

S. HRG. 112-72, Pt.4

CONFIRMATION HEARINGS ON FEDERAL APPOINTMENTS

HEARINGS BEFORE THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE ONE HUNDRED TWELFTH CONGRESS FIRST SESSION

SEPTEMBER 7, SEPTEMBER 20, AND OCTOBER 4, 2011

Serial No. J-112-4

PART 4

Printed for the use of the Committee on the Judiciary



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CONTENTS

September 7, 2011

STATEMENTS OF COMMITTEE MEMBERS

	Page
Whitehouse, Hon. Sheldon, a U.S. Senator from the State of Rhode Island	1
Grassley, Hon. Chuck, a U.S. Senator from the State of Iowa	9
prepared statement	306

PRESENTERS

Baucus, Hon. Max, a U.S. Senator from Montana presenting Dana Christensen Nominee to be U.S. District Judge for the District of Montana ..	2
Feinstein, Hon. Dianne, a U.S. Senator from California presenting Cathy Bencivengo Nominee to be U.S. District Judge for the Southern District of California	3
Manchin, Hon. Joe, a U.S. Senator from the State of West Virginia presenting Gina Marie Groh Nominee to be U.S. District Judge for the Northern District of West Virginia	7
Reid, Hon. Harry, a U.S. Senator from the State of Nevada presenting Evan Wallach Nominee to be U.S. Circuit Judge for the Federal Circuit	6
Schumer, Hon. Charles E., U.S. Senator from the State of New York presenting Margo Brodie Nominee to be U.S. District Judge for the Eastern District of New York	4
Tester, Hon. Jon, a U.S. Senator from the State of Montana presenting Dana Christensen Nominee to be U.S. District Judge for the District of Montana	5

STATEMENTS OF THE NOMINEES

Bencivengo, Cathy Ann, Nominee to be U.S. District Judge for the Southern District of California	129
Questionnaire	130
Brodie, Margo, Nominee to be U.S. District Judge for the Eastern District of New York	221
Questionnaire	223
Christensen, Dana, Nominee to be U.S. District Judge for the District of Montana	95
Questionnaire	96
Groh, Gina Marie, Nominee to be U.S. District Judge for the Northern District of West Virginia	177
Questionnaire	178
Wallach, Evan, Nominee to be U.S. Circuit Judge for the Federal Circuit	9
Questionnaire	16

QUESTIONS AND ANSWERS

Responses of Cathy Bencivengo to questions submitted by Senators Grassley and Klobuchar	271
Responses of Margo Brodie to questions submitted by Senators Grassley and Klobuchar	275
Responses of Dana Christensen to questions submitted by Senators Grassley and Klobuchar	279
Responses of Gina Groh to questions submitted by Senators Grassley and Klobuchar	284

IV

	Page
Responses of Evan Wallach to questions submitted by Senators Grassley and Klobuchar	289

SUBMISSIONS FOR THE RECORD

American Bar Association, Benjamin H. Hill, III, Chair, Washington, DC:	
Cathy Bencivengo, May 12, 2011, letter	296
Margo Brodie, June 13, 2011, letter	298
Dana Christensen, May 6, 2011, letter	300
Gina Groh, May 20, 2011, letter	302
Evan Wallach, July 29, 2011, letter	304
New York City Bar, Elizabeth Donoghue, Chair, Committee on the Judiciary, New York, New York, July 13, 2011, letter	312
Rockefeller, Hon. John D., IV, a U.S. Senator from the State of West Virginia, prepared statement	313

Tuesday, September 20, 2011

STATEMENTS OF COMMITTEE MEMBERS

Hatch, Hon. Orrin G., a U.S. Senator from the State of Utah	322
Klobuchar, Hon. Amy, a U.S. Senator from the State of Minnesota	315

PRESENTERS

Hatch Hon. Orrin G., a U.S. Senator from the State of Utah presenting David Nuffer Nominee to be District Judge for the District of Utah	320
Johanns, Hon. Mike, a U.S. Senator from the State of Nebraska presenting John M. Gerrard Nominee to be District Judge for the District of Nebraska	316
Lee, Hon. Mike, a U.S. Senator from the State of Utah presenting David Nuffer Nominee to be District Judge for the District of Utah	321
McCaskill, Hon. Claire, a U.S. Senator from the State of Missouri presenting Mary Elizabeth Phillips Nominee to be District Judge for the Western District of Missouri	317
Nelson, Hon. Ben, a U.S. Senator from the State of Nebraska presenting John M. Gerrard Nominee to be District Judge for the District of Nebraska	315
Nelson, Hon. Bill, a U.S. Senator from the State of Florida presenting Adalberto Jose Jordan Nominee to be Circuit Judge for the Eleventh Circuit	318
Rubio, Hon. Marco, a U.S. Senator from the State of Florida presenting Adalberto Jose Jordan Nominee to be Circuit Judge for the Eleventh Circuit	319

STATEMENT OF THE NOMINEES

Jordan, Adalberto Jose, Nominee to be Circuit Judge for the Eleventh Circuit Questionnaire	323
Gerrard, John M., Nominee to be District Judge for the District of Nebraska Questionnaire	418
Nuffer, David, Nominee to be District Judge for the District of Utah Questionnaire	579
Phillips, Mary Elizabeth, Nominee to be District Judge for the Western District of Missouri Questionnaire	480
Rice, Thomas Owen, Nominee to be District Judge for the Eastern District of Washington Questionnaire	522

QUESTIONS AND ANSWERS

Responses of John M. Gerrard to questions submitted by Senator Grassley	650
Responses of Adalberto Jose Jordan to questions submitted by Senator Grassley	655
Responses of David Nuffer to questions submitted by Senator Grassley	664
Responses of Mary Elizabeth Phillips to questions submitted by Senator Grassley	667
Responses of Thomas Owen Rice to questions submitted by Senator Grassley ..	670

SUBMISSIONS FOR THE RECORD

American Bar Association, Benjamin H. Hill, III, Washington, DC:	
John M. Gerrard, May 6, 2011, letter	673
Adalberto Jordan, August 11, 2011, letter	675
David Nuffer, July 6, 2011, letter	677
Mary Elizabeth Phillips, June 8, 2011, letter	679
Thomas O. Rice, June 30, 2011, letter	681
Campbell, Walter G., Law Office, Krupnick Campbell Malone Buser Slama Hancock Liberman & McKee, Fort Lauderdale, Florida, September 15, 2011, letter	683
Hispanic National Bar Association (HNBA), Diana S. Sen, National President, August 1, 2011, letter	684
Moore, Marty E., Attorney, Peck Hadfield Baxter & Moore, LLC, Logan, Utah, July 13, 2011, letter	686
Murray, Hon. Patty, a U.S. Senator from the State of Washington, prepared statement	687
Rubio, Hon. Marco, a U.S. Senator from the State of Florida, prepared state- ment	689

Tuesday, October 4, 2011

STATEMENTS OF COMMITTEE MEMBERS

Coons, Hon. Christopher A., a U.S. Senator from the State of Delaware	703
Durbin, Hon. Dick, a U.S. Senator from the State of Illinois	693
Feinstein, Hon. Dianne, a U.S. Senator from the State of California, prepared statement	957
Lee, Hon. Michael S., a U.S. Senator from the State of Utah	694

PRESENTERS

Boxer, Hon. Barbara, a U.S. Senator from the State of California presenting Michael Walter Fitzgerald Nominee to be District Judge for the Central District of California	697
Gillibrand, Hon. Kirsten E., a U.S. Senator from the State of New York presenting Ronnie Abrams, Nominee to be District Judge for the Southern District of New York	702
Heller, Hon. Dean, a U.S. Senator from the State of Nevada presenting Miranda Du Nominee to be District Judge for the District of Nevada	700
Manchin, Hon. Joe, III, a U.S. Senator from the State of West Virginia presenting Stephanie Dawn Thacker Nominee to be Circuit Judge for the Fourth Circuit	696
Norton, Hon. Eleanor Holmes, a Representatives in Congress from the Dis- trict of Columbia presenting Rudolph Contreras, Nominee to be District Judge for the District of Columbia	703
Reid, Hon. Harry, a U.S. Senator from the State of Nevada presenting Mi- randa Du Nominee to be District Judge for the District of Nevada	699
Rockefeller, Hon. John D., IV, a U.S. Senator from the State of West Virginia presenting Stephanie Dawn Thacker Nominee to be Circuit Judge for the Fourth Circuit	695

STATEMENT OF THE NOMINEES

Abrams, Ronnie, Nominee to be District Judge for the Southern District of New York	792
Questionnaire	793
Contreras, Rudolph, Nominee to be District Judge for the District of Colum- bia	832
Questionnaire	833
Du, Miranda, Nominee to be District Judge for the District of Nevada	862
Questionnaire	863
Fitzgerald, Michael Walter, Nominee to be District Judge for the Central District of California	750
Questionnaire	751
Thacker, Stephanie Dawn, Nominee to be Circuit Judge for the Fourth Cir- cuit	714
Questionnaire	706

VI

Page

QUESTIONS AND ANSWERS

Responses of Ronnie Abrams to questions submitted by Senators Grassley and Klobuchar	907
Responses of Rudolph Contreras to questions submitted by Senators Grassley and Klobuchar	910
Responses of Miranda Du to questions submitted by Senators Grassley and Klobuchar	914
Responses of Michael Walter Fitzgerald to questions submitted by Senators Grassley and Klobuchar	922
Responses of Stephanie Dawn Thacker to questions submitted by Senators Coburn, Grassley, Klobuchar and Sessions	925

SUBMISSION FOR THE RECORD

American Bar Association, Benjamin H. Hill, III, Chair, Washington, DC:	
Ronnie Abrams, July 29, 2011, letter	942
Miranda Du, August 6, 2001, letter	944
Michael W. Fitzgerald, July 21, 2011, letter	946
Stephanie Thacker, September 8, 2011, letter	948
Baird, Lourdes G., retired, U.S. District Court, Pasadena, California, September 27, 2011, letter	949
Bonner, Robert, Gibson Dunn & Crutcher, LLP, Los Angeles, California, September 12, 2011, letter	951
Boxer, Hon. Barbara, a U.S. Senator from the State of California, prepared statement	953
Cashell, Robert A., Sr., Mayor, Reno, Nevada, August 12, 2011, letter	956
Heller, Hon. Dean, a U.S. Senator from the State of Nevada, prepared statement	960
Gibbons, Sharon, Chairperson, CAAW, Las Vegas, Nevada, August 15, 2011, letter	961
Krolicki, Brian K, Nevada Lieutenant Governor, Carson City, Nevada, August 23, 2011, letter	962
National Asian Pacific American Bar Association, Paul O. Hirose, President, and Tina R. Matsuoka, Executive Director, Washington, DC, October 3, 2011, letter	963
Nevada Association of Mechanical Contractors (NAM), Rusty Humes, President, Reno Nevada:	
Hon. Patrick Leahy, August 22, 2011, letter	965
Hon. Chuck Grassley, August 22, 2011, letter	966
Nevada Chapter, Associated General Contractors, Dave Backman, President, Reno, Nevada, August 22, 2011, letter	967
New York, City Bar, Committee on the Judiciary, Elizabeth Donoghue, Chair, New York, New York, September 27, 2011, letter	968
Quinzio, John Michael, retired Police Lieutenant, Anaheim Police Department, Westminster, California, letter	969
Sandoval, Brian, Governor, Las Vegas, Nevada, August 22, 2011, letter	970
Schiff, Hon. Adam B., a Representative in Congress from the State of California	971
Tevrizian, Dickran M., retired U.S. District Judge, September 21, 2011, letter	972
U.S. Congress, Congressional Hispanic Caucus, Charles A. Gonzalez, Chair and Rubén Hinojosa, First Vice Chair, Washington, DC, October 18, 2011, letter	974
Women's Bar Association, Karen Richardson, President, New York, New York, October 4, 2011	975
Yang, Debra Wong, Gibson Dunn & Crutcher, LLP, Los Angeles, California, October 3, 2011, letter	977
Yoxsimer, Denise, President & CEO, Nevada Women's Fund, Reno, Nevada:	
Hon. Chuck Grassley, August 9, 2011, letter	979
Hon. Patrick Leahy, August 9, 2011, letter	980

ALPHABETICAL LIST OF NOMINEES

Abrams, Ronnie, Nominee to be District Judge for the Southern District of New York	792
Bencivengo, Cathy Ann, Nominee to be U.S. District Judge for the Southern District of California	129

VII

	Page
Brodie, Margo, Nominee to be U.S. District Judge for the Eastern District of New York	221
Christensen, Dana, Nominee to be U.S. District Judge for the District of Montana	95
Contreras, Rudolph, Nominee to be District Judge for the District of Columbia	832
Du, Miranda, Nominee to be District Judge for the District of Nevada	862
Fitzgerald, Michael Walter, Nominee to be District Judge for the Central District of California	750
Gerrard, John M., Nominee to be District Judge for the District of Nebraska ..	418
Groh, Gina Marie, Nominee to be U.S. District Judge for the Northern District of West Virginia	177
Jordan, Adalberto Jose, Nominee to be Circuit Judge for the Eleventh Circuit ..	323
Nuffer, David, Nominee to be District Judge for the District of Utah	579
Phillips, Mary Elizabeth, Nominee to be District Judge for the Western District of Missouri	480
Rice, Thomas Owen, Nominee to be District Judge for the Eastern District of Washington	522
Thacker, Stephanie Dawn, Noinee to be Circuit Judge for the Fourth Circuit ..	714
Wallach, Evan, Nominee to be U.S. Circuit Judge for the Federal Circuit	9

**NOMINATION OF STEPHANIE DAWN
THACKER, OF WEST VIRGINIA, NOMINEE TO
BE CIRCUIT JUDGE FOR THE FOURTH CIR-
CUIT; MICHAEL WALTER FITZGERALD, OF
CALIFORNIA, NOMINEE TO BE DISTRICT
JUDGE FOR THE CENTRAL DISTRICT OF
CALIFORNIA; RONNIE ABRAMS, OF NEW
YORK, NOMINEE TO BE DISTRICT JUDGE
FOR THE SOUTHERN DISTRICT OF NEW
YORK; RUDOLPH CONTRERAS, OF THE DIS-
TRICT OF COLUMBIA, NOMINEE TO BE DIS-
TRICT JUDGE FOR THE DISTRICT OF CO-
LUMBIA; AND MIRANDA DU, OF NEVADA,
NOMINEE TO BE DISTRICT JUDGE FOR THE
DISTRICT OF NEVADA**

TUESDAY, OCTOBER 4, 2011

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

The Committee met, pursuant to notice, at 3:03 p.m., in room SD-226, Dirksen Senate Office Building, Hon. Richard J. Durbin, presiding.

Present: Senators Durbin, Leahy, Coons, and Lee.

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

Senator DURBIN. Good afternoon. This hearing of the Judiciary Committee will come to order.

Today we will consider five outstanding judicial nominees for the Federal bench: Stephanie Thacker, nominated to serve on the U.S. Court of Appeals for the Fourth Circuit; Ronnie Abrams, nominated to the Southern District of New York; Rudolph Contreras, nominated to the U.S. District Court Judge for the District of Columbia; Miranda Du, nominated to the District of Nevada; and Michael Fitzgerald, nominated to the Central District of California. Each of these nominees has the support of their home State Senators or, in the case of the District of Columbia nominee, the support of D.C. Delegate Eleanor Holmes Norton. I commend President Obama for

**STATEMENT OF HON. CHRISTOPHER COONS, A U.S. SENATOR
FROM THE STATE OF DELAWARE**

Senator COONS. Thank you very much, Senator Durbin, Mr. Chairman, and thank you for the opportunity to add, if I can briefly, to Senator Gillibrand's eloquent advocacy on behalf of Ms. Abrams, whom I have known from our days together at law school and whom I also view as someone who is from a family with a heart for service, someone with the sort of stunning intellect that could have qualified her for service of any kind, but who instead chose to dedicate her adult life to public service, both as a prosecutor and as an Assistant U.S. Attorney, and then ultimately in a decade of service as chief of the crimes unit, as you heard Senator Gillibrand mention, but now in her current role with Davis Polk as someone leading pro bono cases and who has had really signal success in bringing a wide range of actions that did everything from ensuring that men and women of our armed forces received the benefits to which they were entitled, to making sure that working men and women received the pay to which they were entitled by virtue of having earned it.

I think her career at the bar suggests that we continue to have in this Nation women, and men—but in this case I think it is particularly important that we add to the women of the bar—who have an outstanding education, a great grounding in values and in a family tradition of service, and who are willing to step up and take on the very real challenges of serving on the bench in a way that respects our law and our Nation.

So I am grateful, Senator Durbin, for a chance to briefly add my voice to those who speak in strong support of the nominee from the State of New York. Thank you, sir.

Senator DURBIN. Thank you, Senator Coons, and thank you again, Senator Gillibrand.

I would now like to recognize the Delegate from the District of Columbia, Eleanor Holmes Norton, who is here to speak on behalf of Rudolph Contreras. Delegate Norton.

**PRESENTATION OF RUDOLPH CONTRERAS, NOMINEE TO BE
DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, BY
HON. ELEANOR HOLMES NORTON, A DELEGATE IN CON-
GRESS FROM THE DISTRICT OF COLUMBIA**

Delegate NORTON. First, Senator Durbin, I want to thank you once again for the invaluable assistance you have been to the District of Columbia over the years.

As you are aware, President Obama gave me the courtesy to recommend Federal district court judges, and it is a very special experience and honor to recommend to you today Rudolph Contreras, a very accomplished lawyer of great intellect.

Mr. Contreras is another of these remarkable American success stories of first-generation Americans who become Federal judges. Mr. Contreras is the son of Cuban immigrants. He was born in New York and raised in Miami. I am pleased that his family is here: his mother, Amparo Contreras; his wife, Karen McSweeney; his two children, Brian Contreras and Claire Contreras.

Mr. Contreras went to the University of Pennsylvania Law School where he was cum laude Order of the Coif and a member

of the Law Review. He began his career as a corporate litigator at Jones Day. He was hired out of Jones Day by then-U.S. Attorney for the District of Columbia Eric Holder, now Attorney General of the United States, who calls Mr. Contreras one of his "best hires."

Mr. Contreras now heads the Civil Division of the Office of the U.S. Attorney for the District of Columbia, and I know that two judges on our district court also headed the Civil Division before becoming judges on that court, and I am pleased that one of them is here, the chief judge, Royce Lamberth. I don't know if this is a stepping stone to becoming a district court judge or not, but Mr. Contreras will be the third in this group.

After serving a number of years in a senior position at the U.S. Attorney's Office of the District of Columbia, Mr. Contreras was stolen away by the U.S. Attorney for the District of Delaware, and after serving there with accolades for 3 years, we were fortunate to attract him back to the District of Columbia, where he has been chief of the Civil Division.

Mr. Contreras has earned universal praise from all who have worked for him about his qualifications to sit on the court. I believe his confirmation will be assured should this Committee determine to approve him. I am pleased to recommend that you, in fact, approve Rudolph Contreras to be a judge on the United States District Court for the District of Columbia, and I thank you very much, Mr. Chairman.

Senator DURBIN. Delegate Norton, thank you for joining us again today, and thank you for your fine work for the people of the District of Columbia. My thanks as well to my colleagues Senator Rockefeller and Senator Gillibrand for being here with our other colleagues who had to step away.

We are going to bring the nominees before us, first the nominee for the circuit court, and ask a few questions of them for the record, and these introductions have certainly prepared the Committee to look in a positive way toward the backgrounds of each of the nominees.

As is the custom in the Committee, the first nominee will be the Fourth Circuit nominee, Stephanie Thacker, if she would please come to the witness table.

As is the custom of the Committee, I ask you to please raise your right hand. Do you affirm the testimony you are about to give before the Committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Ms. THACKER. I do.

Senator DURBIN. Thank you. Let the record reflect that the witness answered in the affirmative.

Ms. Thacker, I now give you the floor for an opening statement or introduction of family and friends, whatever you would like to put before the Committee.

STATEMENT OF STEPHANIE DAWN THACKER, NOMINEE TO BE CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

Ms. THACKER. Thank you, Senator Durbin.

First I want to express my appreciation to the President of the United States, President Obama, for nominating me to this important position. I also want to thank Senator Rockefeller for his

may evolve, a sort of best guesstimate as to how that may evolve. Frankly, I have not looked at the state of the law in that area since, but I would follow the law and controlling legal precedent, depending on the facts of the cases that came before me. I certainly did not intend to make any overarching statement in that Law Review article.

Senator LEE. And you did not intend to make any statement to the effect that the legal standard to be applied when evaluating the liability vel non of a religious institution might be determined or influenced or altered in any way by the nature of the factual situation before it?

Ms. THACKER. Absolutely no, Senator.

Senator LEE. OK. Thank you.

Senator DURBIN. Thank you, Senator Lee.

I have no further questions to ask of this nominee. I thank you very much for being with us today. There may be additional questions sent to you by some other members of the Committee, and I hope you can answer them in a timely fashion, and we look forward to working with you after this hearing.

Thank you again for joining us.

Ms. THACKER. Thank you.

Senator DURBIN. We now welcome the second panel of district court nominees, all four: Ronnie Abrams of New York, Rudolph Contreras of the District of Columbia, Miranda Du of Nevada, and Michael Fitzgerald of California. When you reach your chair, please remain standing because I have a little work to do before you sit down.

If each of the district court nominees would please raise your right hand. Do you affirm the testimony you are about to give before the Committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FITZGERALD. I do.

Ms. ABRAMS. I do.

Mr. CONTRERAS. I do.

Ms. DU. I do.

Senator DURBIN. Thank you. Let the record reflect that all four of the witnesses have answered in the affirmative. And for the record, I wanted to let Senator Lee know that a recent movie that came out called "Contagion" originally contained a scene where I did just that, but it was lost on the cutting room floor.

[Laughter.]

Senator DURBIN. So Senator Leahy is the only movie star on the Senate Judiciary Committee to date, unless you have something to report.

Senator LEE. I saw that movie recently, and I agree, that would have been a much more compelling movie. I think I would have cried hot tears of joy and emotion had I seen that and you had been in it as well. I am going to write the producer a letter.

Senator DURBIN. It was one of my finest moments.

Thank you to the nominees for joining us today, and we are going to proceed with questions after you have an opportunity to say a few words in advance.

Senator DURBIN. Thank you very much.
Rudolph Contreras from the District of Columbia, the floor is yours.

**STATEMENT OF RUDOLPH CONTRERAS, NOMINEE TO BE
DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA**

Mr. CONTRERAS. Thank you. I would like to thank the Committee for considering my nomination and scheduling this hearing. I would also like to thank the President for nominating me and giving me this great honor.

I would like to thank Congresswoman Norton for recommending me to the President and her selection Committee for recommending me to her.

And I would like to acknowledge the folks that came with me here today: my mother, Amparo, who flew up from Miami for this hearing; my wife, Karen McSweeney, who is a joint partner in everything I do; my children, Brian and Claire; and also here with me today are two of my long-time mentors and hopefully future colleagues: Chief Judge Royce Lamberth and Judge Ricardo Urbina, who, after taking senior status, is the slot for whom I have been nominated.

Thank you.

[The biographical information of Mr. Contreras follows:]

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Rudolph Contreras
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.

United States Attorney's Office for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20530

Residence: Fairfax, Virginia
4. **Birthplace:** State year and place of birth.

1962; Staten Island, New York
5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1988 – 1991, University of Pennsylvania Law School; J.D. (*cum laude*), 1991
1982 – 1984, Florida State University; B.S., 1984
1980 – 1982, University of Miami; no degree
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.

2006 – present

United States Attorney's Office for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20530
Chief, Civil Division

2003 – 2006

United States Attorney's Office for the District of Delaware
1007 Orange Street, Suite 700
Wilmington, Delaware 19899
Assistant United States Attorney
Chief, Civil Division

1994 – 2003

United States Attorney's Office for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20530
Assistant United States Attorney

Summer 1990, 1991 – 1994

Jones Day
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Associate (1991 – 1994)
Summer Associate (Summer 1990)

Fall 1990

United States Attorney's Office for the Eastern District of Philadelphia
615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106
Extern

Summer 1989

United States District Court for the District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
Fourth & Cooper Streets
Camden, New Jersey 08101
Student Intern for the Honorable Stanley S. Brotman

1985 – 1988

Miami Herald
One Herald Plaza
Miami, Florida 33132
Account Executive

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

I did not serve in the military. I registered for selective service upon turning 18.

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.

Silver Medal for Superior Service, Environmental Protection Agency (2006)

Executive Office for United States Attorneys Director's Award for Superior Performance as an Assistant United States Attorney (1999)

Order of the Coif, University of Pennsylvania Law School (1991)

Presidential Scholarship, University of Miami (1980 – 1982)

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.

Department of Justice Associate Attorney General's Electronic Discovery Task Force

Hispanic Bar Association of the District of Columbia

United States Attorneys' Offices Civil Chiefs' Working Group

United States District Court for the District of Columbia Civil Rules Committee

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, 1992

Florida, 1991

Pennsylvania, 2005

I retired from the Pennsylvania bar in 2006 and am currently in inactive status in the Florida bar. Otherwise, there have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse

in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the District of Columbia Circuit, 1994
 United States Court of Appeals for the Third Circuit, 2003 – 2006
 United States District Court for the District of Columbia, 1994
 United States District Court for the District of Delaware, 2003 – 2006

In each of these courts, I was admitted as a government attorney. My admission to practice before the Third Circuit and the District Court for the District of Delaware coincided with my time working in the United States Attorney's Office for the District of Delaware. During that same time, my admissions before the District of Columbia Circuit and the District Court for the District of Columbia lapsed.

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.

Boy Scouts of America (2009 – present)

Jewish Community Center (Summer Pool) (2004)

Mantua Swim & Tennis Club (2006 – present)

Mentors, Inc. (1992 – 1995)

Timber Lane Swim Club (2005)

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

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or

national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

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

I have not published any books, articles, reports, or letters.

- 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.

In 2009, I was a member of the Department of Justice Associate Attorney General's Electronic Discovery Task Force, which prepared an internal report. That report is privileged, and thus is not supplied.

In 2006, I participated in an effort to revise the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware. In particular, I focused on Rule 83.5(f)(1), which governs the admission of federal government attorneys to practice in that court. In addition, I reviewed other sections of the rules and participated in a number of meetings. I left the U.S. Attorney's Office in Delaware before the revision was finalized. The current version of the rules, which were revised again in 2010, is available at <http://www.ded.uscourts.gov/>.

- 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 provided any such testimony, official statements, or other communications.

- 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.

June 2, 2011: I participated on a luncheon panel for the Federal Judicial Center's Civil Case Management Seminar: Achieving the Promise of Rule 1. I have no notes, transcript or recording. The FJC's address is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, N.E., Washington, D.C. 20002.

March 7, 2011: I spoke at the Attorney Admission Ceremony for the United States District & Bankruptcy Courts for the District of Columbia. Notes supplied.

April 12, 2007: I participated in a panel discussion at George Mason University School of Law sponsored by the Hispanic Bar Association of the District of Columbia. I have no notes, transcript or recording. The address of the Hispanic Bar Association of the District of Columbia is P.O. Box 1011, Washington, D.C. 20013.

March 8, 2007, December 7, 2006, and Spring 2006: I gave lectures on E-Discovery. The March 2007 and Spring 2006 lectures were for U.S. Attorney's Offices, and the December 2006 presentation was to the General Services Administration, one of our client agencies. I prepared Powerpoint presentations for these events, but they were prepared in anticipation of litigation, contain attorney work product, and are considered privileged.

July 10, 2006: I spoke at the Attorney Admission Ceremony for the United States District & Bankruptcy Courts for the District of Columbia. Notes supplied.

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

Bill Myers, *Blowing Whistle Pays Off Big for Fortunate Few*, Washington Examiner, May 27, 2009. Copy supplied.

Bill Myers, *'Ringer' of a Lawyer Wins Millions*, Washington Examiner, Oct. 25, 2008. Copy supplied.

John McArdle, *First Lawsuit Filed against Chief Morse Dismissed*, Roll Call, July 16, 2007. Copy supplied.

Lee Williams and Esteban Parra, *U.S. Marshals Question Care of Federal Inmates in State Prison*, Wilmington News Journal, Oct. 28, 2005. Copy supplied.

On September 20, 2005, I made remarks as part of a press conference to announce the settlement of an environmental enforcement action against Motiva. The press conference was covered by the local and national press. Press coverage of the event is listed below, and my notes are supplied:

Josh Cable, *\$23.7 Million Motiva Settlement Brings 'Tragic Chapter' to Close*, EHS Today, Oct. 28, 2005. Copy supplied.

Motiva, *Premcor to Settle for \$23.7 Million*, U.S. Environmental Protection Agency Oil Program Update, Oct. 2005. Copy supplied.

Randall Chase, *Motiva Settles Lawsuit Stemming from Tank Explosion*, Associated Press, Sept. 20, 2005. Copy supplied.

Press release, *Motiva Enterprises Settles Federal-State Lawsuit Resulting from Explosion at Delaware City Refinery*, U.S. Department of Justice Environment & Natural Resources Division, Sept. 20, 2005 [quotes re-printed in multiple outlets]. Copy supplied.

Randall Chase, *Motiva to Pay \$12 Million to Settle Government Lawsuit over 2001 Fatal Explosion*, Associated Press, Sept. 19, 2005. Copy supplied.

Jeff Montgomery, *Heavy Polluter Settles Lawsuit*, Wilmington News Journal, June 29, 2005. Copy supplied.

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

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
- i. Of these, 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:

I have not served as a judge.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;

- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

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

I have not held any public offices. I have not been a candidate for public office or a nominee 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 not been a member of or held office in a political party or election committee. In or around 1980, I volunteered to help with the campaign of Xavier Suarez, who unsuccessfully ran for a position as Miami City Commissioner. As a volunteer, I canvassed door-to-door on behalf of the candidate.

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 did not serve as a clerk to a judge after law school.

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

I have never 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
Jones Day
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Associate

1994 – 2003
United States Attorney's Office for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20530
Assistant United States Attorney

2003 – 2006
United States Attorney's Office for the District of Delaware
1007 Orange Street, Suite 700
Wilmington, Delaware 19899
Assistant United States Attorney
Chief, Civil Division

2006 – present
United States Attorney's Office for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20530
Chief, Civil Division

- 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 never served as a mediator or arbitrator in alternative dispute proceedings.

b. Describe:

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

After graduation from law school, I worked as an associate in the General Litigation group at the law firm of Jones Day. I worked extensively on discovery issues, including a series of toxic tort cases involving dioxin emanated from paper mills.

Since 1994, I have spent my entire legal career as an Assistant United States Attorney in the Civil Division of the offices in the Districts of the District of Columbia and Delaware. In that capacity, I have represented the United States and its departments and agencies at both the trial and

appellate levels in civil actions filed in both the District of Columbia and Delaware. During the first four years of my tenure as Assistant United States Attorney in the District of Columbia, from 1994 to 1998, I handled cases in which the government was the defendant. From 1998 to 2003, I handled affirmative litigation wherein the government was the plaintiff, primarily pursuant to the False Claims Act.

As Chief of the Civil Division in the District of Delaware from 2003 to 2006, I supervised the litigation of a small staff of attorneys and additionally maintained a case load focusing on False Claims Act cases and environmental enforcement.

Since 2006, when I became the Chief of the Civil Division in the District of Columbia, my practice has been almost exclusively supervisory in nature. I supervise and manage a Division of 40 Assistant United States Attorneys, 6 Special Assistant United States Attorneys (agency detailees), and 31 support staff. The Civil Division of the United States Attorney's Office represents the United States and its departments and agencies at both the trial and appellate levels in civil actions filed in the District of Columbia. The activities of the Civil Division primarily involve defensive civil actions in the United States District Court and United States Court of Appeals. The types of cases handled by the Civil Division include employment cases involving allegations of discrimination; common law tort suits under the Federal Tort Claims Act; challenges to agency actions under the Administrative Procedure Act; requests for records under the Freedom of Information Act and/or Privacy Act; and the defense of government officials sued in their individual capacities for alleged Constitutional violations (*Bivens*). The Division also brings civil actions under the False Claims Act to recover money owed to the United States Government by those who submit false claims or commit fraud against the government.

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

While in private practice at the beginning of my career, most of the work I did was for International Paper Co., defending a series of toxic tort cases involving dioxin emanated from paper mills. Since 1994, my only client has been the United States government.

- 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.

My entire legal career has been spent in litigation. As an associate at Jones Day, I did not appear in court at all. As an Assistant United States Attorney in the

District of Columbia from 1994 to 2003, I frequently appeared before the United States District Court for the District of Columbia and occasionally before the United States Court of Appeals for the District of Columbia Circuit. As Chief of the Civil Division in the District of Delaware from 2003 to 2006, I occasionally appeared before the United States District Court for the District of Delaware and once before the United States Court of Appeals for the Third Circuit. As Chief of the Civil Division in the District of Columbia, I rarely, if ever, appear in court.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 100% |
| 2. state courts of record: | 0% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | 0% |

- 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.

Not counting cases that were resolved on the pleadings or by summary judgment, I tried four civil cases to verdict, judgment or final decision. For one of these trials, the only contested issue was damages, as the liability phase had been handled by someone else. I served as lead counsel in three of the trials and as second-chair in the other.

i. What percentage of these trials were:

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

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

I have never 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.

1. *United States ex rel. Perkins v. Centennial Healthcare Corp.*, Civ. No. 02-203 (D.D.C.) (Kollar-Kotelly, J.)

This matter involved allegations of substandard care at the Grant Park nursing home and was resolved through settlement in 2008. Although the matter was referred to us pursuant to the False Claims Act, the focus of our investigation involved resident/patient care. Accordingly, although the resolution of the matter resulted in a financial recovery, the focus of the settlement agreement was the complementary Corporate Integrity Agreement, implemented through HHS, which required significant reporting on, and third-party monitoring of, the care provided to the vulnerable nursing home patients. I began this case as the lead attorney and completed it as a supervisory attorney supervising the work of former AUSA Paul Mussenden.

Co-counsel: AUSA Paul Mussenden, Deputy Chief of Staff and Senior Advisor to the Assistant Secretary, United States Department of the Interior, 1849 C Street, N.W., Washington D.C. 20240, (202) 208-3038.

Opposing Counsel: Eric A. Dubelier, Esq., Reed Smith LLP, 11301 K Street, N.W., Suite 1100 – East Tower, Washington, D.C. 20005, (202) 414-9291.

Relator's Counsel: Steven Pavsner, Joseph, Greenwald & Laake, 6404 Ivy Lane, Greenbelt, Maryland 20770, (240) 553-1211.

2. *Evans v. Atwood (USAID)*, Civ. No. 96-2746 (D.D.C.) (Urbina, J.) (177 F.R.D. 1; 1999 WL 1032811, 38 F. Supp. 2d 25)

This was an age discrimination class action brought by Foreign Service Officers who had been subjected to a reduction in force at the United States Agency for International Development. The case went through multiple rounds of briefing on the merits and class certification, through lengthy and voluminous discovery, and through a bench trial in the fall of 1999. After trial, the case settled. The settlement agreement contained several provisions providing preferential re-hiring treatment to the employees who had been let go because of budgetary necessities, rather than poor performance, allowing these unfortunate employees a measure of substantive assistance that was otherwise not available to them. I was the sole

lead attorney until just short of trial, at which point AUSA Humphreys was added to the trial team.

Co-counsel: Michael Humphreys, Assistant United States Attorney, United States Attorney's Office for the District of Nevada, 333 Las Vegas Boulevard South, Suite 5000, Las Vegas, Nevada 89101, (702) 388-6336.

Opposing counsel: Raymond C. Fay; Mehri & Skalet, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036, (202) 822-5100.

3. *United States v. Motiva Enterprises*, Civ. No. 02-1292 (D. Del.) (Robinson, J.)

In this environmental case under the Clean Air and Clean Water Acts, the government sued owners of an oil refinery at which an explosion occurred, killing one individual, injuring others, and spilling thousands of gallons of sulfuric acid into the Delaware River and the atmosphere. I was involved as part of a sizable team in the factual investigation and lengthy settlement discussions from 2003 through 2006. In this capacity, I reviewed thousands of documents and created a detailed fact chronology that would have formed the basis of much of the subsequent litigation if the case had gone forward. I was also involved as an active member of the negotiation team. The case ultimately settled, resulting in significant injunctive relief in the form of changes in how the refinery was operated that resulted in increased safety for the refinery workers.

Co-counsel: Robert Klotz and John Sither, Senior Attorneys, Environment and Natural Resources Division, 601 D Street, N.W., Washington, D.C. 20530, (202) 514-5516.

Opposing Counsel: Charles Swinburn (departed firm), Morgan Lewis, 1111 Pennsylvania Avenue, Washington, D.C. 20004, (202) 739-3000.

4. *United States ex rel. Fletcher v. Pacificare*, Civ. No. 98-2709 (D.D.C.) (Robertson, J.)

This matter was a False Claims Act *qui tam* case in which a provider of health benefit plans to federal workers was alleged to have overcharged the government by not giving the government its best price as required by contract. I was part of a team that settled the matter in 2002 for \$87 million which, at the time, was the largest recovery ever for the office. In this capacity, I was centrally involved in the settlement negotiations and helped develop the theory on which a "knowing" violation of the False Claims Act was established.

Co-counsel: Doris Coles-Huff, Assistant United States Attorney, United States Attorney's Office for the District of Columbia, 555 Fourth Street, N.W., Washington, D.C. 20530, (202) 514-7170; Sondra Mills, Consumer Litigation,

450 Fifth Street, N.W., Washington, D.C. 20530, (202) 616-2375; Daniel Spiro, Civil Frauds, 601 D Street, N.W., Washington, D.C. 20530, (202) 616-3898.

Opposing Counsel: Joel Michaels, McDermott Will & Emery, 600 13th Street, N.W., Washington, D.C., 20005, (202) 756- 8000; John C. Dwyer, Cooley Godward, LLP, Five Palo Alto Square, 3000 El Camino Real, Palo Alto, California 94036, (650) 843-5228.

Relator's Counsel: Bradley S. Weiss, 513 Central Avenue, 4th Floor, Highland Park, Illinois 60035, (847) 681-9090.

5. *Doyle v. United States*, Civ. No. 96-0275 (D.D.C.) (Sullivan, J.)

In this medical malpractice case, a retired admiral suffered loss of sensation in his saddle area and incontinence allegedly due to an epidural administered during vein stripping procedure. The plaintiff alleged that the epidural, an extraordinarily safe procedure, was negligently administered. The defense of the claims required extensive work with multiple experts. The matter was settled in 1997 after extensive fact and expert discovery. I was the sole attorney on this matter.

Co-counsel: None.

Opposing Counsel: Gary Freeman (deceased), Harlow Case, Jack Olender & Associates, 888 17th Street N.W., 4th Floor, Washington, D.C. 20006, (202) 879-7777.

6. *Polsdorfer v. Gearan (Peace Corps)*, Civ. No. 96-0078 (D.D.C.) (Flannery, J.).

A Peace Corps physician in Africa brought suit claiming that he had been illegally terminated for exercising his First Amendment rights by refusing to advocate condom usage for the prevention of HIV/AIDS. Because of the high incidence of HIV/AIDS in Africa and the high level of sexual activity by Peace Corps volunteers, the Peace Corps thought it was extremely important that the volunteers be taught about condom usage. But plaintiff believed otherwise and would only advocate abstinence. When plaintiff was terminated based on budget reductions, he sued claiming that it was due to his protected speech on the topic. The government's dispositive motion was granted in 1997 after extensive discovery. Dismissal was affirmed on appeal in 1998. I was the sole attorney on this matter.

Co-counsel: None.

Opposing Counsel: Craig Parshall, 32 Waterloo Street, Suite 19, Warrenton, Virginia 20196, (540) 341-1997.

7. *Tomasello v. Rubin*, Civ. No. 93-1326 (D.D.C.) (Greene, J.), 67 F.3d 612 (D.C. Cir. 1999).

In this case, a Special Agent filed an employment discrimination suit against his employer, the ATF, alleging retaliation and discrimination based on national origin and age. Plaintiff claimed that his Irish-American boss had discriminated against him based on his Italian-American ancestry when he *inter alia* failed to select him for a number of positions, denied him awards, and transferred him to another office. He also claimed that a number of these actions were also done in retaliation for his EEO activity. Additionally, he also raised a number of Privacy Act claims. I became part of the trial team shortly before trial, was responsible for half of the pretrial pleadings and trial, and was solely responsible for the post-trial pleadings and appeal. Although the plaintiff had alleged about ten years worth of claims involving dozens of allegedly discriminatory acts, the government was only found liable for a single Privacy Act violation and damages were awarded in the amount of \$2,000.

Co-counsel: June Jeffries (retired AUSA), 10307 Green Holly Terrace, Silver Spring, Maryland 20902.

Opposing Counsel: Prather Randle (deceased) and John Davis, 1111 14th Street N.W., Washington, D.C. 20005, (202) 408-1952; John F. Karl, Jr., 1090 Vermont Avenue, N.W., Suite 500, Washington, D.C. 20005, (202) 293-3200.

8. *Varicon Int'l v. OPM*, Civ. No. 96-1124 (D.D.C.) (Urbina, J.), 934 F. Supp. 440 (D.D.C. 1996).

This matter involved a challenge by a contractor to the award of a sole source contract. As part of the Clinton Administration's "Reinventing Government" initiative, OPM decided to privatize and spin off its investigation services. To do so, OPM created an employee-owned company and then awarded its investigation contract to that company on a sole source no competition basis. Private companies that already provided investigation services to the government, but were not allowed to compete for the contracts, brought suit. The court denied the motion for preliminary injunction and the parties settled on terms very favorable to the government. I was the sole attorney on this matter.

Co-counsel: None.

Opposing Counsel: Richard Donald Lieberman, 5814 Cheshire Drive, Bethesda, Maryland 20814, (301) 530-8123.

9. *Miller v. United States*, Civ. No. 01-0551 (D.Del.) (Robinson, J.), 2008 WL 2932161 (3d Cir. 2008).

This case was a personal injury negligence case involving a claim that a postal truck cut off a public bus, requiring it to stop short and injuring the bus's passengers. The government lost the liability phase of the trial, tried by another AUSA. I was counsel for the damages phase and was solely responsible for pre-trial pleadings and trial. After a bench trial in 2006, the court awarded zero damages to the plaintiff. The matter was later affirmed on appeal (handled by another AUSA).

Co-counsel: None.

Counsel for Co-Defendant (DART): Daniel Griffith, Whiteford, Taylor & Preston, 1220 North Market Street, Suite 608, Wilmington, Delaware 19801, (302) 357-3254.

Opposing Counsel: L. Vincent Ramunno, Ramunno & Ramunno, 903 French Street, Wilmington, Delaware 19801, (302) 482-4825.

10. *Everett v. United States*, Civ. No. 95-0769 (D.D.C.) (Sullivan, J.), 980 F. Supp. 490 (D.D.C. 1997), 158 F.3d 1364 (D.C. Cir. 1998).

This case involved a landowner whose property abutted a national forest who claimed that the government could not prevent him from landing his private helicopter on the federal land. The Forest Service claimed that he could not land his helicopter without a permit and refused to grant a permit because the area at issue was frequented by fisherman and picnickers and, thus, not suitable for helicopter usage. After extensive briefing, summary judgment was entered for the government. The judgment was affirmed on appeal. I was the sole attorney on this matter.

Co-counsel: None.

Opposing Counsel: Roger Marzulla, Marzulla Law, 1150 Connecticut Avenue, N.W., Suite 1050, Washington, D.C. 20036, (202) 822-6760.

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.)

As an Assistant United States Attorney, I participated in many fraud investigations that were resolved short of litigation. The following four matters are examples of these.

1. *In re: First Health*: False Claims Act investigation involving the contractor responsible for processing Medicaid claims for the District of Columbia. The allegation was that the lack of appropriate controls in the contractor's computer systems resulted in the systematic payment of claims for ineligible beneficiaries, thus, squandering limited government funds. The investigation took place throughout 2002 and was resolved through a \$13 million settlement in early 2003. This matter was significant because it returned a significant amount of money to the District's overburdened Medicaid program.
2. *In re: Bell Atlantic*: False Claims Act investigation involving the contractor responsible for providing telecommunications services to the Department of Education. Bell Atlantic's employees were involved in an elaborate conspiracy with a key agency employee. The agency employee would approve the contractors' fictitious overtime and the contractor would supply the agency employee with telecommunications equipment that would be falsely billed to the agency. The contract employees and the agency attorney were criminally prosecuted and convicted. I pursued Bell Atlantic under a theory of vicarious liability for its employees' illegal acts based on the company's deliberate ignorance of their activities despite obvious red flags. The matter was settled for \$2 million in 2003. This matter was significant because it returned a significant amount of money to the defrauded agency.
3. *In re: Harbor Health Healthcare & Rehabilitation Ctr.*: This matter involved a skilled nursing facility for severely impaired juveniles in Delaware and the allegation that Harbor billed the Medicaid program (paid for by the State and the United States) for substandard care given to its patients (many who died while in its care). The matter was settled in 2005 for a modest financial payment and extensive Corporate Integrity Agreement designed to improve patient care on an ongoing basis. Like the Grant Park case described above, the matter involved creative use of the False Claims Act to indirectly improve patient care for some of Delaware's most vulnerable citizens.
4. *In re: Professional Services Industries, Inc.*: This matter involved allegations that PSI billed the Delaware Department of Transportation, which in turn billed the Federal Highway Administration, for consulting services that were not provided. Specifically, evidence was developed that indicated that PSI's inspectors were not inspecting the bridges and other highway structures for the length of time or with the thoroughness they claimed. The matter was settled in 2005 for a significant monetary recovery. The matter was significant because it returned a significant amount of money to a defrauded agency, but also because certain fraudulent practices had become widespread in the industry and the investigation and settlement served as a deterrent to other inspection companies (a companion case was also settled with Pennoni, Inc.).

I have never performed lobbying activities or registered as a lobbyist.

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

I have never taught a course at an educational institution.

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 have no plans, commitments, or agreements to pursue outside employment, with or without compensation.

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 wife is a regulatory attorney at the Office of the Comptroller of Currency. I would recuse myself from cases involving that agency generally and regulations she helped draft specifically. My brother is Chief Financial Officer for Del Monte

Fresh. I would recuse myself from cases involving that company. I would recuse myself from all civil cases handled by the United States Attorney's Office for the District of Columbia which were filed before my appointment and over which I had supervisory responsibility. I would use existing court procedures to identify the cases in which the conflicts arise and take action accordingly.

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

It is my understanding that the District Court has procedures in place to identify conflicts based on financial holdings and other concerns. I would, of course, use these existing court procedures to identify the cases in which the conflicts arise and take action accordingly. For example, with respect to the cases handled by the United States Attorney's Office for the District of Columbia, this identical issue has already been confronted with the appointments of the Hon. Royce Lamberth and Hon. John Bates and the court was able to effectively deal with the conflicts. I am also familiar with 28 U.S.C. sections 144 and 455. I would resolve any potential conflict of interest by applying these statutes and the Code of Conduct for United States Judges.

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.

Because of the actual and positional conflicts that frequently arise as a government attorney providing pro bono services, I have not provided traditional pro bono services since becoming a government attorney. However, while I was in private practice, I provided pro bono services: to an individual who sought Social Security Disability benefits because of her inability to work; an individual who sought political asylum based on persecution she would suffer if returned to El Salvador; an elderly couple who faced eviction from their long-held public housing unit based on the illegal acts of their grandson; and a grandmother who sought to legally adopt her grandkids after the untimely death of her daughter. Moreover, I have served the disadvantaged by serving as a mentor to Hispanic high school students in the District of Columbia and Hispanic law students from area law schools.

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.

In December 2010, I submitted an application to the 17-member Federal Law Enforcement Nominating Commission established by D.C. Delegate Eleanor Holmes Norton to screen applicants for federal judgeships in the District of Columbia, and I was interviewed by the Commission on January 25, 2011. As I understand it, the Commission forwarded at least three names to Delegate Norton. On April 29, 2011, I was interviewed by the Delegate.

Since May 10, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 10, 2011, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, D.C. On July 28, 2011, 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. 1/2010

**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) Contreras, Rudolph -	2. Court or Organization U.S. District Court, District of Columbia	3. Date of Report 07/29/2011
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. District Judge	5a. Report Type (check appropriate type) <input checked="" type="checkbox"/> Nomination, Date: 07/28/2011 <input type="checkbox"/> Initial <input type="checkbox"/> Annual <input type="checkbox"/> Final 5b. <input type="checkbox"/> Amended Report	6. Reporting Period 01/01/2010 to 06/30/2011
7. Chambers or Office Address United States Attorney's Office for D.C. Civil Division 555 Fourth Street, N.W. Room B-4226 Washington, DC 20530	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 NONE 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. _____	_____
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 7

Name of Person Reporting Contreras, Rudolph -	Date of Report 07/29/2011
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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.)*

	<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> <i>(Yours, not spouse's)</i>
1.			
2.			
3.			
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		State of Virginia, George Mason University (Fairfax, VA) - Spouse 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 7

Name of Person Reporting Contreras, Radolph ~	Date of Report 07/29/2011
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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.			

FINANCIAL DISCLOSURE REPORT
 Page 4 of 7

Name of Person Reporting Contreras, Rudolph -	Date of Report 07/29/2011
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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 except from prior disclosure	D. 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)
1. 401(k) Account #1	A	Dividend	J	T	Exempt				
2. - American Funds Fundamental Investor	A	Dividend	J	T					
3. - Harbor Capital Appreciation Instl	A	Dividend	J	T					
4. - Hartford Dividend & Growth	A	Dividend	J	T					
5. - Schwab S&P 500 Index	A	Dividend	J	T					
6. - Vanguard Mid-Cap Growth Index Inv	A	Dividend	J	T					
7. - Vanguard Small Cap Value Index	A	Dividend	J	T					
8. - American Funds EuroPacific Gr R4	A	Dividend	J	T					
9. - Oppenheimer Developing Markets Y	A	Dividend	J	T					
10. - PIMCO Total Return Instl	A	Dividend	J	T					
11. - Vanguard GNMA Adm	A	Dividend	J	T					
12. - Vanguard Inflation-Protected Secs A	A	Dividend	J	T					
13. Citibank (Cash Account)	A	Interest	K	T					
14. Bank of America (Cash Account)		None	J	T					
15. ING Direct (Cash Account)	A	Interest	K	T					
16. Treasury Department Federal Credit Union (Cash Account)	A	Interest	J	T					
17. IRA Account #1	A	Int./Div.	J	T					

1. Income Gain Codes: (See Columns B1 and D1)	A = \$1,000 or less I = \$10,001 - \$100,000	D = \$1,201 - \$1,300 G = \$100,001 - \$1,000,000	C = \$1,501 - \$1,600 H = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 I2 = more than \$5,000,000	E = \$1,001 - \$10,000 I1 = more than \$10,000,000
2. Value Codes: (See Columns C1 and D2)	J = \$11,000 or less N = \$10,001 - \$50,000 P3 = \$15,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$50,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$3,000,000 P4 = more than \$3,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	T = Cash Market
3. Value Method Codes: (See Column C3)	Q = Appraisal U = Block Value	R = Cash (Real Estate Only) V = Other	S = Acquisition W = Redemption		

FINANCIAL DISCLOSURE REPORT

Page 5 of 7

Name of Person Reporting

Contreras, Rudolph -

Date of Report

07/29/2011

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) Please "QC" 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: I (A-F)	(2) Type (e.g., div., rent, or int.)	(3) Value Code: 2 (1-P)	(4) Value Method Code: 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date month/day	(3) Value Code: 2 (1-P)	(4) Gain Code: 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. - Insured Money Market (Charles Schwab Bank)	A	Interest	J	T					
19. - Baron Asset Fund	A	Dividend	J	T					
20. - Schwab Intl Index Fund	A	Dividend	J	T					
21. IRA Account #2	A	Int./Div.	K	T					
22. - Insured Money Market (Charles Schwab Bank)	A	Interest	J	T					
23. - Baron Asset Fund	A	Dividend	J	T					
24. - Dodge & Cox Stock Fund	A	Dividend	J	T					
25. - Schwab Intl Fund	A	Dividend	J	T					
26. Virginia College Savings Plan (529) - Southside	A	Dividend	L	T					
27. Virginia College Savings Plan (529) - Potomac	A	Dividend	L	T					

1. Income Code Codes: (See Column D) and (4)	A = \$1,000 or less F = \$10,001 - \$100,000	B = \$1,001 - \$1,500 G = \$100,001 - \$1,000,000	C = \$1,501 - \$1,800 H = \$1,800,001 - \$1,000,000	D = \$1,801 - \$15,000 I = More than \$15,000,000	E = \$15,001 - \$50,000
2. Value Codes: (See Column C) and (3)	J = \$1,000 or less N = \$150,001 - \$300,000 V = \$15,000,001 - \$50,000,000	K = \$1,501 - \$50,000 O = \$500,001 - \$1,000,000	L = \$10,001 - \$100,000 P = \$1,000,001 - \$5,000,000 T = More than \$50,000,000	M = \$100,001 - \$300,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes: (See Column 3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Automatic W = Estimated	T = Cash Market	

FINANCIAL DISCLOSURE REPORT
Page 6 of 7

Name of Person Reporting	Date of Report
Contreras, Rudolph -	07/29/2011

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

FINANCIAL DISCLOSURE REPORT
Page 7 of 7

Name of Person Reporting	Date of Report
Contreras, Rudolph -	07/29/2011

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

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		53	393	Notes payable to banks-secured			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities-add schedule		211	601	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 -- personal residence		388	830
Real estate owned -- personal residence		541	750	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		16	425				
Cash value-life insurance							
Other assets itemize:							
Thrift Savings Plan		492	460				
				Total liabilities		388	830
				Net Worth		926	799
Total Assets	1	315	629	Total liabilities and net worth	1	315	629
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							

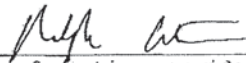
FINANCIAL STATEMENT

NET WORTH SCHEDULES

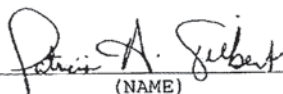
Listed Securities

American Funds EuroPacific Growth Fund	\$1,695
American Funds Fundamental Investor	2,101
Baron Asset Fund	9,538
Dodge & Cox Stock Fund	7,497
Harbor Capital Appreciation Inst'l	1,349
Hartford Dividend & Growth Fund	1,166
Oppenheimer Developing Markets Fund	499
PIMCO Total Return Fund	1,897
Schwab International Index Fund	10,074
Schwab S&P 500 Index Fund	529
Vanguard GNMA Fund	883
Vanguard Inflation-Protected Securities Fund	900
Vanguard Mid-Cap Growth Index Fund	529
Vanguard Small Cap Growth Index Fund	1,466
Virginia 529 (VEST): Southside	80,436
Virginia 529 (VEST): Potomac	81,041
Roth IRA cash	10,001
Total Listed Securities	\$211,601

AFFIDAVIT

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

July 29, 2011
(DATE)


(NAME)

Patricia A. Gilbert
Notary of Public
District of Columbia
Commission Expires: December 14, 2011

(NOTARY)

Senator DURBIN. Thank you.

I would like to ask a general question based on my shadowy memories of the days when I appeared before Federal court judges in Springfield, Illinois, and in Chicago. And I had my favorites based not so much on their intelligence but on their temperament. This is a lifetime appointment, and it has been my observation that it goes straight to the head of some of the nominees once they put the robe on and they forget that they are still human beings with a background in the law and have before them attorneys who are doing their best for their clients.

I would like each of you, if you would, to just spend a brief moment talking about that issue of judicial temperament and what you have learned appearing before judges and what you would bring to the bench given that opportunity. Ms. Du, would you start?

Ms. DU. Thank you, Your Honor. Your Honor? Thank you, Senator. I think that is a very good question. I am used to appearing before the court.

One of the judges I admire the most on our Federal bench is somebody who exudes civility in the courtroom, and he conducts his courtroom with dignity and respect and is very humble. That is one of the qualities I admire. I think that the judges should exemplify our judicial system and should exhibit great temperament and in that way command respect.

Senator DURBIN. Mr. Contreras.

Mr. CONTRERAS. Yes, thank you for the question. I have practiced in the very court for which I have been nominated for the better part of 17 years, and I have appeared before many, many of the judges, and it makes a huge difference, the temperament of the judge. There were a number of judges—no longer on the bench—who even when I won it was less than a pleasant experience to appear. So I will make it a center point of my tenure, if I am so fortunate to be confirmed, to make sure that every party that appears is treated with respect and also is given the opportunity to have their claims heard fairly, regardless of walk of life or position in life.

Senator DURBIN. Thank you.

Ms. Abrams.

Ms. ABRAMS. I think judicial temperament is critically important. It is important for a judge to be patient and to be a good listener and to be humble and to be courteous to all those before him or her, no matter if they are rich or poor, no matter where they come from. I think it is important for a judge to remember that the courtroom can be an intimidating place for people, and it is important to treat everyone with respect and courtesy.

I recall that at a prior hearing one nominee said that people remember being mistreated much longer than they remember if they won or lost. And I think that that is true, and I think that a calm and decent and respectful temperament is critical for just confidence in the system overall.

Senator DURBIN. Mr. Fitzgerald.

Mr. FITZGERALD. As Ms. Abrams said, I think that being a calm and patient and good listener is very much a part of the judicial temperament. It is very important that the parties feel not only

that their case was not prejudged, but that they were treated with respect and that their case was seen as important to them. And I would certainly endeavor to project that and to display that to everyone who came into my courtroom.

Senator DURBIN. Thank you. It seems like a very obvious question, I know, and the answers are anticipated. But I believe it is one of the most important elements in being a successful Federal judge, and I hope that—and I know that each of you feel as I do, that temperament is a critical element.

Let me ask you, Ms. Abrams, you served on a task force that the chief judge of New York State created to propose reforms to help safeguard against wrongful convictions. That topic is always in the news: eyewitnesses that get it all wrong, people in jail for decades when it turns out they did not commit the crime. What did you learn in this process that you would bring to the bench?

Ms. ABRAMS. Well, a wrongful conviction is just a grave failure of our criminal justice system. It destroys the life of the person convicted. It lets the actual perpetrator go free. It should never happen, and yet on occasion it does. And I think that it is important for judges to understand the causes of wrongful convictions and be vigilant in every case in ensuring that the case is handled properly and that such a grave injustice does not happen in that judge's courtroom.

Senator DURBIN. Ms. Du, you have an amazing, compelling life story of how you made it to the United States despite great adversity, and your family stuck together and I think virtually all of them are here today, which is a good thing for you. What has that experience being first-generation American meant to you in terms of your work as an attorney? And what would it mean on the bench?

Ms. DU. Having been born and raised initially in a country where the rule of law is not respected helped give me the appreciation for the rule of law and our judicial system. And that was one of the reasons why I decided to go into the law. I wanted to show my family that in this country we can be a part of the system and do well, because they did not get a sense of trust from the Government having lived in Vietnam.

Senator DURBIN. Mr. Contreras, there are so many things I can ask you about. You have an amazing background in the law, working in the U.S. Attorney's Office and the like. But the one thing I have noticed that just jumped off the page was your mentoring of disadvantaged Hispanic students in the District of Columbia as well as Hispanic law students.

Tell me why you felt the need to do that and what you have brought from that experience.

Mr. CONTRERAS. Thank you for that question, Senator. It is something as a first-generation attorney—I did not have a lot of guidance, through no fault of my parents. They just had never gone to college themselves or gone to law school, and knowing how to maneuver the very difficult paperwork or financial aid and all those things that are involved, it is a very complicated process nowadays. I have just felt that having been through it myself and hopefully learned something from those events, that it is my duty

Ms. DU. I would. I believe a judge's role is to look at the facts and apply the law and be fair and open to everyone who appeared before the court.

Senator DURBIN. And tell me about your pro bono work as an attorney.

Ms. DU. I have represented several nonprofit organizations in helping them through some of their employment issues, both from the defense and the plaintiff side.

Senator DURBIN. Thank you.

Mr. Contreras, a similar question. Most of your background has been representing the U.S. Government either prosecuting cases against individuals or representing the Government's interest in contractual relationships. And so the same question: What would a criminal defense lawyer think if he drew Judge Contreras in an important case?

Mr. CONTRERAS. Thank you for that question. I do not think anyone would feel like they were not getting a fair shot because, despite the fact that I have defended the Government for the better part of my career, a large part of my job is not just to serve justice with a capital "J" but also served justice with a small "j." And a large part of my job is convincing agencies to do what the law requires, and a lot of that is behind the scenes. Neither the parties nor the court ever see it. But my job is to enforce the law, and regardless of who I represented before assuming the bench, I will have no problem if the Government has not acted according to the law, that it will be held accountable the same way.

Senator DURBIN. Tell me about your own pro bono experience.

Mr. CONTRERAS. Given that I represent—before I worked for U.S. Attorney's Office, I did a lot of pro bono helping folks with Social Security matters and with immigration matters. Representing the United States, I am conflicted now from doing all that sort of work. So I have focused, as you mentioned earlier, on mentoring and dealing with individuals more so than pro bono work in my current tenure. Before I joined the U.S. Attorney's Office, I did a lot of work helping immigration, asylum cases, Social Security cases. I helped someone that was getting evicted from a D.C. housing unit. I helped a grandmother who was trying to adopt their grandchild because of problems with the child's mother.

Senator DURBIN. Thank you.

Ms. Abrams, I know you are sitting there saying, "I hope he asks me about the pro bono part."

[Laughter.]

Senator DURBIN. Please proceed and tell me about your experience.

Ms. ABRAMS. Well, I think I have been on all sides of the aisle, to a certain extent. I was a prosecutor for a long time, for 9½ years at the U.S. Attorney's Office for the Southern District of New York. But I have also represented criminal defendants in Federal and State actions. I am on the Criminal Justice Act Panel now in the Southern District of New York.

On the civil side, I have represented both plaintiffs and defendants ranging from very large corporations to individuals seeking to enforce their rights. So I think in terms of impartiality, I do not think it would be questioned because I have been on all sides.

In terms of pro bono work, thank you for the question. Virtually all of the work I do not, is designed to serve the disadvantaged. I am special counsel for pro bono at my law firm now. I litigate cases. I supervise cases. I represent battered women and veterans and criminal defendants and unpaid workers. And then I oversee the program as a whole. So I have done a good deal of pro bono work. I do it now and I did it before I was a prosecutor as well, and I think it is critically important for all lawyers to do.

Senator DURBIN. Thank you.

Mr. Fitzgerald, same question in terms of your balance as you would approach the bench based on your own personal experience, and then, again, any pro bono work that you have done. I cited a case. I believe you already have, but if you could expand on that a bit.

Mr. FITZGERALD. Yes, Senator, I am pleased that my legal career has given me the opportunity to handle both criminal and civil cases and to be on the criminal side and represent both the United States of America and defendants, on the civil side to represent plaintiffs and defendants, individuals and corporations.

Certainly most of the cases I have handled have settled and not gone to trial, and that obviously requires a certain ability to see things from the opposing party's point of view to reach a mutually agreeable settlement.

In terms of pro bono, in addition to the case that you mentioned, I have handled other court-appointed work in both the district court and the court of appeals. I have served, as Senator Boxer mentioned, as a volunteer counsel to two commissions that were investigating the Los Angeles Police Department. And I have also volunteered to be a moot court coach for a local law school that is in partnership with the California Institute of Technology for a high-tech new court program.

Senator DURBIN. Thank you.

Senator Lee.

Senator LEE. Thank you, Mr. Chairman.

Since I have spent my first 5 minutes talking to Mr. Fitzgerald and Ms. Du, I will direct my next question to Ms. Abrams and Mr. Contreras. I would like to ask both of you the same question in that order, starting with you, Ms. Abrams. If you are confirmed as Federal judges, you will be called on constantly to interpret, to offer up a judicial construction of various provisions of Federal law and of the U.S. Constitution. So what I would like to know is: What sources would you consult, would you draw upon in arriving at your construction of a particular provision?

Ms. ABRAMS. Well, the first thing you would do is look at the text of the provision at issue and the structure of that. You would look to the precedent of the Supreme Court and of the court of appeals in the circuit in which you sit, and that is the first two and most important things you do.

If it is a case of first impression and there is no precedent on point, you would look to precedent of the Supreme Court and the relevant court of appeals for analogous provisions. You would look at precedent from other circuits as well as legislative history.

Senator LEE. What ought to drive it? What the legislative body intended or what the language actually says?

Ms. ABRAMS. I think the first thing and most important thing you want to look at is what the language says, and that is your starting point always.

Senator LEE. Mr. Contreras.

Mr. CONTRERAS. Thank you for that question. This issue is actually something I practice on a nearly daily basis in my current capacity as interpreting statutes and defending statutes on behalf of the United States. I follow *Chevron* from the Supreme Court very clearly. If the statute is clear on its face, that is the end of the story. If it is not, if there is ambiguity, you go to *Chevron* step two and you see what the administrative agency's reasonable interpretation is of the statute, filling in the gaps. There is no step three about what I think about the statute, and that is where it is. If the agency's interpretation is arbitrary and capricious, then the plaintiff wins. But using the teachings of the Supreme Court and the D.C. Circuit, which has a myriad of cases on this issue, I would have lots of sources of guidance.

Senator LEE. Sure. Well, and on your court *Chevron* will be of enormous importance. You will, of course, be called upon from time to time to construe statutory provisions outside the unique context of *Chevron* and its progeny.

What about there? What do you do there? And what specifically do you think about, for instance, legislative history and what role it ought to play?

Mr. CONTRERAS. Well, if the statute is unclear—again, I go to the clear face of the statute. If the language of the statute is clear, even if legislative history is contrary to the clear language of the statute, you do what the statute says. In the end that is the statute that Congress issued.

If it is not, depending on the circumstances, one can look to see if the legislative history is clear, but that is treacherous work. You know, what various folks got into the legislative history may not be why the statute was voted into place. So if the legislative history is very clear and it seems that it clearly was the reason for the statute, I would give it some weight. But it is very hard to do, to decipher legislative history, especially long afterwards.

Senator LEE. Thank you very much to all of you. Thanks for coming today.

Thank you, Mr. Chairman.

Senator DURBIN. Thanks, Senator Lee, for being here today, and I want to thank all of our nominees who have appeared before us, and certainly the Senators and Delegate who came to speak on your behalf.

We will keep the record open for a week. If there are questions that come in either from us or other members of the Committee, I hope you will respond to them on a very timely basis. And I want to thank everyone for being here today.

This Committee will stand adjourned.

[Whereupon, at 4:25 p.m., the Committee was adjourned.]

[Questions and answers and submissions follow.]

Congressional Hispanic Caucus
United States Congress
Washington, DC 20515
CHAIRMAN
CHARLES A. GONZALEZ
20TH DISTRICT, TEXAS

October 18, 2011

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Grassley:


On behalf of the Congressional Hispanic Caucus, we write to express our strong support for the nomination of Rudolph Contreras to the United States District Court for the District of Columbia.


Mr. Contreras is extraordinarily well qualified for the position. As the current Chief of the Civil Division in the U.S. Attorney's Office for the District of Columbia, Mr. Contreras would follow in the footsteps of two of his predecessors who are now judges on the United States District Court for the District of Columbia, Chief Judge Royce C. Lamberth and John D. Bates.

After working his way through college and graduating from the University of Pennsylvania Law School, *cum laude*, Order of the Coif and law review, Mr. Contreras was an associate in the litigation department of the Jones Day law firm in Washington, DC. He then served for eight years as an assistant U.S. attorney in the Civil Division in the U.S. Attorney's Office for the District of Columbia. Previous to that, Mr. Contreras served as the Chief of the Civil Division in the U.S. Attorney's Office, District of Delaware, for three years. In 2006, he assumed his current position as head of the Civil Division in the U.S. Attorney's Office for the District of Columbia, where he oversees almost eighty employees, including 40 assistant U.S. attorneys.

Mr. Contreras has the temperament, judgment, intellect and work ethic needed to serve with distinction on the bench. We wholeheartedly endorse his nomination and urge you to support his appointment. If we can provide you any further information about our endorsement or his qualifications, do not hesitate to contact us.

Sincerely,


Charles A. Gonzalez
Chair
Congressional Hispanic Caucus


Rubén Hinojosa
First Vice Chair
Congressional Hispanic Caucus