

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

George Levi Russell, III

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

United States District Judge for the District of Maryland

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.

Circuit Court of Maryland for Baltimore City
111 North Calvert Street
Baltimore, Maryland 21202

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

1965; Baltimore City, Maryland

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

1988 – 1991, University of Maryland School of Law; J.D., 1991

1984 – 1988, Morehouse College; B.A., 1988

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

2007 – Present
Circuit Court of Maryland for Baltimore City
111 North Calvert Street
Baltimore, Maryland 21202
Associate Judge

2002 – 2007

United States Attorney's Office for the District of Maryland, Criminal Division
36 South Charles Street, Fourth Floor
Baltimore, Maryland 21201
Assistant United States Attorney

2000 – 2002

The Law Offices of Peter G. Angelos, P.C.
100 North Charles Street, Suite 2200
Baltimore, Maryland 21201
Attorney

1994 – 1999

United States Attorney's Office for the District of Maryland, Civil Division
36 South Charles Street, Fourth Floor
Baltimore, Maryland 21201
Assistant United States Attorney

1994

Whiteford, Taylor and Preston, L.L.P.
7 St. Paul Street
Baltimore, Maryland 21202
Associate Attorney

1992 – 1994

Hazel and Thomas, P.C.
120 East Baltimore Street, Suite 2100
Baltimore, Maryland 21202
Associate Attorney

1991 – 1992

The Honorable Robert M. Bell, Chief Judge for the Court of Appeals of Maryland
634 Courthouse East
111 North Calvert Street
Baltimore, Maryland 21202
Law Clerk

Summer 1990

DLA Piper
6225 Smith Avenue
Baltimore, Maryland 21209
Summer Associate

Summer 1989
Venable, L.L.P.
750 East Pratt Street
Baltimore, Maryland 21202
Summer Associate

Summer 1988
Phillips Seafood Restaurant
301 Light Street
Baltimore, Maryland 21202
Busboy

Other Affiliations (uncompensated):

2007 – Present
The Historical Society of the United States District Court for the District of Maryland
4415 U.S. Courthouse
101 West Lombard Street
Baltimore, Maryland 21201
Trustee

2003 – Present
The Center Club
100 Light Street, 16th Floor
Baltimore, Maryland 21202
Board Member

2002 – Present
Enoch Pratt Free Library
400 Cathedral Street
Baltimore, Maryland 21202
Trustee and Board Member

1998 – 2004
Community Law Center
3355 Keswick Road, Suite 200
Baltimore, Maryland 21211
Board Member

2002 – 2004
Public Justice Center
1 North Charles Street, Suite 200
Baltimore, Maryland 21201
Board Member

2002 – 2004
Big Brothers and Big Sisters
3600 Clipper Mill Road, Suite 250
Baltimore, Maryland 21211
Board Member

1998 – 2000
Beech Tree Community Association
5868 Pimlico Road
Baltimore, Maryland 21209
Board Member

1997 – 1998
Federal Bar Association
1220 North Fillmore Street, Suite 444
Arlington, Virginia 22201
Treasurer

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

I have not served in the United States Military. I have registered for selective service.

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

Maryland Bar Foundation Fellow (2007)

Martindale-Hubbell “AV” Rating (2000)

Letters and Certificates of Commendation:

United States Attorney’s Office, District of Maryland (2006)
United States Air Force (1998)
Smithsonian Institution (1998)
Department of Health and Human Services (1998)
Executive Office for United States Attorneys (1996)
Department of the Navy (1996)
United States Postal Service (1996)
United States Office of Personnel Management (1996)

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.

Baltimore City Bar Association
Federal Bar Association
Treasurer (1997 – 1998)
Maryland Bar Association
Monumental City Bar Association

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.

Maryland, 1991
District of Columbia, 1993

I stopped paying bar dues in the District of Columbia in 1994 because I was no longer practicing there. Otherwise, there has been no lapse in membership.

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

United States Court of Appeals for the Fourth Circuit, 1994
United States District Court for the District of Maryland, 1992
United States District Court for the District of Columbia, 1993
Court of Appeals of Maryland, 1991

My membership in the United States District Court for the District of Columbia lapsed in 1994 because I no longer practiced in that court. Otherwise, there have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Beech Tree Community Association
Board Member (1998 – 2000)

Big Brothers and Big Sisters
Board Member (2002 – 2004)

The Center Club
Board Member (2003 – Present)

Community Law Center
Board Member (1998 – 2004)

Enoch Pratt Free Library
Board Member and Trustee (2002 – Present)

Gamma Boule' Sigma Pi Phi Fraternity (2003 – Present)

The Historical Society of the United States District Court for the District of
Maryland, Inc.
Trustee (2007 – Present)

Public Justice Center
Board Member (2002 – 2004)

- 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.

Gamma Boule' Sigma Pi Phi is a fraternal society comprised of men. Otherwise, to the best of my knowledge, none of the organizations listed in response to 11a 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.

To my knowledge, I have not generated or caused to be generated any reports, memoranda or policy statements.

- 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.

I have attempted to list all speeches, talks, and presentations I have delivered based on thorough searches of my files and the internet. There may, however, be others I have been unable to remember or identify. I often speak to young people about the practice of law. It is my practice to speak without notes.

July 20, 2011 – I spoke to students through the Citizenship Law Related Education Program for the Schools of Maryland about the operation of the judicial system and to encourage them to pursue their dreams and goals. I have no notes, transcript, or recording. The address of the Citizenship Law Related Education Program is 520 Fayette Street, Baltimore, Maryland 21201.

May 26, 2011 – I spoke to high school students through the National Academy Foundation about the operation of the judicial system and encouraged them to pursue their dreams and goals. I have no notes, transcript, or recording. The address of the National Academy Foundation is 540 North Caroline Street, Baltimore, Maryland 21205.

April 7, 2011 – I spoke to high school students through the National Academy Foundation about the operation of the judicial system and encouraged them to pursue their dreams and goals. I have no notes, transcript, or recording. The address of the National Academy Foundation is 540 North Caroline Street, Baltimore, Maryland 21205.

June 17, 2010 – I spoke to college students through the Charles Hamilton Houston Scholars Program about the operation of the judicial system and encouraged them to pursue their dreams and goals. I have no notes, transcript, or recording. The address of the Charles Hamilton Houston Scholars Program is 1415 Maryland Avenue, Baltimore, Maryland 21201.

Summer 2010 – I spoke to students through the Citizenship Law Related Education Program for the Schools of Maryland about the operation of the judicial system and to encourage them to pursue their dreams and goals. I have no notes, transcript, or recording. The address of the Citizenship Law Related Education Program is 520 Fayette Street, Baltimore, Maryland 21201.

May 5, 2010 – I gave the response of the Circuit of Maryland for Baltimore City to the swearing in of Judge Charles J. Peters at his investiture. My remarks are supplied.

March 5, 2010 – I spoke to students from the Academy of Career and Exploration, at the request of the Office of the State’s Attorney for Baltimore City about the operation of the judicial system and encouraged them to pursue their dreams and goals. I have no notes, transcript, or recording. The address of the Office of the State’s Attorney for Baltimore City is 208 Clarence Mitchell Jr. Courthouse, 110 North Calvert Street, Baltimore, Maryland 21211.

January 26, 2010 – I participated in a panel discussion entitled “Jury Trials: From the Judges’ Perspective.” I have no notes, transcript, or recording. The panel was sponsored by the Bar Association of Baltimore City, which is located at 111 North Calvert Street, Suite 627, Baltimore, Maryland 21202.

October 22, 2009 – I participated in a panel discussion at the University of Baltimore School of Law about clerkships and the practice of law for first and second year law students. I have no notes, transcript, or recording. The address of the School of Law is 1415 Maryland Avenue, Baltimore, Maryland 21201.

August 27, 2009 – I spoke to recovering heroin addicts to encourage them to conquer their addictions. I have no notes, transcript, or recording. The event was sponsored by the Penn North Neighborhood Center, which is located at 2410 Pennsylvania Avenue, Baltimore, Maryland 21217.

Summer 2009 – I spoke to students through the Citizenship Law Related Education Program for the Schools of Maryland about the operation of the

judicial system and to encourage them to pursue their dreams and goals. I have no notes, transcript, or recording. The address of the Citizenship Law Related Education Program is 520 Fayette Street, Baltimore, Maryland 21201.

March 10, 2009 – At the request of the Office of the State’s Attorney for Baltimore City, I spoke to students from the Regional Institute High School about the operation of the judicial system and encouraged them to pursue their dreams and goals. I have no notes, transcript, or recording. The address of the Office of the State’s Attorney for Baltimore City is 208 Clarence Mitchell Jr. Courthouse, 110 North Calvert Street, Baltimore, Maryland 21202.

November 24, 2008 – I spoke to high school students through the Community Law in Action Program about the operation of the judicial system and encouraged them to pursue their dreams and goals. I have no notes, transcript, or recording. The address of the Community Law in Action Program is 520 West Fayette Street, Baltimore, Maryland 21201.

February 27, 2008 – At the request of the Office of the State’s Attorney for Baltimore City, I spoke to students from Westside Elementary School about the operation of the judicial system and encouraged them to pursue their dreams and goals. I have no notes, transcript, or recording. The address of the Office of the State’s Attorney for Baltimore City is 208 Clarence Mitchell Jr. Courthouse, 110 North Calvert Street, Baltimore, Maryland 21202.

May 2, 2007 – At the request of the Office of the State’s Attorney for Baltimore City, I spoke to students from Westside Elementary School about the operation of the judicial system and encouraged them to pursue their dreams and goals. I have no notes, transcript, or recording. The address of the Office of the State’s Attorney for Baltimore City is 208 Clarence Mitchell Jr. Courthouse, 110 North Calvert Street, Baltimore, Maryland 21202.

March 9, 2007 – I spoke at my investiture to express my appreciation to my family and friends who assisted me in reaching my goal to become a judge. My remarks are supplied.

2006 – On two occasions in 2006, I lectured at the Baltimore City Police Department’s In-Service Training Program and advised police officers how to testify in court and the law related to search and seizure warrants. I have no notes, transcript, or recording. The address of the Baltimore City Police Department is 500 East Baltimore Street, Baltimore, Maryland 21202.

- 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.

Matthew Dolan, *Towson Doctor Given 7 Years*, Baltimore Sun, July 1, 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.

In January 2007, I was appointed by Governor Robert L. Ehrlich, Jr., to the position of Associate Judge on the Circuit Court of Maryland for Baltimore City. On February 1, 2007, I was sworn in as a Circuit Court judge. In November 2008, I was elected to a 15 year term. The Circuit Court is a Court of general jurisdiction. I have sat on each of the four dockets: Criminal, Civil, Family and Juvenile.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? 300

- i. Of these, approximately what percent were:

jury trials:	25%
bench trials:	75%
civil proceedings:	80%
criminal proceedings:	20 %

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

1. Binyatov v. State, Case No. 199144017, Petition No. 9882 (Cir. Ct. Balt. City August 22, 2008).

2. Coward v. State, Case No. 100144021, Petition No. 10430, (Cir. Ct. Balt. City June 15, 2011).

3. Edwards v. State, Case No. 199039035, Petition No. 10169, (Cir. Ct. Balt. City August 16, 2010).

4. Griffin v. State, Case Nos. 196171021,023,025,027, Petition No. 8191, (Cir. Ct. Balt. City June 9, 2011).

5. Henry v. State, Case Nos. 205062018,206083033, Petition No. 10122, (Cir. Ct. Balt. City July 22, 2009).

6. Howard-Bey v. State, Case No. 198240049, Petition No. 10241, (Cir. Ct. Balt. City June 8, 2011).

7. Ray v. State, Case No. 19006405, Petition No. 9672, (Cir. Ct. Balt. City February 17, 2009).

8. Reed v. State, Case No. 107012021, Petition No. 10037, (Cir. Ct. Balt. City March 11, 2010).

9. Shannon v. State, Case No. 195347042, Petition No. 9943, (Cir. Ct. Balt. City April 6, 2011).

10. Woodfolk v. State, Case No. 28735804, Petition No. 7334, (Cir. Ct. Balt. City February 1, 2011).

11. Gordon Contractors, Inc. v. Dupont Realty, L.L.C., Case No. 24-C-07-005103, (Cir. Ct. Balt. City January 4, 2008).

12. Fine v. McClure, Case No. 24-C-06-0100464, (Cir. Ct. Balt. City April 4, 2007).

13. McKee v. State, Case No.10225028, (Cir. Ct. Balt. City October 13, 2010).

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

1. State v. Mosley, Case Nos. 106229028-31.

The Defendant was charged with rape and related offenses. The case involved testimony of forensic and DNA experts and the exclusion of certain portions of their testimony based upon the contamination of the crime scene. The jury trial began on April 29, 2009 and lasted four days. The Defendant was found guilty of all charges. He was sentenced to life in prison plus 40 years to run consecutively.

Counsel for the State: Jennifer McAllister, 210 Clarence Mitchell Jr. Courthouse, 110 North Calvert Street, Baltimore, Maryland 21202, (410) 396-5040.

Counsel for Defendant: Maureen L. Rowland of the Office of the Public Defender, 201 Saint Paul Place, Baltimore, Maryland 21202, (410) 333-4900 ext. 347.

2. State v. Swilling and Parker, Case Nos. 108263027-37.

Both Defendants were charged with conspiracy, attempted first degree murder, and related offenses. The case arose out of a dispute among friends and a subsequent shooting. Defendants were not accused of shooting the victim but both were accused of having the victim shot by someone else. Both Defendants, through their counsel, waived their right to a trial by jury, and instead chose to

have a bench trial. The trial began on May 7, 2009 and lasted three days. Mr. Parker was granted a judgment of acquittal after the State's case. The court found Ms. Swilling not guilty of all of the charges after the close of all the evidence.

Counsel for the State: Nicole Lomartire, 210 Clarence Mitchell Jr. Courthouse, 110 North Calvert Street, Baltimore, Maryland 21202, (410) 361-9820.

Counsel for Defendant Swilling: Bridget Shepherd of the Office of the Public Defender, 201 Saint Paul Place, Baltimore, Maryland 21202, (410) 333-4900 ext. 241.

Counsel for Defendant Parker: Dennis Laye, 38 West 25th Street, Baltimore, Maryland 21218, (410) 235-6868.

3. Edwards v. Reaping, Case No. 24 C 06-002213.

Plaintiff sued the Defendant for false arrest and malicious prosecution after he accused her of firing a BB or pellet gun multiple times at his home. The Defendant filed a counter-claim for trespass and nuisance. The case required rulings on various motions in limine, including a motion to exclude transcripts of a 311 recording and hearsay statements of neighbors. The jury trial began on May 29, 2007 and lasted four days. The jury found in favor of the Plaintiff and awarded one dollar in damages. The jury rejected the Defendant's counter-claim.

Counsel for Plaintiff: Leonard Redmond, 115 West Saratoga Street, Baltimore, Maryland 21201, (410) 752-1555.

Counsel for Defendant: Margaret Meade, 200 East Lexington Street, Suite 1511, Baltimore, Maryland 21202, (410) 727-6400 ext. 104.

4. Barksdale v. Ivy Hall Rehabilitation Center, Case No. 24 C 04-005164.

The Plaintiff, Ms. Barksdale individually, and as personal representative of the Estate of Ada Jordon, sued the Defendants for medical negligence arising from Ms. Jordon's treatment at a nursing facility. Specifically, the Plaintiff alleged that the Defendants failed to treat bed sores which ultimately resulted in the infection and death of Ms. Jordon. The trial began on April 30, 2007 and lasted seven days. The case included a number of pretrial motions seeking to exclude evidence based upon violation of the rules of discovery and post-trial motions to reduce the amount of the judgment based upon liability releases signed by certain Defendants. The jury found in favor of the Estate in the amount of \$75,000 and denied the individual claim of damages.

Counsel for Plaintiff: Roger Bennett, 200 East Lexington Street, Suite 200, Baltimore, Maryland 21202, (410) 727-2168.

Counsel for Defendants: James Fields, 111 South Calvert Street, Suite 2700, Baltimore, Maryland 21202, (410) 385-5246.

5. State v. Marshall, Case Nos.108199016-18.

The Defendant was charged with first degree murder, kidnapping, conspiracy, and various firearms offenses. The jury trial began on July 29, 2010 and lasted seven days. The jury found the Defendant guilty of murder and the firearm charges but could not reach a verdict on the kidnapping offenses. In the evening after the trial, defense counsel received information that one juror accused another juror of improperly using her cell phone to research the Defendant's criminal record during deliberations, despite instructions not to do so. Based upon this information the Defendant sought a new trial. After a full briefing and post-trial hearing, which included the testimony of accusing, witnessing and offending jurors, the Defendant's motion for a new trial was granted. The Defendant was recently retried and convicted. He is awaiting sentencing.

Counsel for the State: Tracey Robinson, 210 Clarence Mitchell Jr. Courthouse, 110 North Calvert Street, Baltimore, Maryland 21202, (410) 209-4990.

Counsel for Defendant: Roland Walker, 200 East Lexington Street, Suite 306, Baltimore, Maryland 21202, (410) 727-3710.

6. State v. Price, Case No. 107053050.

The Defendant was charged with first degree rape and related offenses. The case required a hearing and ruling on the admissibility of a critical sexual assault forensic evidence ("SAFE") exam report related to the victim. The issue to be decided was whether the document was made in for the purpose of medical treatment and/or in anticipation of litigation. The jury trial began on August 10, 2009 and lasted five days. The jury found the Defendant guilty on all counts. The Defendant was sentenced to life on the rape counts and 25 years on an assault count to run consecutively.

Counsel for the State: Katherine D. Smeltzer and Tara A. Barnes, 210 Clarence Mitchell Jr. Courthouse, 110 North Calvert Street, Baltimore, Maryland 21202, (410) 396-5040.

Counsel for Defendant: Sharon DuBey, 201 Saint Paul Place, Baltimore, Maryland 21202, (410) 333-4900 ext. 217.

7. State v. Freeman, Case No. 509153021.

The Defendant was charged with armed robbery and related offenses. The case required hearing and ruling upon the admissibility of several photo arrays shown to the victim and the witnesses who identified the Defendant as being in the area

at the time of the crime. The jury trial began on March 4, 2010 and lasted four days. The jury found the Defendant not guilty on all charges.

Counsel for the State: Katie O'Hara, 210 Clarence Mitchell Jr. Courthouse, 110 North Calvert Street, Baltimore, Maryland 21202, (410) 396-7559.

Counsel for Defendant: Catherine Flynn, 200 East Lexington Street, Suite 1511, Baltimore, Maryland 21202, (410) 727-6400.

8. State v. Dudley, Case No. 108196016.

The Defendant was charged with first and second degree murder and firearm charges. The case involved several motions in limine, including a motion seeking to exclude an exculpatory hearsay statement of the Defendant to a police officer. The jury trial began on January 6, 2009 and lasted five days. The jury found the Defendant guilty on all charges. The Defendant received a life sentence.

Counsel for the State: Robyn Sozkoly, 210 Clarence Mitchell Jr. Courthouse, 110 North Calvert Street, Baltimore, Maryland 21202, (410) 545-6433.

Counsel for Defendant: Amy Stone, 201 Saint Paul Place, Baltimore, Maryland 21202, (410) 333-4900 ext. 312.

9. State v. Kingsborough and Christian, Case Nos. 108177019, 21, 23, 25 and 107269023, 25, 27.

The Defendants were charged with first and second degree murder, conspiracy, and related firearm charges. The trial began with several motions in limine including a motion to sever, suppress photo arrays and suppress the fruits of a search warrant. The jury trial began on April 6, 2010 and lasted four days. The jury found the Defendants not guilty on all charges.

Counsel for the State: Patrick Moran, 210 Clarence Mitchell Jr. Courthouse, 110 North Calvert Street, Baltimore, Maryland 21202, (443) 263-8100.

Counsel for Defendant Kingsborough: Sharon May, 10 North Calvert Street, Suite 142 Baltimore, Maryland 21202, (410) 347-1560.

Counsel for Defendant Christian: Martin Dorsey, 201 Saint Paul Place, Baltimore, Maryland 21202, (410) 878-8623.

10. State v. Wynn, Case Nos. 108035009-11.

The Defendant was charged with first degree murder, assault, and related offenses. The case was entirely circumstantial and required the admission of over 50 pieces of evidence and testimony of forensic and DNA experts. The jury trial

began on May 27, 2009 and lasted six days. The jury found the Defendant guilty on all of the offenses. He was sentenced to life in prison.

Counsel for the State: Kevin Wiggins, 210 Clarence Mitchell Jr. Courthouse, 110 North Calvert Street, Baltimore, Maryland 21202, (410) 396-4156.

Counsel for Defendant: David Walsh-Little, 201 Saint Paul Place, Baltimore, Maryland 21202, (410) 396-4900 ext. 322.

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

1. Binyatov v. State, Case No. 199144017, Petition No. 9882 (Cir. Ct. Balt. City Aug. 22, 2008). Opinion supplied.

Counsel for the State: Donald Giblin, Office of the State's Attorney, 100 North Calvert Street, Baltimore, Maryland 21202, (410) 396-5380.

Counsel for Petitioner: Initia Lettau, Office of the Public Defender, 300 West Preston Street, Suite 213, Baltimore, Maryland 21201, (410) 412-7143.

2. Coward v. State, Case No. 100144021, Petition No. 10430 (Cir. Ct. Balt. City June 15, 2011). Opinion supplied.

Counsel for the State: Jessica Paugh, Office of the State's Attorney, 111 North Calvert Street, Room 442, Baltimore, Maryland 21201, (410) 361-9820.

Counsel for Petitioner: Melissa McDonald, Office of the Public Defender, 116 West Mulberry Street, Baltimore, Maryland 21201, (410) 767-4998.

3. Edwards v. State, Case No. 199039035, Petition No. 10169 (Cir. Ct. Balt. City Aug. 16, 2010). Opinion supplied.

Counsel for the State: Tonya Lapolla, Office of the State's Attorney, 111 North Calvert Street, Room 442, Baltimore, Maryland 21202, (410) 361-9820.

Counsel for Petitioner: Flynn M. Owens, 200 East Lexington Street, Baltimore, Maryland 21202, (410) 709-3584.

4. Griffin v. State, Case Nos. 196171021,023,025,027, Petition No. 8191 (Cir. Ct. Balt. City June 9, 2011). Opinion supplied.

Counsel for the State: Michelle Martin, Office of the State's Attorney, 100 North Calvert Street, Room 130, Baltimore, Maryland 21202, (410) 396-5156.

Counsel for Petitioner: Norm Handwerger, Office of the Public Defender, 7500 Ritchie Highway, Room 111, Glen Burnie, Maryland 21061, (410) 412-7142.

5. Henry v. State, Case Nos. 205062018, 206083033, Petition No. 10122 (Cir. Ct. Balt. City July 22, 2009). Opinion supplied.

Counsel for the State: Antoine Collins, Office of the State's Attorney, 111 North Calvert Street, Room 454, Baltimore, Maryland 21202, (613) 853-4288.

Counsel for Petitioner: Sharon Dubey, Office of the Public Defender, 201 Saint Paul Place, Baltimore, Maryland 21202, (410) 333-4900 ext. 217.

6. Howard-Bey v. State, Case No. 198240049, Petition No. 10241 (Cir. Ct. Balt. City June 8, 2011). Opinion supplied.

Counsel for the State: Charles Bloomquist, Office of the State's Attorney, 111 North Calvert Street, Room 314, Baltimore, Maryland 21202, (410) 545-6433.

Counsel for Petitioner: David Russell, Office of the Public Defender, 7500 Ritchie Highway, Room 111, Glen Burnie, Maryland 21061, (410) 412-7140.

7. Ray v. State, Case No. 19006405, Petition No. 9672 (Cir. Ct. Balt. City Feb. 17, 2009). Opinion supplied.

Counsel for the State: Robyne Szokoly, Office of the State's Attorney, 100 North Calvert Street, Room 314, Baltimore, Maryland 21202, (410) 545-6433.

Counsel for Petitioner: Jennifer Meade, Office of the Public Defender, 300 West Preston Street, Suite 213, Baltimore, Maryland 21201, (410) 767-1274.

8. Reed v. State, Case No. 107012021, Petition No. 10037 (Cir. Ct. Balt. City Mar. 11, 2010). Opinion supplied.

Counsel for the State: Mark Floersheimer, Office of the State's Attorney, 110 North Calvert Street, Room 419, Baltimore, Maryland 21202, (443) 984-1621.

Counsel for Petitioner: Lisa Marquardt, Office of the Public Defender, 300 West Preston Street, Suite 213, Baltimore, Maryland 21202, (410) 767-4194.

9. Shannon v. State, Case No. 195347042, Petition No. 9943 (Cir. Ct. Balt. City Apr. 6, 2011). Opinion supplied.

Counsel for the State: Rita Wishtoff-Ito, Office of the State's Attorney, 100 North Calvert Street, Room 426, Baltimore, Maryland 21202, (410) 396-1772.

Counsel for Petitioner: Kenneth D. Mann, 200 East Lexington Street, Suite 902, Baltimore, Maryland 21202, (410) 468-0007.

10. Woodfolk v. State, Case No. 28735804, Petition No. 7334 (Cir. Ct. Balt. City Feb. 1, 2011). Opinion supplied.

Counsel for the State: Dana Middleton, Office of the State's Attorney, 111 North Calvert Street, Baltimore, Maryland 21201, (410) 396-7391.

Counsel for Petitioner: Benjamin Sutley, 116 West Mulberry Street, Baltimore, Maryland 21201, (410) 727-2040.

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

To the best of my knowledge, certiorari has not been requested or granted in any of my cases.

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

Bruce v. State, rev'd, Case No. 2891 (Md. App. June 9, 2011)

The Defendant appealed his conviction by a jury of second-degree assault. During the cross-examination of the victim, who was also the State's key witness, defense counsel asked the victim whether she felt pressured to testify because of her pending theft and disorderly conduct charges. The State objected and the court advised the jury to disregard the question and answer. At a bench conference, defense counsel informed the court that he was trying to show that the victim may have been pressured into becoming a State's witness in order to gain favor with the State in another case. In an unreported opinion, the Court of Special Appeals reversed Defendant's conviction and held that the court erroneously limited defense counsel's cross-examination of the victim when it prohibited defense counsel from asking the victim about the pending charge to show her possible bias, prejudice, interest in the outcome of the proceeding, or motive to testify falsely. Court of Special Appeals opinion supplied.

Finnell v. State, rev'd, Case No. 600 (Md. App. June 27, 2011)

The Defendant was charged and convicted in two separate indictments with drug offenses. The first indictment charged him with possession of marijuana, possession of marijuana with intent to distribute and distribution of marijuana. The second indictment charged him with possession of marijuana and possession of marijuana with intent to distribute. The court denied Defendant's motion to

dismiss the second indictment on the basis that the charges were duplicative. In an unreported opinion, the Court of Special Appeals held that the court erred in permitting multiple convictions for possession of marijuana and possession of marijuana with intent to distribute because the two indictments arose out of one transaction, at one event on the same day, and in one location. The appellate court therefore vacated Defendant's second indictment. Court of Special Appeals opinion supplied.

Green v. JN Realty Corporation, rev'd, Case No. 1575 (Md. App. Oct. 9, 2009)

The Plaintiff, by his mother, filed a civil suit against the Defendants arising out of Plaintiff's alleged exposure to lead paint at his home which was owned and or managed by Defendants. The Court of Special Appeals, in an unreported opinion, held that the court erred in granting Plaintiffs' motion for summary judgment because, contrary to the court's holding, the record showed the existence of a material dispute of fact regarding the time and duration of Plaintiff's tenancy at the property, which was material to the issue of Defendants' liability. Court of Special Appeals opinion supplied.

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

I have issued 13 unpublished opinions. All of my opinions are unpublished and are stored and filed with the Clerk of the Circuit Court of Maryland for Baltimore City.

- 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.

To the best of my knowledge, I have not written any significant opinions on federal or state constitutional issues.

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

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

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

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

My wife is a judge on the District Court of Maryland for Baltimore City. As such, she often presides over matters that eventually come before the Circuit Court of Maryland for Baltimore City on appeal. For example, in criminal cases she may set a bail for a defendant after his or her arrest and that defendant may seek a review of the bail in the Circuit Court. She also signs search and seizure warrants that may be the subject of a motion to suppress in the Circuit Court. In the criminal context of bail reviews, I do not know the identity of the District Court judge who initially sets the bail until the case is called by the State's Attorney and the procedural history of the case is recited by pretrial services. When I know the potential conflict at the hearing, which may have happened two or three times, I always disclose my relationship to all parties on the record. I afford either party the right to have the matter set before another judge. I have searched my memory, records and internet databases and can only vaguely remember one instance where a party has asked that I recuse myself from hearing the case, which I did. I did not generate any notes or documents related to the recusal in the few instances that the issue arose. I have searched my records and memory and court records but I cannot identify the cases.

Potential conflicts also arise in civil cases, where a party may be appealing a District Court judge's decision to the Circuit Court. In this instance, I know whether my wife was involved in the decision when the case is assigned and before it is called. If the appeal is from her decision, I automatically recuse myself to prevent the appearance of any impropriety. The case is then reassigned to another judge. I did not generate any notes or documents related to the recusal in the few instances that the issue arose.

I also recuse myself when I find that I am related to witnesses in a case. One recent example occurred on August 8, 2011, in the case of In the Matter of Berry, Petition No. 808014008 (Cir. Ct. Balt. City August 8, 2011). In this Child-In-Need-of-Assistance case, involving an exception from a lower court Master's ruling regarding the Respondent's permanency plan, I discovered during the testimony of the first witness that I was related to another crucial witness in the case (my uncle). In response, I immediately asked the attorneys to approach,

explained the conflict, and advised that I would have to recuse myself from the case. I recused myself and the case was reset before another judge.

To my knowledge, these are the only cases in which my recusal has arisen.

15. **Public Office, Political Activities and Affiliations:**

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

I have not held public offices other than judicial office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have never held any office in any political party or held a position or played a role in any political campaign.

16. **Legal Career:** Answer each part separately.

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

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

I served as a law clerk to The Honorable Robert M. Bell, Chief Judge for the Court of Appeals of Maryland, from 1991 to 1992.

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

I have never practiced alone.

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

1992 – 1994
Hazel and Thomas, P.C.
120 East Baltimore Street, Suite 2100
Baltimore, Maryland 21202
Associate Attorney

1994
Whiteford, Taylor and Preston, L.L.P.
7 St. Paul Street
Baltimore, Maryland 21202
Associate Attorney

1994 – 1999
United States Attorney's Office for the District of Maryland, Civil
Division
36 South Charles Street, Fourth Floor
Baltimore, Maryland 21201
Assistant United States Attorney

2000 – 2002
The Law Offices of Peter G. Angelos, P.C.
100 North Charles Street, Suite 2200
Baltimore, Maryland 21201
Attorney

2002 – 2007
United States Attorney's Office for the District of Maryland, Criminal
Division
36 South Charles Street, Fourth Floor
Baltimore, Maryland 21201
Assistant United States Attorney

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

I have never served as a mediator or arbitrator in an alternative dispute resolution proceeding.

b. Describe:

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

I have spent my entire career in litigation. Prior to 2002, while employed in government and private practice, I litigated exclusively civil cases.

While in private practice from 1992 to 1994, I litigated plaintiff's personal injury, product liability, and medical malpractice cases as well as defended businesses in commercial litigation. As an Assistant United States Attorney in the Civil Division from 1994 to 1999, I defended various federal government agencies in discrimination, automobile accident, slip and fall, and medical malpractice cases, including appeals to the United States Court of Appeals for the Fourth Circuit. I also represented the United States in the collection of student loans and in farm foreclosure cases. In private practice from 2000 to 2002, I represented plaintiffs in class action and private personal injury cases.

As an Assistant United States Attorney in the Criminal Division from 2002 to 2007, I represented the United States in the criminal prosecution of violent crime and narcotics cases during the investigatory stage, at trial and on appeal. This included the initiation and monitoring of wiretaps to infiltrate and break up violent gangs in Baltimore City.

- 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 from 1992 to 1994, I represented businesses in commercial litigation, and plaintiffs in personal injury, product liability, and medical malpractice cases. From 1994 to 1999, as an Assistant United States Attorney, I represented various federal government agencies in discrimination, automobile accident, slip and fall, and medical malpractice cases. I also represented the United States in the collection of student loans and in farm foreclosure cases. In private practice from 2000 to 2002, I represented plaintiffs in class action and private personal injury cases.

Between 2002 and 2007, I represented the United States exclusively in criminal prosecutions. I specialized in violent crime and narcotics cases.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

I spent my entire career as a litigator and prosecutor. As an associate in a large law firm early in my career, I was typically part of a larger team working on particular matters and appeared in state and federal court only occasionally. As an Assistant United States Attorney, I appeared in federal court several times a week. I handled initial appearances, arraignments, pretrial conferences, guilty pleas, motions hearings on suppression of evidence and for summary judgment, trials and appeals.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 90%
 - 2. state courts of record: 10%
 - 3. other courts:
 - 4. administrative agencies:
- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 70%
 - 2. criminal proceedings: 30%
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have handled 13 cases that were decided by trial. Approximately six trials were non-jury. I served as chief counsel in all of these cases. Approximately seven trials were jury trials. I served as chief counsel in all but one of these cases.

- i. What percentage of these trials were:
 - 1. jury: 55%
 - 2. non-jury: 45%
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

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

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

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

1. United States v. Keenan, Criminal No. AMD-04-0484 (D. Md. 2004).

In April 2005, I tried this case before the Honorable Andre M. Davis in the United States District Court for the District of Maryland. The case arose from the execution of a search and seizure warrant on the home of a licensed Maryland physician. During the execution of the warrant, authorities discovered a sealed pipe containing Ecstasy precursor materials baking in the oven. Further searches of the Defendant's office and homes owned by co-conspirators revealed more precursor materials and a manual related to the manufacturing of Ecstasy. The Defendants were charged and convicted of conspiracy to manufacture and attempt to manufacture Ecstasy. The primary defense to the case was that the physician was using the precursor materials for legitimate scientific experiments and research. The trial lasted five days and included testimony of experts on the legitimate and/or illegal uses of the precursor materials. I had primary responsibility for the preparation and presentation of the case.

Opposing counsel: Michael Kaminkow, Schulman, Treem, Kaminkow and Gilden, P.A., The World Trade Center, 401 East Pratt Street, Suite 1800, Baltimore, Maryland 21202, (410) 332-0850.

Co-counsel: Assistant United States Attorney, Phillip S. Jackson, 36 South Charles Street, 4th Floor, Baltimore, Maryland 21202, (410) 209-4800.

2. United States v. Fisher, Criminal No. RDB-04-0291 (D. Md. 2004).

In December 2004, I tried this case before the Honorable Richard D. Bennett in the United States District Court for the District of Maryland. The case arose from a police officer's covert observations of the Defendant engaged in several hand to hand transitions of narcotics after going in and out of the kitchen of a vacant house. The officer made the observations at night using binoculars, looking through the kitchen window. Upon the Defendant's apprehension, a search of the house revealed loaded firearms and narcotics behind a stove in the kitchen. The Defendant was charged and convicted of possession with intent to distribute cocaine base and possession of firearms in furtherance of a drug trafficking offense. The trial lasted three days. I had primary responsibility for the preparation and presentation of the case.

Opposing counsel: Randolph O. Gregory Sr. (deceased).

Co-counsel: Assistant United States Attorney, Christopher Romano, 36 South Charles Street, 4th Floor, Baltimore, Maryland 21202, (410) 209-4800.

3. United States v. Smith, Criminal No. WDQ 03-0210 (D. Md. 2003).

In December 2003, I tried this case before the Honorable William D. Quarles in the United States District Court for the District of Maryland. The case involved an employee of a licensed Maryland physician who forcibly took phentermine hydrochloride, a diet supplement, from a manufacturer of the drug. The Defendant was charged and convicted

of robbery and possession with intent to distribute phentermine hydrochloride. The primary defense in the case was that the Defendant had a legitimate right to the drugs because of a business dispute and he was an employee of a licensed physician when he possessed them. I had primary responsibility for the preparation and presentation of the case. Additionally, I wrote the appellate brief when the Defendant appealed his conviction. The conviction was affirmed at United States v. Smith, 194 Fed. Appx. 155 (4th Cir. 2006).

Opposing counsel: Thomas Joseph Saunders, 3600 Clipper Mill Road, Baltimore, Maryland 21211, (410) 662-5586.

Co-counsel: Assistant United States Attorney, Phillip Jackson, 36 South Charles Street, 4th Floor, Baltimore, Maryland 21202, (410) 209-4800.

4. United States v. Moyer, Criminal No. MJG 03-528 (D. Md. 2003).

In May 2004, I tried this case before the Honorable Marvin J. Garbis, Sr., in the United States District Court for the District of Maryland. The case involved a burglary of a gun store in which 25 large caliber firearms were taken. The Defendant and his co-conspirators were caught while the burglary was in progress. The co-conspirators plead guilty; the Defendant was charged and convicted after a three-day trial of being a felon in possession of firearms, possession of stolen firearms and aiding and abetting. The Defendant appealed his conviction on the grounds that the trial court erred in giving an aiding and abetting instruction on the felon in possession count, arguing he could not aid and abet himself. A Fourth Circuit panel reversed the Defendant's conviction on that count. The court then decided, sua sponte, to rehear the case en banc, and affirmed the conviction at United States v. Moyer, 454 F.3d. 390 (4th Cir. 2006).

I had primary responsibility for the preparation and presentation of the case. Additionally, I wrote the appellate brief and argued the case in the Fourth Circuit. United States Attorney Rod J. Rosenstein argued the re-hearing before the en banc court.

Opposing counsel: William S. Little, 723 South Charles Street, Suite 102, Baltimore, Maryland 21230, (410) 539-3545.

Co-counsel: Assistant United States Attorney, Debra Dwyer, 36 South Charles Street, 4th Floor, Baltimore, Maryland 21202, (410) 209-4800.

5. Essex v. United States, Civil Action No. CCB 95-884 (D. Md. 1995).

In 1997, I litigated this case before the Honorable Catherine C. Blake in the United States District Court for the District of Maryland. The case involved a slip and fall at a postal facility during a rainy day. The Plaintiff suffered a broken hip and had extensive medical bills. The elderly Plaintiff testified in deposition that she could not recall wiping her feet upon entry into the postal facility. At the conclusion of discovery, I moved for summary judgment, arguing that she was negligent as a matter of law and attaching an affidavit

from a postal worker stating that the Plaintiff did not wipe her feet upon entry into the facility. Summary judgment was granted, based upon a finding that the Plaintiff was negligent as a matter of law. The decision was appealed to the United States Court of Appeals for the Fourth Circuit and was affirmed. Essex v. United States, 122 F.3d 1060 (4th Cir. 2006); 1997 U.S. App. LEXIS 2943. I was chief counsel on the case including the appeal.

Opposing counsel: Elizabeth Hamlin, 83 Rail Road Avenue, Lebanon, New Jersey 08833, (973) 509-7500.

6. Nicholl v. Dalton, Civil Action No. PJM 94-3013 (D. Md. 1994).

In 1994, I litigated this case before the Honorable Peter J. Messitte in the United States District Court for the District of Maryland. The case involved multiple allegations of discrimination and retaliation against a federal employee. At the conclusion of months of extensive discovery, I moved for summary judgment on the grounds that Plaintiff could not establish as a matter of law that any of the adverse employment actions taken against her were based on unlawful discrimination and that there were legitimate non-discriminatory reasons for all the action taken. Summary judgment was granted in the government's favor. I was chief counsel on the case.

Opposing counsel: Peter T. Nicholl, Charles Center South, 36 South Charles Street, Baltimore, Maryland 21202, (410) 244-7005.

7. Brennan v. Weiser, Civil Action No. DKC 98-1873 (D. Md. 1998).

In 1998, I litigated this case before the Honorable Deborah K. Chasanow in the United States District Court for the District of Maryland. The case involved allegations of tortious conduct against four Department of Health and Human Services employees, including an attorney. The attorney was accused of misconduct in her handling of an administrative claim of discrimination filed by the same Plaintiff. The discrimination case was also handled by me once it was filed in the United States District Court for the District of Maryland. As a result, her law license was placed in jeopardy of being suspended or revoked. After extensive discovery and a scope-of-employment hearing the court dismissed the complaint. I was chief counsel on the case.

Opposing counsel: Thomas Doran, 17251 Melford Boulevard, Suite 200, Bowie, Maryland 20715, (301) 352-4657.

8. Dachman v. Shalala, Civil Action No. AMD 96-873 (D. Md. 1996).

In 1996, I litigated this case before the Honorable Andre M. Davis in the United States District Court for the District of Maryland. The case involved multiple allegations of religious discrimination and retaliation, including by the Plaintiff's supervisor and colleague pressing criminal charges against her for leaving a death threat phone message. The case required extensive investigation, including a working knowledge of the

Orthodox Jewish religious practices. After almost one year of discovery and hearings, I moved for summary judgment, and the court granted my motion. The Plaintiff appealed to the Fourth Circuit, which affirmed the judgment. I was chief counsel on the District Court case. I did not handle the appeal.

Opposing counsel: Francine K. Weiss, 1901 L Street, NW, Suite 610, Washington, D.C. 20036, (202) 331-9260.

9. Grant v. Widnal, Civil Action No. JFM 95-728 (D. Md. 1994).

In 1994, I litigated this case before the Honorable J. Frederick Motz in the United States District Court for the District of Maryland. The case involved multiple allegations of discrimination and retaliation against federal employees with the United States Air Force. The Plaintiff, an Air Force Reserve Technician, held both military and civilian positions, allowing the government to move to dismiss some claims but not others because her duties sometimes overlapped. She claimed both her military and her civilian supervisors conspired to discriminate against her. After a year of extensive discovery and hearings, including a temporary restraining order hearing in which the Plaintiff sought to enjoin the Air Force from denying her wrist surgery, I moved for summary judgment. The court granted my motion as to the vast majority of the claims. The case then settled for substantially less than what was initially demanded. I was chief counsel on the case.

Opposing counsel: Michelle Estrin Gilman, Professor, University of Baltimore School of Law, 1415 Maryland Avenue, Baltimore, Maryland 21210, (410) 837-5656 and Benjamin D. Wood, 2550 M Street NW, Washington, D.C. 20037, (202) 457-6685. Both attorneys were with the law firm of Arnold and Porter at the time the litigation commenced.

10. United States v. Yasin et al., Criminal Nos. AMD 04-05306 and L-05-0237 (D. Md. 2004 and 2005).

In December 2006, I litigated this case before the Honorable Andre M. Davis and the Honorable Benson E. Legg in the United States District Court for the District of Maryland. The indictment resulted from a several month long wiretap investigation I initiated with the Drug Enforcement Administration to prosecute and break up a heroin distribution organization in Baltimore City, Maryland. The operation was named "Brother Keeper." The multiple-defendant case required initiating and monitoring the wiretap and also the execution of multiple search and arrest warrants in Maryland, New York, Michigan and the Dominican Republic. The Defendants eventually pled guilty and agreed to cooperate with the government in Maryland. The Honorable William D. Quarles in the United States District Court for the District of Maryland approved the wiretap and court orders related thereto. I was chief counsel and had primary responsibility for the preparation of the wiretap investigation and litigation.

Opposing counsel: John H. Chun, 51 Madison Avenue, 22nd floor, New York, New York 10010, (212) 849-7000 and David F. Mister, 30 East Padonia Road, Suite 404, Lutherville, Maryland 21093, (410) 561-3000.

Co-counsel: Assistant United States Attorney Phillip Jackson, 36 South Charles Street, 4th Floor, Baltimore, Maryland 21202, (410) 209-4800.

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 served as the Project Safe Neighborhood Coordinator for the office from 2002 until approximately 2005. I participated in community outreach programs, including attending community meetings on behalf of the office and attending meetings with the Baltimore States Attorney's Office, to reduce violent crime in Baltimore neighborhoods. I also served on the Board of Directors for the Community Law Center which is an organization designed to help neighborhoods organizations improve the quality of life for their residents.

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 not taught any courses.

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

I will receive payments from the Maryland Judiciary and the Federal Employees Retirement System once I reach retirement age.

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

I do not have any plans, commitments, or agreements, with or without compensation, to pursue outside employment during my service with the court.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries,

fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

As previously disclosed, my wife is a judge on the District Court of Maryland for Baltimore City. As such, she often signs search and seizure warrants that may be the subject of a motion to suppress. There is a small possibility that a criminal defendant who is the subject of the warrant could be indicted by the United States Attorney's Office for the District of Maryland, and that case could be assigned to me. In the event that occurs, I would recuse myself from hearing the case.

I would also recuse myself from cases involving entities for which I served as a director, trustee or officer; close friends or relatives; and any other instances as directed by the Code of Conduct for United States Judges and any other canon or policy of the United States Courts.

At the present time, I cannot think of any category of litigation which, by its nature, would present a conflict of interest for me.

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

I would resolve all matters involving actual or potential conflicts of interest through careful application of the Code of Conduct for United States Judges, as well as other relevant canons and statutory provisions. I would consult the Code of Conduct Committee of the Judicial Conference as necessary.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I am currently serving as a Director and Trustee on the Board of the Enoch Pratt Free Library, which serves the disadvantaged throughout the State of Maryland. I also currently speak to young and disadvantaged youth about the practice of law in my current position as a judge to inspire and motivate them to pursue an education and become productive members of our society. I estimate that I devote approximately 40 hours per year to these activities.

When I practiced law, I served as a board member on several organizations that devoted substantial resources to helping the disadvantaged. These included the Community Law Center, the Public Justice Center, and Big Brothers and Big Sisters of Maryland. During this time, I devoted approximately 40 to 80 hours per year.

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 February 2009, after hearing that the Honorable Andre M. Davis was a candidate for nomination to the United States Court of Appeals for the Fourth Circuit, I sent a letter of interest about filling the District Court position to United States Senators Barbara Mikulski and Benjamin Cardin.

In early June 2009, Senator Mikulski posted a notice for applications on her office website. A deadline for the submission of the applications was set at July 1, 2009. I filed a timely application. On August 10, 2009, I met with several attorneys appointed by Senators Mikulski and Cardin for an interview. In November 2009, I met with Senators Mikulski and Cardin in separate interviews.

On June 7, 2011, I was directed by Senator Mikulski to submit a supplemental application by June 15, 2011, which I did. On July 14, 2011, I met with Senators Mikulski and Cardin again. On August 4, 2011, I received a call from Senator Mikulski in which she advised that she was recommending me for nomination to the United States District Court for the District of Maryland.

Since August 5, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On September 9, 2011, I interviewed with attorneys from the White House Counsel's Office and the Department of

Justice in Washington, DC. On November 10, 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.

AFFIDAVIT

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

11/10/11
(DATE)

George Levi Russell
(NAME)



Charles W. Mackey
(NOTARY) Charles W. Mackey, Jr.
My Commission Expires 10/1/13