 - \$15,999,999 W = \$16,000,000 - \$16,999,999 X = \$17,000,000 - \$17,999,999 Y = \$18,000,000 - \$18,999,999 Z = \$19,000,000 - \$19,999,999 AA = \$20,000,000 - \$20,999,999 AB = \$21,000,000 - \$21,999,999 AC = \$22,000,000 - \$22,999,999 AD = \$23,000,000 - \$23,999,999 AE = \$24,000,000 - \$24,999,999 AF = \$25,000,000 - \$25,999,999 AG = \$26,000,000 - \$26,999,999 AH = \$27,000,000 - \$27,999,999 AI = \$28,000,000 - \$28,999,999 AJ = \$29,000,000 - \$29,999,999 AK = \$30,000,000 - \$30,999,999 AL = \$31,000,000 - \$31,999,999 AM = \$32,000,000 - \$32,999,999 AN = \$33,000,000 - \$33,999,999 AO = \$34,000,000 - \$34,999,999 AP = \$35,000,000 - \$35,999,999 AQ = \$36,000,000 - \$36,999,999 AR = \$37,000,000 - \$37,999,999 AS = \$38,000,000 - \$38,999,999 AT = \$39,000,000 - \$39,999,999 AU = \$40,000,000 - \$40,999,999 AV = \$41,000,000 - \$41,999,999 AW = \$42,000,000 - \$42,999,999 AX = \$43,000,000 - \$43,999,999 AY = \$44,000,000 - \$44,999,999 AZ = \$45,000,000 - \$45,999,999 BA = \$46,000,000 - \$46,999,999 BB = \$47,000,000 - \$47,999,999 BC = \$48,000,000 - \$48,999,999 BD = \$49,000,000 - \$49,999,999 BE = \$50,000,000 - \$50,999,999 BF = \$51,000,000 - \$51,999,999 BG = \$52,000,000 - \$52,999,999 BH = \$53,000,000 - \$53,999,999 BI = \$54,000,000 - \$54,999,999 BJ = \$55,000,000 - \$55,999,999 BK = \$56,000,000 - \$56,999,999 BL = \$57,000,000 - \$57,999,999 BM = \$58,000,000 - \$58,999,999 BN = \$59,000,000 - \$59,999,999 BO = \$60,000,000 - \$60,999,999 BP = \$61,000,000 - \$61,999,999 BQ = \$62,000,000 - \$62,999,999 BR = \$63,000,000 - \$63,999,999 BS = \$64,000,000 - \$64,999,999 BT = \$65,000,000 - \$65,999,999 BU = \$66,000,000 - \$66,999,999 BV = \$67,000,000 - \$67,999,999 BW = \$68,000,000 - \$68,999,999 BX = \$69,000,000 - \$69,999,999 BY = \$70,000,000 - \$70,999,999 BZ = \$71,000,000 - \$71,999,999 CA = \$72,000,000 - \$72,999,999 CB = \$73,000,000 - \$73,999,999 CC = \$74,000,000 - \$74,999,999 CD = \$75,000,000 - \$75,999,999 CE = \$76,000,000 - \$76,999,999 CF = \$77,000,000 - \$77,999,999 CG = \$78,000,000 - \$78,999,999 CH = \$79,000,000 - \$79,999,999 CI = \$80,000,000 - \$80,999,999 CJ = \$81,000,000 - \$81,999,999 CK = \$82,000,000 - \$82,999,999 CL = \$83,000,000 - \$83,999,999 CM = \$84,000,000 - \$84,999,999 CN = \$85,000,000 - \$85,999,999 CO = \$86,000,000 - \$86,999,999 CP = \$87,000,000 - \$87,999,999 CQ = \$88,000,000 - \$88,999,999 CR = \$89,000,000 - \$89,999,999 CS = \$90,000,000 - \$90,999,999 CT = \$91,000,000 - \$91,999,999 CU = \$92,000,000 - \$92,999,999 CV = \$93,000,000 - \$93,999,999 CW = \$94,000,000 - \$94,999,999 CX = \$95,000,000 - \$95,999,999 CY = \$96,000,000 - \$96,999,999 CZ = \$97,000,000 - \$97,999,999 DA = \$98,000,000 - \$98,999,999 DB = \$99,000,000 - \$99,999,999 DC = \$100,000,000 - \$100,999,999 DD = \$101,000,000 - \$101,999,999 DE = \$102,000,000 - \$102,999,999 DF = \$103,000,000 - \$103,999,999 DG = \$104,000,000 - \$104,999,999 DH = \$105,000,000 - \$105,999,999 DI = \$106,000,000 - \$106,999,999 DJ = \$107,000,000 - \$107,999,999 DK = \$108,000,000 - \$108,999,999 DL = \$109,000,000 - \$109,999,999 DM = \$110,000,000 - \$110,999,999 DN = \$111,000,000 - \$111,999,999 DO = \$112,000,000 - \$112,999,999 DP = \$113,000,000 - \$113,999,999 DQ = \$114,000,000 - \$114,999,999 DR = \$115,000,000 - \$115,999,999 DS = \$116,000,000 - \$116,999,999 DT = \$117,000,000 - \$117,999,999 DU = \$118,000,000 - \$118,999,999 DV = \$119,000,000 - \$119,999,999 DW = \$120,000,000 - \$120,999,999 DX = \$121,000,000 - \$121,999,999 DY = \$122,000,000 - \$122,999,999 DZ = \$123,000,000 - \$123,999,999 EA = \$124,000,000 - \$124,999,999 EB = \$125,000,000 - \$125,999,999 EC = \$126,000,000 - \$126,999,999 ED = \$127,000,000 - \$127,999,999 EE = \$128,000,000 - \$128,999,999 EF = \$129,000,000 - \$129,999,999 EG = \$130,000,000 - \$130,999,999 EH = \$131,000,000 - \$131,999,999 EI = \$132,000,000 - \$132,999,999 EJ = \$133,000,000 - \$133,999,999 EK = \$134,000,000 - \$134,999,999 EL = \$135,000,000 - \$135,999,999 EM = \$136,000,000 - \$136,999,999 EN = \$137,000,000 - \$137,999,999 EO = \$138,000,000 - \$138,999,999 EP = \$139,000,000 - \$139,999,999 EQ = \$140,000,000 - \$140,999,999 ER = \$141,000,000 - \$141,999,999 ES = \$142,000,000 - \$142,999,999 ET = \$143,000,000 - \$143,999,999 EU = \$144,000,000 - \$144,999,999 EV = \$145,000,000 - \$145,999,999 EW = \$146,000,000 - \$146,999,999 EX = \$147,000,000 - \$147,999,999 EY = \$148,000,000 - \$148,999,999 EZ = \$149,000,000 - \$149,999,999 FA = \$150,000,000 - \$150,999,999 FB = \$151,000,000 - \$151,999,999 FC = \$152,000,000 - \$152,999,999 FD = \$153,000,000 - \$153,999,999 FE = \$154,000,000 - \$154,999,999 FF = \$155,000,000 - \$155,999,999 FG = \$156,000,000 - \$156,999,999 FH = \$157,000,000 - \$157,999,999 FI = \$158,000,000 - \$158,999,999 FJ = \$159,000,000 - \$159,999,999 FK = \$160,000,000 - \$160,999,999 FL = \$161,000,000 - \$161,999,999 FM = \$162,000,000 - \$162,999,999 FN = \$163,000,000 - \$163,999,999 FO = \$164,000,000 - \$164,999,999 FP = \$165,000,000 - \$165,999,999 FQ = \$166,000,000 - \$166,999,999 FR = \$167,000,000 - \$167,999,999 FS = \$168,000,000 - \$168,999,999 FT = \$169,000,000 - \$169,999,999 FU = \$170,000,000 - \$170,999,999 FV = \$171,000,000 - \$171,999,999 FW = \$172,000,000 - \$172,999,999 FX = \$173,000,000 - \$173,999,999 FY = \$174,000,000 - \$174,999,999 FZ = \$175,000,000 - \$175,999,999 GA = \$176,000,000 - \$176,999,999 GB = \$177,000,000 - \$177,999,999 GC = \$178,000,000 - \$178,999,999 GD = \$179,000,000 - \$179,999,999 GE = \$180,000,000 - \$180,999,999 GF = \$181,000,000 - \$181,999,999 GG = \$182,000,000 - \$182,999,999 GH = \$183,000,000 - \$183,999,999 GI = \$184,000,000 - \$184,999,999 GJ = \$185,000,000 - \$185,999,999 GK = \$186,000,000 - \$186,999,999 GL = \$187,000,000 - \$187,999,999 GM = \$188,000,000 - \$188,999,999 GN = \$189,000,000 - \$189,999,999 GO = \$190,000,000 - \$190,999,999 GP = \$191,000,000 - \$191,999,999 GQ = \$192,000,000 - \$192,999,999 GR = \$193,000,000 - \$193,999,999 GS = \$194,000,000 - \$194,999,999 GT = \$195,000,000 - \$195,999,999 GU = \$196,000,000 - \$196,999,999 GV = \$197,000,000 - \$197,999,999 GW = \$198,000,000 - \$198,999,999 GX = \$199,000,000 - \$199,999,999 GY = \$200,000,000 - \$200,999,999 GZ = \$201,000,000 - \$201,999,999 HA = \$202,000,000 - \$202,999,999 HB = \$203,000,000 - \$203,999,999 HC = \$204,000,000 - \$204,999,999 HD = \$205,000,000 - \$205,999,999 HE = \$206,000,000 - \$206,999,999 HF = \$207,000,000 - \$207,999,999 HG = \$208,000,000 - \$208,999,999 HH = \$209,000,000 - \$209,999,999 HI = \$210,000,000 - \$210,999,999 HJ = \$211,000,000 - \$211,999,999 HK = \$212,000,000 - \$212,999,999 HL = \$213,000,000 - \$213,999,999 HM = \$214,000,000 - \$214,999,999 HN = \$215,000,000 - \$215,999,999 HO = \$216,000,000 - \$216,999,999 HP = \$217,000,000 - \$217,999,999 HQ = \$218,000,000 - \$218,999,999 HR = \$219,000,000 - \$219,999,999 HS = \$220,000,000 - \$220,999,999 HT = \$221,000,000 - \$221,999,999 HU = \$222,000,000 - \$222,999,999 HV = \$223,000,000 - \$223,999,999 HW = \$224,000,000 - \$224,999,999 HX = \$225,000,000 - \$225,999,999 HY = \$226,000,000 - \$226,999,999 HZ = \$227,000,000 - \$227,999,999 IA = \$228,000,000 - \$228,999,999 IB = \$229,000,000 - \$229,999,999 IC = \$230,000,000 - \$230,999,999 ID = \$231,000,000 - \$231,999,999 IE = \$232,000,000 - \$232,999,999 IF = \$233,000,000 - \$233,999,999 IG = \$234,000,000 - \$234,999,999 IH = \$235,000,000 - \$235,999,999 II = \$236,000,000 - \$236,999,999 IJ = \$237,000,000 - \$237,999,999 IK = \$238,000,000 - \$238,999,999 IL = \$239,000,000 - \$239,999,999 IM = \$240,000,000 - \$240,999,999 IN = \$241,000,000 - \$241,999,999 IO = \$242,000,000 - \$242,999,999 IP = \$243,000,000 - \$243,999,999 IQ = \$244,000,000 - \$244,999,999 IR = \$245,000,000 - \$245,999,999 IS = \$246,000,000 - \$246,999,999 IT = \$247,000,000 - \$247,999,999 IU = \$248,000,000 - \$248,999,999 IV = \$249,000,000 - \$249,999,999 IW = \$250,000,000 - \$250,999,999 IX = \$251,000,000 - \$251,999,999 IY = \$252,000,000 - \$252,999,999 IZ = \$253,000,000 - \$253,999,999 JA = \$254,000,000 - \$254,999,999 JB = \$255,000,000 - \$255,999,999 JC = \$256,000,000 - \$256,999,999 JD = \$257,000,000 - \$257,999,999 JE = \$258,000,000 - \$258,999,999 JF = \$259,000,000 - \$259,999,999 JG = \$260,000,000 - \$260,999,999 JH = \$261,000,000 - \$261,999,999 JI = \$262,000,000 - \$262,999,999 JJ = \$263,000,000 - \$263,999,999 JK = \$264,000,000 - \$264,999,999 JL = \$265,000,000 - \$265,999,999 JM = \$266,000,000 - \$266,999,999 JN = \$267,000,000 - \$267,999,999 JO = \$268,000,000 - \$268,999,999 JP = \$269,000,000 - \$269,999,999 JQ = \$270,000,000 - \$270,999,999 JR = \$271,000,000 - \$271,999,999 JS = \$272,000,000 - \$272,999,999 JT = \$273,000,000 - \$273,999,999 JU = \$274,000,000 - \$274,999,999 JV = \$275,000,000 - \$275,999,999 JW = \$276,000,000 - \$276,999,999 JX = \$277,000,000 - \$277,999,999 JY = \$278,000,000 - \$278,999,999 JZ = \$279,000,000 - \$279,999,999 KA = \$280,000,000 - \$280,999,999 KB = \$281,000,000 - \$281,999,999 KC = \$282,000,000 - \$282,999,999 KD = \$283,000,000 - \$283,999,999 KE = \$284,000,000 - \$284,999,999 KF = \$285,000,000 - \$285,999,999 KG = \$286,000,000 - \$286,999,999 KH = \$287,000,000 - \$287,999,999 KI = \$288,000,000 - \$288,999,999 KJ = \$289,000,000 - \$289,999,999 KK = \$290,000,000 - \$290,999,999 KL = \$291,000,000 - \$291,999,999 KM = \$292,000,000 - \$292,999,999 KN = \$293,000,000 - \$293,999,999 KO = \$294,000,000 - \$294,999,999 KP = \$295,000,000 - \$295,999,999 KQ = \$296,000,000 - \$296,999,999 KR = \$297,000,000 - \$297,999,999 KS = \$298,000,000 - \$298,999,999 KT = \$299,000,000 - \$299,999,999 KU = \$300,000,000 - \$300,999,999 KV = \$301,000,000 - \$301,999,999 KW = \$302,000,000 - \$302,999,999 KX = \$303,000,000 - \$303,999,999 KY = \$304,000,000 - \$304,999,999 KZ = \$305,000,000 - \$305,999,999 LA = \$306,000,000 - \$306,999,999 LB = \$307,000,000 - \$307,999,999 LC = \$308,000,000 - \$308,999,999 LD = \$309,000,000 - \$309,999,999 LE = \$310,000,000 - \$310,999,999 LF = \$311,000,000 - \$311,999,999 LG = \$312,000,000 - \$312,999,999 LH = \$313,000,000 - \$313,999,999 LI = \$314,000,000 - \$314,999,999 LJ = \$315,000,000 - \$315,999,999 LK = \$316,000,000 - \$316,999,999 LL = \$317,000,000 - \$317,999,999 LM = \$318,000,000 - \$318,999,999 LN = \$319,000,000 - \$319,999,999 LO = \$320,000,000 - \$320,999,999 LP = \$321,000,000 - \$321,999,999 LQ = \$322,000,000 - \$322,999,999 LR = \$323,000,000 - \$323,999,999 LS = \$324,000,000 - \$324,999,999 LT = \$325,000,000 - \$325,999,999 LU = \$326,000,000 - \$326,999,999 LV = \$327,000,000 - \$327,999,999 LW = \$328,000,000 - \$328,999,999 LX = \$329,000,000 - \$329,999,999 LY = \$330,000,000 - \$330,999,999 LZ = \$331,000,000 - \$331,999,999 MA = \$332,000,000 - \$332,999,999 MB = \$333,000,000 - \$333,999,999 MC = \$334,000,000 - \$334,999,999 MD = \$335,000,000 - \$335,999,999 ME = \$336,000,000 - \$336,999,999 MF = \$337,000,000 - \$337,999,999 MG = \$338,000,000 - \$338,999,999 MH = \$339,000,000 - \$339,999,999 MI = \$340,000,000 - \$340,999,999 MJ = \$341,000,000 - \$341,999,999 MK = \$342,000,000 - \$342,999,999 ML = \$343,000,000 - \$343,999,999 MM = \$344,000,000 - \$344,999,999 MN = \$345,000,000 - \$345,999,999 MO = \$346,000,000 - \$346,999,999 MP = \$347,000,000 - \$347,999,999 MQ = \$348,000,000 - \$348,999,999 MR = \$349,000,000 - \$349,999,999 MS = \$350,000,000 - \$350,999,999 MT = \$351,000,000 - \$351,999,999 MU = \$352,000,000 - \$352,999,999 MV = \$353,000,000 - \$353,999,999 MW = \$354,000,000 - \$354,999,999 MX = \$355,000,000 - \$355,999,999 MY = \$356,000,000 - \$356,999,999 MZ = \$357,000,000 - \$357,999,999 NA = \$358,000,000 - \$358,999,999 NB = \$359,000,000 - \$359,999,999 NC = \$360,000,000 - \$360,999,999 ND = \$361,000,000 - \$361,999,999 NE = \$362,000,000 - \$362,999,999 NF = \$363,000,000 - \$363,999,999 NG = \$364,000,000 - \$364,999,999 NH = \$365,000,000 - \$365,999,999 NI = \$366,000,000 - \$366,99
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FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Jackson, Amy D.

Date of Report

06/17/2010

VII. INVESTMENTS and TRUSTS - Income, value, transactions (Includes those of spouse and dependent children; see pp. 34-40 of filing instructions.)

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

A. Description of Assets (including trust assets) Place "XX" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, ex int.)	(3) Value Code 2 (J-P)	(4) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 4 (J-P)	(4) Gain Code 4 (A-H)	(5) Identity of buyer/seller (if private transaction)
86. TGT	A	Dividend	J	T					
87. TWX	A	Dividend	J	T					
88. UPS	A	Dividend	K	T					
89. IAXX - FIA CARD SVS NA RASP MO NEY MKT	A	Interest	J	T					
90. MLRAX - Ready Assets Prime Money Mar ket	A	Interest	J	T					
91. FERCX		None	J	T					
92. FBTCX		None	J	T					
93. HWLCX	A	Dividend	J	T					
94. BACPRC	A	Dividend	J	T					
95. RFC17A		None	K	T					
96. MDEGX	A	Dividend	J	T					
97. DEGCX		None	J	T					
98. ECHSX		None	J	T					
99. FAVCX		None	J	T					
100. Ameriprise	A	Dividend							
101. BA	A	Dividend	J	T					
102. CAT	A	Dividend	J	T					

1. Income Gain Codes (See Columns D1 and D4)	A = \$1,000 or less F = \$10,001 - \$100,000	B = \$1,001 - \$2,000 G = \$2,001 - \$10,000	C = \$2,001 - \$5,000 H = \$5,001 - \$10,000	D = \$5,001 - \$10,000 I = \$10,001 - \$25,000	E = \$10,001 - \$25,000
2. Value Codes (See Columns C1 and C3)	F = \$15,000 or less N = \$250,001 - \$500,000 P = \$250,001 - \$500,000	G = \$15,001 - \$50,000 O = \$50,001 - \$100,000 Q = \$100,001 - \$250,000	H = \$50,001 - \$100,000 R = Cash (Real Estate Only) V = Other	I = \$100,001 - \$250,000 P = \$250,001 - \$500,000 S = Assessed W = Estimated	J = \$250,001 - \$500,000 Q = \$500,001 - \$1,000,000 T = Cash Market
3. Value Method Codes (See Column C2)	O = Appraisal U = Book Value				

FINANCIAL DISCLOSURE REPORT
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 Name of Person Reporting
 Jackson, Amy B.

 Date of Report
 06/17/2010

VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-48 of filing instructions.)

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

A. Description of Assets (including trust assets) Place "X" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(3) Value Code 2 (J-P)	(4) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month- Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
103. COV	A	Dividend							
104. KO	A	Dividend	J	T					
105. JNJ	A	Dividend	K	T					
106. ORCC		None	J	T					
107. PRU	A	Dividend	J	T					
108. PEP	A	Dividend	J	T					
109. VZ	A	Dividend	J	T					
110. BRKD		None	J	T					
111. BRECX	A	Dividend	J	T					
112. RDSA	A	Dividend	J	T					
113. Tyco	A	Dividend							
114. CD American Express	A	Interest							
115. CD Wilmington	A	Interest							
116. KO	A	Dividend							
117. PG	B	Dividend							
118. FAOCY	A	Dividend							
119. CIT Superior Bank	A	Dividend							

1. Income Tax Codes (See Columns B1 and D1)	A = \$1,000 or less F = \$10,001 - \$100,000	B = \$1,001 - \$2,500 G = \$10,001 - \$100,000	C = \$2,501 - \$5,000 H = \$10,001 - \$100,000	D = \$5,001 - \$15,000 I = \$15,001 - \$50,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D1)	J = \$15,000 or less N = \$250,001 - \$500,000	K = \$15,001 - \$50,000 O = \$150,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$15,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (First Basis Only) V = Other	S = Assessed W = Estimated	T = Cash Market	

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 Name of Person Reporting
 Jackson, Amy B.

 Date of Report
 06/17/2010

VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 14-60 of filing instructions.)

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

A Description of Assets (including trust assets) Place "X" after each asset except from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1) Amount Code 1 (A-I)	(2) Type (e.g., div., incr., or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 3 (A-H)	(5) Identity of buyer/seller (if private transaction)
120. CD Bank of America	A	Dividend							
121. CD Wilmington	A	Dividend							
122. CD American Express	A	Dividend							
123. CD Wilmington	A	Dividend							
124. CD SUPERIOR BANK BIRMINGHAM, AL 00.550% JUN 23 2010	A	Interest	J	T					
125. CD BANK OF AMERICA NA CHARLOTTE, NC 00.900% SEP 30 2010	A	Interest	J	T					
126. CD Best Bank, SSD 3.00%, Oct 13 2010	A	Interest	K	T					
127. CD Johnson Bank 1.250% Jun 7 2010	A	Interest	K	T					
128. COP	A	Dividend							
129. DIS	A	Dividend							
130. GE	A	Dividend							
131. CWGCX	A	Dividend							
132. INTL	A	Dividend							
133. TROW	A	Dividend							
134. T	A	Dividend							
135. C	A	Dividend							
136. PFE	A	Dividend							

1. Income Gain Codes (See Columns D1 and D4)	A = \$1,000 or less F = \$10,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H = \$5,000,001 - \$1,000,000	D = \$5,001 - \$15,000 I = \$15,000,001 - \$50,000,000	E = \$15,001 - \$50,000 J = \$50,000,001 - \$100,000,000
2. Value Codes (See Columns C1 and D3)	F = \$15,000 or less N = \$250,001 - \$500,000 Q = \$15,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000 R = \$1,000,001 - \$5,000,000	L = \$5,001 - \$100,000 P = \$1,000,001 - \$5,000,000 S = More than \$5,000,000	M = \$100,001 - \$250,000 T = \$250,001 - \$500,000 U = \$500,001 - \$1,000,000	V = \$1,000,001 - \$5,000,000 W = \$5,000,001 - \$10,000,000 X = More than \$10,000,000
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessed W = Estimated	T = Cash Market	

FINANCIAL DISCLOSURE REPORT
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 Name of Person Reporting
 Jackson, Amy B.

 Date of Report
 05/17/2010

VII. INVESTMENTS and TRUSTS — income, value, transactions (Includes those of spouse and dependent children; see pp. 34-48 of filing instructions.)

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

A Description of Assets (including trust assets) Place "X" after each asset exempt from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1) Amount Code I (A-I)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-I)	(5) Identity of buyer/seller (if private transaction)
137. CD SUPERIOR BANK BIRMINGHAM, AL 00.550% JUN 23 2010	A	Interest	K	T					
138. CD BANK OF AMERICA NA CHARLOTTE, NC 00.250% JUNE 16 2010	A	Interest	K	T					
139. CD BANK OF AMERICA NA CHARLOTTE, NC 00.900% SEP 30 2010	A	Interest	J	T					
140. CD Beal Bank Nevada .300% Oct 13 2010	A	Interest	K	T					
141. DD	A	Dividend	J	T					
142. EMC		None	J	T					
143. PG	A	Dividend	J	T					
144. Motorola	A	Dividend							
145. MCLOX	A	Dividend	K	T					
146. MDFGX	A	Dividend	J	T					
147. FNICX		None	K	T					
148. CSTGX	A	Dividend	J	T					
149. FDGIX	A	Int./Div.	J	T					
150. FSMAX	A	Int./Div.	J	T					
151. FFFDX	A	Int./Div.	K	T					
152. FBIDX	A	Int./Div.	J	T					
153. FIDMGD INC PORT	A	Int./Div.	J	T					

1. Income Gain Codes (See Columns B1 and D1)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$1,500,001 or less K = \$250,001 - \$500,000 P1 = \$25,000,001 - \$50,000,000 Q = Approx. U = Book Value	B = \$1,001 - \$1,500 G = \$10,001 - \$1,000,000 K = \$4,500 - \$52,000 O = \$500,001 - \$1,000,000 R = Cash (Real Estate Only) V = Other	C = \$1,001 - \$5,000 H = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$1,000,000 P4 = More than \$50,000,000 S = Agreement W = Estimated	D = \$1,001 - \$10,000 M = \$100,001 - \$250,000 N = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000 T = Cash Market	E = \$15,001 - \$50,000
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Name of Person Reporting Jackson, Amy R.	Date of Report 06/17/2010
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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

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

A Description of Assets (including trust assets) Place "X" after each asset except those prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (I-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month- Day	(3) Value Code 2 (I-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
154. DC College Savings Plan 529 Account - A		None	K	T					
155. DC College Savings Plan 529 Account - B		None	K	T					
156. State of Israel Bonds	C	Interest	L	T					
157. Wachovia Bank - joint account with parent	C	Interest	M	T					
158. ASSETS IN ESTATE A.									
159. Cash in Schwab account	A	Interest	J	T					
160. Fed Home Lm Mgt Corp; Mar:5/15/2024	C	Interest	L	T					
161. GMAC BK Midvale Utah; Mar: 2/25/2011	A	Interest	L	T					
162. Sallie Mae BK Murray Utah; Mar:8/13/2009	B	Interest	K	T					
163. Schwab Charles Family FD	A	Dividend	M	T					

1. Income Code:	A = \$1,000 or less (See Columns B1 and D1)	B = \$1,001 - \$2,500 C = \$2,501 - \$5,000	D = \$5,001 - \$15,000 E = \$15,001 - \$50,000	F = \$50,001 - \$100,000
2. Value Code:	F = \$15,000 or less (See Columns C1 and D1)	G = \$15,001 - \$50,000 H = \$50,001 - \$100,000	I = \$100,001 - \$250,000 J = \$250,001 - \$500,000	K = \$500,001 - \$1,000,000 L = \$1,000,001 - \$5,000,000
3. Value Method Code:	Q = Appraisal (See Column C1)	R = Fair (Real Estate Only) W = Other	S = Assessment W = Estimated	T = Cash Market

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting	Date of Report
Jackson, Amy B.	06/17/2010

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

With respect to the assets in Estate A, for which I am personal representative, listed in Part VII, Investments and Trusts, lines 159 - 163, the income figures reflect only the period for which I was personal representative: September 2009 to May 31, 2010 -- and not the period from January through August 2009, when the deceased was still alive and I had no control over or beneficial interest in the assets.

FINANCIAL DISCLOSURE REPORT

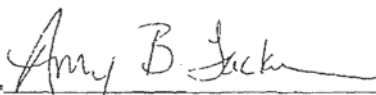
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Name of Person Reporting	Date of Report
Jackson, Amy B.	06/17/2010

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 met applicable statutory provisions permitting non-disclosure.

I further certify that earned income 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. app. § 501 et. seq., 5 U.S.C. § 7352, and Judicial Conference regulations.

Signature 

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

Amy Jackson

**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) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		186	430	Notes payable to banks-secured			
U.S. Government securities-Series EE bonds		2	000	Notes payable to banks-unsecured			
Listed securities-see schedule	1	329	077	Notes payable to relatives			
Unlisted securities-see schedule		146	176	Notes payable to others			
Accounts and notes receivable:				Accounts and bills due		15	000
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgage-- personal residence		468	148
Real estate owned--see schedule	1	730	600	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		27	600				
Cash value-life insurance							
Other assets itemize:							
State of Israel Bonds		55	351				
529 Accounts		83	965				
Trout Caehers capital account and undistributed 2009 earnings		147	420	Total liabilities		483	148
Account owned jointly with parent		111	165	Net Worth	3	336	636
Total Assets	3	819	784	Total liabilities and net worth	3	819	784
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Provision for Federal Income Tax				Have you ever taken bankruptcy?	No		

FINANCIAL STATEMENT
NET WORTH SCHEDULES

Listed Securities

AAPL	\$25,688
BA	6,418
BAC	1,574
BACPRC	1,113
BMV	2,321
BREX	10,343
BRKB	14,110
CAT	12,152
CMI	27,192
CSCO	2,895
CSTGX	3,337
DD	3,002
DIS	6,684
ECHSX	5,212
EMC	10,985
FAVCX	4,867
FBTCX	4,856
FERCX	6,660
FNICX	16,276
GE	2,043
GOOG	14,568
HD	5,079
HPQ	9,202
HWLCX	7,135
JNJ	18,947
KO	7,710
MCLOX	18,306
MDFGX	11,040
MDT	5,877
MHS	1,383
MLRAX	5,322
MRK	3,369
NOK	6,072
OEGCX	9,763
ORCC	2,155
PEP	12,578
PG	36,043
PRU	11,542
RDSA	5,606
RFC17A	36,386
TGT	9,542

|

TWX	1,239
UPS	19,769
VZ	2,807
XLU	18,981
FPC1Z	44,010
GRSPX	42,759
LCORX	30,169
MALOX	30,094
TFSMX	25,181
BPTRX	24,044
FAIRX	23,113
VSGBX	17,618
TTRZX	10,499
MFLDX	25,518
VFIIX	21,933
TGBAX	20,697
IVAEX	28,278
GHAAX	15,084
SGENX	15,251
ISTIX	19,766
TGLMX	23,905
RYOTX	12,335
BRF	10,660
RSG	10,920
HPQ	6,902
GAM+B	7,518
RVTPR+B	7,503
ODVYX	6,988
MACSX	6,982
MSFT	5,160
GHAIX	12,363
PM	4,412
COP	5,186
EXPD	4,780
PRGFX	85,067
PRFDX	90,464
PRWCX	64,181
PBDIX	33,890
PTRAX	53,518
FDGRX	4,585
FFFDX	15,950
FSMAX	4,469
FBIDX	5,537
FID MGD INC PORT	3,627
Total Listed Securities	<u>\$1,329,065</u>

Unlisted Securities

CD JOHNSON BANK 1.250% JUN 07 2010	\$25,000
CD SUPERIOR BANK BIRMINGHAM, AL 00.550% JUNE 23 2010	9,996
CD SUPERIOR BANK BIRMINGHAM, AL 00.550% JUN 23 2010	19,992
CD BANK OF AMERICA 2.50% JUN 16 2010	19,992
CD BANK OF AMERICA NA CHARLOTTE, NC 00.900% SEP 30 2010	4,994
CD BANK OF AMERICA NA CHARLOTTE, NC 00.900% SEP 30 2010	4,994
CD BEAL BANK, SSB .300% OCT 13 2010	24,936
CD BEAL BANK NEVADA .300% OCT 13 2010	24,936
CD CHEVY CHASE BANK, 13 MONTH	5,789
CD CHEVY CHASE BANK, 13 MONTH	5,547
Total Unlisted Securities	<u>\$146,176</u>

Real Estate Owned

Personal residence	\$1,720,600
Vacation Time Share	10,000
Total Real Estate Owned	<u>\$1,730,600</u>

AFFIDAVIT

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

June 16, 2010
(DATE)

Amy Berman Jackson
(NAME)

Sharyn M. Eljerbe
(NOTARY)

Sharyn M. Eljerbe
Notary Public, District of Columbia
My Commission Expires 11/14/2011

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

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Myerscough, Sue E.	2. Court or Organization U.S. District Court, Central District of Illinois	3. Date of Report 06/14/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) District Court Judge, Nominee	5a. Report Type (check appropriate type) <input checked="" type="checkbox"/> Nomination, Date 6/17/2010 <input type="checkbox"/> Initial <input type="checkbox"/> Annual <input type="checkbox"/> Final 5b. <input type="checkbox"/> Amended Report	6. Reporting Period 01/01/2009 to 05/31/2010
7. Chambers or Office Address U.S. Courthouse 600 E. Monroe St. Springfield, IL 62701	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	

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

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☒ NONE (No reportable positions.)

POSITION	NAME OF ORGANIZATION/ENTITY
1.	
2.	
3.	
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☐ NONE (No reportable agreements.)

DATE	PARTIES AND TERMS
1. 2010	Judges Retirement System, State of Illinois - no control
2.	
3.	

FINANCIAL DISCLOSURE REPORT
 Page 2 of 6

Name of Person Reporting	Date of Report
Myerscough, Sue E.	06/14/2010

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*
A. Filer's Non-Investment Income
☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2008	State of Illinois, Appellate Judge salary	\$154,373.00
2. 2009	State of Illinois, Appellate Judge salary	\$161,950.00
3. 2010	State of Illinois, Appellate Judge salary	\$64,185.74
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.
(Dollar amount not required except for honoraria.)*
☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2009-2010	Livingstone, Mueller, O'Brien & Davlin, P.C. Law Firm, salary
2.	
3.	
4.	

IV. REIMBURSEMENTS - *transportation, lodging, food, entertainment.
(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*
☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT
 Page 3 of 6

Name of Person Reporting	Date of Report
Myerscough, Sue E.	06/14/2010

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*
☐ NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. Exempt			
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*
☒ NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.			
2.			
3.			
4.			
5.			

FINANCIAL DISCLOSURE REPORT

Page 4 of 6

Name of Person Reporting

Myerscough, Sue E.

Date of Report

06/14/2010

VII. INVESTMENTS and TRUSTS — income, value, transactions (Includes those of spouse and dependent children; see pp. 34-40 of filing instructions.)

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

A. Description of Assets (including trust assets) Place "X" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or inc.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Prairie State Bank Accounts		C Interest	M	T					
2. American General Annuity - A		A Interest	K	T					
3. American General Annuity - B		A Interest	K	T					
4. T. Rowe Price 2015 Target Fund		D Int./Div.	M	T					
5. IRA #1		A Int./Div.	J	T					
6. - Merrill Lynch Cash Retirement Reserve CSI									
7. - Merrill Lynch Blackrock Global Allocation Fd. Inc. A									
8. IRA #2		A Int./Div.	K	T					
9. - Merrill Lynch Blackrock Global Allocation Fd. Inc. A									
10. - Merrill Lynch Blackrock Global Natural Resource Trust A									
11. Country Life Whole Life		A Interest	J	T					
12. Equitable Whole Life		A Interest	K	T					
13. Nationwide Whole Life		B Int./Div.	J	T					
14. Judges Retirement System, State of Illinois (no control)		A Interest	M	T					
15.									
16.									
17.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less (See Columns C1 and D3)	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value				

FINANCIAL DISCLOSURE REPORT
 Page 5 of 6

Name of Person Reporting	Date of Report
Myerscough, Sue E.	06/14/2010

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*
FINANCIAL DISCLOSURE REPORT
 Page 6 of 6

Name of Person Reporting	Date of Report
Myerscough, Sue E.	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 met applicable statutory provisions permitting non-disclosure.

I further certify that earned income 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. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

 Signature Sue E. Myerscough

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
 Administrative Office of the United States Courts
 Suite 2-301
 One Columbus Circle, N.E.
 Washington, D.C. 20544

FINANCIAL STATEMENT

Sue Myerscough

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) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		234	132	Notes payable to banks-secured			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities-see schedule		268	964	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable —primary residence		180	825
Real estate owned—primary residence		204	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		348	000				
Cash value-life insurance		19	307				
Other assets itemize:							
Judicial Pension – State of Illinois		231	138				
Fixed Interest Annuities		53	470				
				Total liabilities		180	825
				Net Worth	1	178	186
Total Assets	1	359	011	Total liabilities and net worth	1	359	011
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, cosigner or guarantor				Are any assets pledged? (Add schedule)	NO		
On leases or contracts				Are you a defendant in any suits or legal actions?	NO		
Legal Claims				Have you ever taken bankruptcy?	NO		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

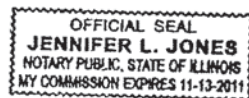
T. Rowe Price - 2015 Target Fund	\$ 239,452
IRA: Cash Retirement Reserve CSI	3,250
IRA: Blackrock Global Allocation Fd. Inc. A	19,121
IRA: Blackrock Natural Resources Trust A	7,141
Total Listed Securities	<u>\$ 268,964</u>

AFFIDAVIT

I, SUE E. MYSERCOUGH, 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. Mysercough
(NAME)



Jennifer 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 decree 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. Boasberg
 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 firearms 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.

- c. 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

- 1. 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 Burris, strongly support the two nominees to the Central District of Illinois, Justice Sue Myerscough and Judge James Shaddid, who are appearing before the Committee today. I note that Justice Myerscough 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. district 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 a 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 Myerscough 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 Myerscough 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 Shadid 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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COMMITTEE ON THE JUDICIARY

ELIZABETH DONOGHUE
CHAIR
15 MAIDEN LANE, 17TH FLOOR
NEW YORK, NY 10038
Phone: (212) 349-3000
Fax: (212) 587-0744
edenoghue@hmgdlaw.com

PETER M. KOUGASIAN
VICE CHAIR
80 CENTRE STREET, ROOM 624
NEW YORK, NY 10013
Phone: (212) 815-0495
Fax: (212) 815-0498
pkougasian@speenare.org

STEPHEN S. MADSEN
VICE CHAIR
825 EIGHTH AVENUE, 41ST FLOOR
NEW YORK, NY 10019
Phone: (212) 474-1886
Fax: (212) 474-3700
smadsen@cravath.com

STEPHANIE G. WHEELER
SECRETARY
125 BROAD STREET
NEW YORK, NY 10004
Phone: (212) 558-7384
Fax: (212) 291-9166
wheelers@sullerom.com

ELIZABETH DORFMAN
ADMINISTRATIVE ASSISTANT
42 W. 44TH STREET
NEW YORK, NY 10036
Phone: (212) 382-6772
Fax: (212) 869-2145
edorfman@nycbar.org

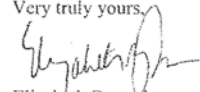
September 22, 2010

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 Bachelors 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.

