

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Timothy Spafard Hillman

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

United States District Judge for the District of Massachusetts

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.

Donohue Federal Building
595 Main Street, Suite 404
Worcester, Massachusetts 01608

Residence: Fitchburg, Massachusetts

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

1948; Chicago, Illinois

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.

1970 – 1973, Suffolk Law School; J.D., 1973

1966 – 1970, Coe College; B.A., 1970

6. **Employment Record:** List in reverse chronological order all government 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 services. Include the name and address of the employer and job title or description.

2006 – present
United States District Court
Donohue Federal Building
595 Main Street
Worcester, Massachusetts 01608
United States Magistrate Judge

2002 – 2005
Clark University
950 Main Street
Worcester, Massachusetts 01610
Faculty member

1998 – 2006
Commonwealth of Massachusetts
Trial Court Department
225 Main Street
Worcester, Massachusetts 01608
Superior Court Justice

1999 – 2005
Massachusetts School of Law
500 Federal Street
Andover, Massachusetts 01810
Faculty member

2002
Mount Wachusett Community College
444 Green Street
Gardner, Massachusetts 01440
Part-time Instructor

1997 – 1998
Commonwealth of Massachusetts
Trial Court Department
Worcester District Court
225 Main Street
Worcester, Massachusetts 01608
Presiding Justice

1991 – 1997
Commonwealth of Massachusetts
Trial Court Department
Gardner District Court
108 Matthews Road
Gardner, Massachusetts 01440
Presiding Justice (1995 – 1997)
Associate Justice (1991 – 1995)

1989 – 1990
City of Gardner
City Hall
95 Pleasant Street
Gardner, Massachusetts 01440
City Solicitor

1988 – 1990
Town of Petersham
Town Hall
Main Street
Petersham, Massachusetts 01366
Town Counsel

1988 – 1990
Town of Athol
Town Hall
584 Main Street
Athol, Massachusetts 01331
Town Counsel

1988 – 1990
Hillman & Haley, Attorneys at Law
341 Main Street
Fitchburg, Massachusetts 01420
Attorney

1981 – 1990
Town of Lunenburg
Town Hall
17 Main Street
Lunenburg, Massachusetts 01462
Town Counsel

1978 – 1990
City of Fitchburg
City Hall
718 Main Street
Fitchburg, Massachusetts 01420
City Solicitor

1975 – 1988
Timothy S. Hillman, Attorney & Counselor at Law
341 Main Street
Fitchburg, Massachusetts 01420
Attorney

1975 – 1978
Worcester County District Attorney's Office
1 Main Street
Worcester, Massachusetts 01608
Assistant District Attorney

1974 – 1975
Murphy and Pusateri
410 Main Street
Fitchburg, Massachusetts 01420
Staff Attorney

1971 – 1975
Cappy's Restaurant (now Sean Patrick's Restaurant)
494 Electric Avenue
Lunenburg, Massachusetts 01462
Bartender

Other affiliations (uncompensated):

1980 – 1985
Fitchburg Little League
Address unknown
Board of Directors (1980 – 1985)
President (1985)

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

I have not served in the military. I registered for selective service in 1966.

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.

Worcester County Bar Association President's Award (2004)

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.

Ad Hoc Committee of the Massachusetts District Court Committee on Mental Health and Retardation (1997)

Ad Hoc Committee on the Worcester Courthouse (1998)

American Bar Association (2010 – present)

Litigation Section, Judicial Officer Section (2010 – present)

Case Management/Electronic Case Filing (CM/ECF) National Co-Chair (2009 – present)

Federal Bar Association (2006 – present)

Federal Magistrate Judges Association (2006 – present)

Massachusetts Bar Association (2006 – present)

Northern Worcester County Bar Association (1973 – present)

Executive Committee (1990)

U.S. District Court of Massachusetts

Judicial-Probation Task Force on Probation Violation Proceedings (1999)

Planning Committee for Judicial Conference (2007)

State Courts Committee (2006 – present)

Worcester County Bar Association (1973 – present)

Executive Committee (1988 – 1990)

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.

Massachusetts, 1974

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 First Circuit, 1985

United States District Court for the District of Massachusetts, 1978

United States District Court for the District of Vermont, 1984

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.

Advisory Council of Mayor Charles J. Manca (1996, regarding how to apply for and spend federal grant money for Gardner)

Commonwealth of Massachusetts Information Technology Commission (2002 – 2003)

Fitchburg Little League

Board of Directors (1980 – 1985)

President (1985)

Gardner Advisory Council on Police Department Federal Grant (1996)

- 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.

Contributing author, *The U.S. District Court Speaks*, MCLE, 2008. Copy supplied.

Honorable Timothy S. Hillman, *The Future of Peremptory Challenges in Massachusetts*, *The Massachusetts School of Law Reformer* (Winter 2006). Copy supplied.

Hon. Peter M. Lauriat & Wayne E. Hartwell, *Massachusetts Jury Trial Benchbook* (2d ed. 2004) (contributing author). Copy supplied.

Timothy S. Hillman, Esq. *Defending an Eminent Domain Case*, MCLE/NELI (1988). No copy available.

Timothy S. Hillman, Esq., *Municipal Government and the Open Meeting Law*, MCLE/NELI (1986). No copy available.

Timothy S. Hillman, *The Scope of Planning Board Authority under the Subdivision Control Law*, MCLE/NELI (1984). No copy available.

- 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.

Signatory to the Sedona Conference Cooperation Proclamation, 2008. Copy supplied.

I was on the Commonwealth of Massachusetts Information Technology Commission and gave input about the MassCourts e-filing and case management system for the Enterprise IT Strategy Final Report issued in February 2003. Copy supplied.

I participated in a project to increase juror involvement during trials. In 1999, state judges tried different techniques and drafted a report summarizing the results and recommendations in April 2000. The final report is entitled *Jury Trial Innovations in Massachusetts* and is authored by Judge Peter Lauriat. Copy supplied.

In 1999, I served on the Judicial-Probation Task Force on Probation Violation Proceedings, which recommended new District Court Rules for Probation Violation Proceedings. The rules were adopted by the Supreme Judicial Court and a copy is supplied.

In 1998, I served on a committee recommending to the state legislature the building of a new Worcester County Courthouse. I have been unable to obtain copies of any materials created by the committee.

October 21, 1997: Ad Hoc committee report on revising section 12, which was a statute providing for emergency commitment of the mentally ill. I have been unable to obtain a copy of the report.

- 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.

December 1990: Letter to Hubbardston Town Planning Board on behalf of the regional school district about the Center School renovation project. I have been unable to obtain a copy of the letter, but press coverage is supplied.

Between 1981 and 1990, I served as Town Counsel for Lunenburg and made remarks during Board of Selectmen meetings. I have been unable to obtain notes, transcripts or recordings of these meetings, but press coverage of two meetings is supplied.

Between 1979 and 1990, I served as City Solicitor for Fitchburg and made remarks during City Council meetings on multiple occasions. I have been unable to obtain notes, transcripts or recordings of these meetings, but press coverage of one meeting session is supplied.

On March 27, 1989, I appeared before a closed session of the Winchendon Town Board of Selectmen on behalf of a client, Thomas Boyd. Notes are not available to the public, but press coverage is supplied.

I also served as Town Counsel for Lunenburg (1981 – 1990), Petersham (1988 – 1990) and Athol (1988 – 1990) as well as City Solicitor for Fitchburg (1979 – 1990) and Gardner (1989 – 1990). In each of these positions, I gave legal advice and made multiple comments and presentations to the boards of selectmen and city councils, but I have been unable to obtain notes, transcript or recordings of these meetings.

- 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.

October 24, 2011: Panelist for a discussion on Key E-Discovery Mistakes to Avoid, E-Discovery for Pharma, Biotech & Medical Device Industries

conference. I have no notes, transcript or recording. The address of the sponsor, International Quality & Productivity Center, is 535 Fifth Avenue, New York, NY 10017.

Summer 2011: “Know Your Courtroom” video for MCLE’s 150th Anniversary of the Massachusetts Superior Court Series of Featured Practice Tips from the Superior Court Bench. A video recording is available at <http://tinyurl.com/knowyourcourtroom>.

June 7, 2011: Speech on the topics of litigation hold policies and the negligent spoliation of evidence at the New Hampshire E-Discovery Summit in Manchester, New Hampshire. I have no notes, transcript, or recording. The address of the sponsoring organization is c/o Attorney James Berriman, Evidox Corporation, 129 South Street, Boston, MA 02111.

May 4, 2011: Job Interviewing Skills Workshop for participants of CARE and RESTART programs, Federal Bar Association, Massachusetts Chapter. I helped organize the event and gave brief introductory remarks. I have no notes, transcript or recording. The address of the FBA is c/o Mary Jo Harris, 200 State Street, Boston, MA 02109.

April 6, 2011: Presentation on the U.S. federal court system and electronic case filings and case management to visiting delegates from the Republic of Georgia, Open World Leadership Center. I have no notes, transcript or recording. The address of the Open World Leadership Center is 101 Independence Avenue SE, John Adams Building, Room 144, Washington, DC 20540.

February 9, 2011: Panelist for “Meet the U.S. District Court Magistrate Judges” event discussing courtroom practices, Boston Bar Association. I have no notes, transcript or recording. The address of the Boston Bar Association is 16 Beacon Street, Boston, MA 02108.

January 19, 2011: Remarks on the *Pro Se* Mediation Initiative, Orientation and Training for *Pro Se* Mediation Panel, U.S. District Court of Massachusetts. I have no notes, transcript or recording. The address of the District Court is 1 Courthouse Way, Boston, MA 02210.

January 13, 2011: Speech on the topic of “The Art of Storytelling: Practical Advice on Opening Statements and Closing Arguments in Federal Court” at Federal Bar Association training in Boston, Massachusetts. I spoke about the “do’s” and “don’ts” for opening statements and closing arguments. I have no notes, transcript, or recording. The address of the sponsoring organization is 1620 I Street NW, Suite 900, Washington, DC 20006.

December 16, 2010: Speaker on the topic of “Recent Trends in Electronic Discovery” at the Boston E-Discovery Summit: Controlling the Cost of E-

Discovery in Boston, Massachusetts. I have no notes, transcript, or recording. The address of the sponsoring organization is c/o Phelan PR, 473 Chicopee Row, Groton, MA 01450.

December 9, 2010: Speaker on the topic of “preservation and litigation hold practices” at the Eighth Annual In-House Counsel Conference, Doing Business in the Electronic Age, sponsored by the Massachusetts Bar Association in Boston, Massachusetts. A video recording is available at <http://tinyurl.com/inhousecounsel>.

November 16, 2010: Remarks at Civil Litigation Section Council of the Massachusetts Bar Association meeting, discussion on courtroom practices. I have no notes, transcript, or recording, but MBA coverage is supplied. The address of the sponsoring organization is 20 West Street, Boston, MA 02111.

November 8, 2010: Speaker to Court Assisted Recovery Effort (CARE) and RESTART program graduates, U.S. District Court for the District of Massachusetts. I have no notes, transcript, or recording. The address of the Courthouse is 1 Courthouse Way, Boston, MA 02210.

November 4, 2010: Panelist on the topic of “E-Discovery Best Practices” at West Publishing training in Chicago, Illinois. I was on a panel of judges who were asked to comment after presentations. I have no notes, transcript, or recording. The address of the sponsoring organization is 1 New York Plaza, 34th Floor, New York, NY 10004.

June 20, 2010: Lecturer on the topic of “Federal Mediation” to Russian Judges in Rostov, Russia, Russian American Rule of Law Consortium (RAROLC). I have no notes, transcript, or recording. The address of the sponsoring organization is 85 Prim Road, Suite 202, Colchester, VT 05446.

June 8, 2010: Remarks during Bench Bar Meeting on the Relationship between Lawyers, Prosecutors and Judges, United States Agency for International Development. I spoke on court-involved mediation. Rostov-on-Don, Russia. I have no notes, transcript, or recording, but Russian media video coverage is available at <http://www.dontr.ru/Environ/WebObjects/dontr.woa/wa/Main?textid=40498>.

May 24, 2010: Presenter for Using Electronic Evidence Strategically in Deposition, Motions & Trials, MCLE Seminar. Video recording available at <http://mcle.na5.acrobat.com/p12212141/>.

May 19, 2010: Tour of courthouse and discussion of e-filing and case management system with Rostov delegation, Russian American Rule of Law Consortium. I have no notes, transcript, or recording. The address of the sponsoring organization is 85 Prim Road, Suite 202, Colchester, VT 05446.

May 6, 2010: Panelist for a discussion of prisoner re-entry programs and strategies, Re-Entry Summit, Boston Bar Association. I have no notes, transcript, or recording. The address of the Boston Bar Association is 16 Beacon Street, Boston, MA 02108.

February 5, 2010: Presenter during E-Discovery for In-House Counsel, MCLE Seminar. Video recording available at <http://mcle.na5.acrobat.com/p51665093/>.

December 2, 2009: Presenter on the topic of the “Massachusetts Federal Reentry Court” at the Federal Judicial Center at Duke University in Durham, North Carolina. I have no notes, transcript, or recording. The address of the sponsoring organization is Administrative Office of the United States Courts, Washington, DC 20544.

October 20, 2009: Lecturer on the topic of “Judicial Mediation” during a one-week course for Chinese Judges in Beijing and Xi’an, China. I have no notes, transcript, or recording. The address of the sponsoring organization is: U.S. State Department, Bureau of Education and Cultural Affairs, Grants Division, ECA-IIP/EX/G, U.S Department of State, SA-5, 2200 C Street NW, Floor 2, Washington, DC 20522.

September 15, 2009: Remarks during 21st Century Civil and Criminal Motion Practice CLE, Massachusetts Bar Association. I have no notes, transcript, or recording. The address of the sponsoring organization is 20 West Street, Boston, MA 02111.

June 16, 2009: Served as Master of Ceremonies for the rededication ceremony of the Fitchburg District Courthouse. I have no notes, transcript, or recording. The address of the courthouse is 100 Elm Street, Fitchburg, MA 01420.

May 5, 2009: Panelist for “Meet the Magistrate Judges” event discussing courtroom practices, Boston Bar Association. I have no notes, transcript, or recording. The address of the Boston Bar Association is 16 Beacon Street, Boston, MA 02108.

May 2009: Presided over Worcester’s first mock trial, sponsored by U.S. District Court of Massachusetts and Citizen Schools. I have no notes, transcript, or recording. The address of the U.S. District Court is Donohue Federal Building, 595 Main Street, Worcester, MA 01608. The address of Citizen Schools is 308 Congress Street, 5th Floor, Boston, MA 02210.

March 23, 2009: Panelist on the topic of “Recent Trends in E-Discovery” at a Massachusetts Continuing Legal Education training in Boston, Massachusetts. I was part of a panel that responded to questions. I have no notes, transcript, or

recording. The address of the sponsoring organization is 10 Winter Place, Boston, MA 02111.

February 5, 2009: Presenter for E-Discovery for In-House Counsel, MCLE Seminar. I have no notes, transcript, or recording. The address of MCLE is 10 Winter Place, Boston, MA 02108.

November and May 2008: Co-hosted seminars on “Preparing a Case for Trial” and “Preparing a Case for Trial II,” sponsored by the Worcester County Bar Association. I have no notes, transcript, or recording. The address of the WCBA is 370 Main Street, Suite 975, Worcester, MA 01608.

October 21, 2008: Panelist on the topic of “Hot Topics in E-Discovery” at the Association of Corporate Counsel training in Seattle, Washington. I have no notes, transcript, or recording. The address of the sponsoring organization is 1025 Connecticut Avenue NW, Suite 200, Washington, DC 20036.

September 25, 2008: Speaker on the topic of document preservation and litigation hold policies at the ARMA E-Discovery training in Boston, Massachusetts. I distributed my Order for Reconsideration from the *Aubuchon v. Benefirst* case. Handout supplied.

September 18, 2008: Speaker on the topic of document preservation obligations at the BNA Business & Legal Edge – E-Discovery training in Washington, D.C. I have no notes, transcript, or recording. The address of the sponsoring organization is 3 Bethesda Metro Center, Suite 250, Bethesda, MD 20814.

June 19, 2008: Panelist for “Litigating Civil Cases before the Magistrate Judges: From Discovery to Jury Trial,” Federal Bar Association. I have no notes, transcript, or recording, but FBA coverage is supplied. The address of the FBA is c/o Mary Jo Harris, 200 State Street, Boston, MA 02109.

May 29, 2008: Panelist on the topic of “Obtaining or Defending Summary Judgment in Employment Cases” at the Massachusetts Continuing Legal Education training in Boston, Massachusetts. I responded to questions. I have no notes, transcript, or recording. The address of the sponsoring organization is 10 Winter Place, Boston, MA 02111.

April 11, 2008: Speech on the topic of “Deposition Practice” at the Massachusetts Continuing Legal Education training in Worcester, Massachusetts. I spoke about using depositions at trial. I have no notes, transcript, or recording. The address of the sponsoring organization is 10 Winter Place, Boston, MA 02111.

March 31, 2008: Speech on the topic of “Electronic Discovery Motions” at the Massachusetts Continuing Legal Education training on the topic of “Civil Motions Practice” in Boston, Massachusetts. I have no notes, transcript, or

recording. The address of the sponsoring organization is 10 Winter Place, Boston, MA 02111.

February 2008: Remarks at a seminar entitled “Discovery Strategy in Federal Litigation,” sponsored by the Worcester County Bar Association. I have no notes, transcript, or recording. The address of the WCBA is 370 Main Street, Suite 975, Worcester, MA 01608.

December 4, 2007: Panelist for Magistrate Judges of the U.S. District Court Bench Bar Forum, Boston Bar Association. I have no notes, transcript, or recording. The address of the Boston Bar Association is 16 Beacon Street, Boston, MA 02108.

November 2, 2007: Panelist on topic of “Advanced Issues in E-Discovery” at the Suffolk School of Law in Boston, Massachusetts. I was part of a panel that responded to questions. I have no notes, transcript, or recording. The address of the sponsoring organization is 120 Tremont Street, Boston, MA 02108.

May 2007: Co-hosted a seminar on “Effective Arguments on Dispositive Motions in both Civil and Criminal Cases,” Worcester County Bar Association. I have no notes, transcript, or recording. The address of the WCBA is 370 Main Street, Suite 975, Worcester, MA 01608.

January 30, 2007: Remarks for the “Effective Trial Advocacy in Federal District Court” seminar, Worcester County Bar Association. I have no notes, transcript, or recording. The address of the WCBA is 370 Main Street, Suite 975, Worcester, MA 01608.

December 12, 2006: Panelist for a “View from the Benches: An Insider Look at the Amendments to the Federal Rules of Civil Procedure,” Suffolk University Law School, Macaronis Institute for Trial & Appellate Advocacy, Federal Bar Association and Federal Circuit Bar Association. I have no notes, transcript, or recording. The address of Suffolk Law School is 120 Tremont Street, Boston, MA 02108.

June 20, 2006: Remarks thanking friends and family at the formal Swearing-In Ceremony of United States Magistrate Judge Timothy S. Hillman. Transcript supplied.

May 2, 2006: Remarks on judicial independence at the Worcester County Bar Law Day Breakfast in Worcester, Massachusetts. I have no notes, transcript, or recording, but press coverage is supplied. The address of the sponsoring organization is 370 Main Street, Worcester, MA 01608.

February 13, 2006: Remarks during a brief Swearing-In Ceremony of United States Magistrate Judge Timothy S. Hillman. I have no notes, transcript, or

recording, but press coverage is supplied. The address of the U.S. District Courthouse is Donohue Federal Building, 595 Main Street, Worcester, MA 01608.

2006: Presenter during Worcester County Bar Day, Worcester County Bar Association. I have no notes, transcript, or recording. The address of the sponsoring organization is 370 Main Street, Worcester, MA 01608.

April 11, 2005: Remarks on a "View from the Bench" at the Worcester County Bar Day in Worcester, Massachusetts. I have no notes, transcript, or recording. The address of the sponsoring organization is 370 Main Street, Worcester, MA 01608.

May 23, 2004: Remarks at a ceremony for fallen police officers, Fitchburg Police Department. I have no notes, transcript, or recording, but press coverage is supplied. The address of the police department is 20 Elm Street, Fitchburg, MA 01420.

April 30, 2003: Remarks at the Fitchburg Rotary annual awards dinner. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Rotary Club is c/o Mark Williams, 320 West Street, Lunenburg, MA 01462.

March 11, 2003: Remarks during demonstration of the MassCourts case management system to visitors from South America and the Caribbean, Suffolk Superior Court. I have no notes, transcript, or recording. The address of the Court is 3 Pemberton Square, Boston, MA 02108.

January 29, 2003: Remarks during the unveiling of the new automated court case management system, Massachusetts State House. I have no notes, transcript, or recording. The address of the State House is 24 Beacon Street, Boston, MA 02108.

January 23-26, 2003: Remarks during the Massachusetts Bar Association Annual Conference about the MassCourts project. I have no notes, transcript or recording, but press coverage is supplied. The address of the MBA is 20 West Street, Boston, MA 02111.

2002-2003: On behalf of the Massachusetts Court System, I traveled to various state courts in Massachusetts to discuss the implementation of MassCourts, a new case management system. I have no notes, transcripts or recordings.

June 13, 2002: Panelist on the topic of "Technology in the Courtroom" for the Massachusetts Bar Association in Boston, Massachusetts. I was part of a panel that responded to questions. I have no notes, transcript, or recording. The address of the sponsoring organization is 20 West Street, Boston, MA 02111.

June 7, 2002: Brief remarks during a retirement party for Peter Lincoln at Lunenburg High School. I have no notes, transcript, or recording, but press coverage is supplied. The address of Lunenburg High School is 1079 Massachusetts Avenue, Lunenburg, MA 01462.

May 23, 2002: Speech on “Introducing Evidence at Trial (Expert Witnesses and Junk Science)” for Massachusetts Continuing Legal Education, in Boston, Massachusetts. I spoke about *Daubert* hearings. I have no notes, transcript, or recording. The address of the sponsoring organization is 10 Winter Place, Boston, MA 02111.

May 9, 2002: Remarks during “Winning Trials with Expert Witnesses,” Federal District Court Committee of the Worcester County Bar Association. I have no notes, transcript, or recording. The address of the sponsoring organization is 370 Main Street, Worcester, MA 01608.

Spring 2002: *Using Court Appointed Experts*, Symposium; Translating Science into Law: Lessons from Doctors, Judges, and Lawyers about the Use of Medical Evidence in the Courtroom. New England School of Law, Boston, MA. Copy supplied.

March 20, 2002: Moderated a panel of judges that discussed the Abuse Prevention Act and how it was interpreted in state courts. Battered Women’s Resources, Inc. and Massachusetts Office for Victim Assistance SAFEPLAN. I have no notes, transcript, or recording, but press coverage is supplied. The address of Battered Women’s Resources is P.O. Box 1209, Leominster, MA 01453. The address of MOVA is 1 Ashburton Place, Suite 1101, Boston, MA 02108.

January 2002: Speaker on the topic of the status of the state court’s IT project at the Massachusetts Bar Association Annual Meeting of the Board of Directors in Boston, Massachusetts. I have no notes, transcript, or recording. The address of the sponsoring organization is 20 West Street, Boston, MA 02111.

December 11, 2001: Panelist on the topic “Discovery Abuse” at the Superior Court Judicial Forum, Massachusetts Continuing Legal Education in Boston, Massachusetts. I was part of a panel that responded to questions. I have no notes, transcript, or recording. The address of the sponsoring organization is 10 Winter Place, Boston, MA 02111.

October 30, 2001: Speech on Juror Problems in Criminal Cases for the Superior Court Judicial Conference in Chatham, Massachusetts. I have no notes, transcript, or recording. The address of the sponsoring organization is Suffolk County Courthouse, 13th Floor, 3 Pemberton Square, Boston, MA 02108.

October 30, 2001: Speech on The Defense of a Civil Lawsuit (The Theory of the Case) for the Superior Court Judicial Conference in Chatham, Massachusetts. I

have no notes, transcript, or recording. The address of the sponsoring organization is Suffolk County Courthouse, 13th Floor, 3 Pemberton Square, Boston, MA 02108.

March 2001: Panelist for a CLE on admitting medical evidence, Worcester County Bar Day. I have no notes, transcript, or recording, but press coverage is supplied. The address of the sponsoring organization is 370 Main Street, Worcester, MA 01608.

January 25, 2001: Speech on Introducing Evidence at Trial (Demonstrative Aids) for the Worcester County Bar Association in Worcester, Massachusetts. I have no notes, transcript, or recording. The address of the sponsoring organization is 370 Main Street, Worcester, MA 01608.

June 28, 1999: Remarks for a training on Commitment Hearing and Medication Options: Beyond Routine Representation of Persons with Mental Illness, Mental Health Legal Advisors Committee. I have no notes, transcript or recording. The address of MHLAC is 24 School Street, 8th Floor, Boston, MA 02108.

February 26, 1999: Speech on Introducing Evidence at Trial (Expert Witnesses) for the Worcester County Bar Association in Worcester, Massachusetts. I have no notes, transcript, or recording. The address of the sponsoring organization is 370 Main Street, Worcester, MA 01608.

January 2, 1998: Administered the Oath of Office to the Worcester School Committee and vice chair of the City Council. I have no notes, transcript, or recording. The address of the Worcester Public Schools is 20 Irving Street, Worcester, MA 01609. The address of the Worcester City Council is 455 Main Street, Worcester, MA 01608.

October 28, 1997: Remarks during a farewell reception when I left the Gardner District Court. I have no notes, transcript or recording, but press coverage is supplied. The address of the Gardner District Court is 108 Matthews Street, Gardner, MA 01440.

September 8, 1997: Introduced several attendees of Judge William Luby's portrait unveiling ceremony. I have no notes, transcript, or recording. The address of the Central District Court is 225 Main Street, Worcester, MA 01608.

March 19, 1997: Remarks at the 15th Annual Ulysse J. Cormier Government Appreciation Program to students from Our Lady of the Holy Rosary School. I have no notes, transcript, or recording. The address of the school is 99 Nichols Street, Gardner, MA 01440.

Fall 1996: Remarks before men on probation who participated in the Responsible Fatherhood Program, which addressed the effects of domestic violence on

children, North Central Correctional Institute, Gardner, MA. I have no notes, transcript, or recording. The address of the NCCI is 500 Colony Road, P.O. Box 466, Gardner, MA 01440.

May 30, 1996: Remarks about Irma Landman at the court employee of the year award reception, Gardner District Court. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Court is 108 Matthews Street, Gardner, MA 01440.

Winter 1996: Remarks to a class of the Citizens Police Academy, Gardner City Police Department. I have no notes, transcript, or recording. The address of the Gardner City Police is 31 City Hall Avenue, Gardner, MA 01440.

March 1995: Remarks at the Cormier Government Appreciation Day, Our Lady of the Holy Rosary School. I have no notes, transcript, or recording, but press coverage is supplied. The address of the school is 99 Nichols Street, Gardner, MA 01440.

March 1994: Remarks at the Cormier Government Appreciation Day, Our Lady of the Holy Rosary School. I have no notes, transcript, or recording. The address of the school is 99 Nichols Street, Gardner, MA 01440.

June 16, 1993: Participated in roundtable discussions on city violence during the "Building Safer Neighborhoods: A Cooperative Response" forum, sponsored by Safe & Healthy Neighborhood Coalition. I have no notes, transcript, or recording. The Coalition does not have a physical address.

June 4, 1993: Remarks on handling domestic violence cases during the Domestic Violence Forum: A View from the Bench, Coalition for a Violence Free Community. I have no notes, transcript, or recording, but press coverage is supplied. The Coalition does not have a physical address.

May 27, 1993: Commencement address for the Notre Dame Preparatory School graduation ceremony. I have no notes, transcript, or recording. The address of the school is 171 South Street, Fitchburg, MA 01420.

May 30, 1991: Remarks at the Leominster Mediation Project ceremony for newly certified mediators. I have no notes, transcript, or recording. The address of the Leominster District Court is 25 School Street, Leominster, MA 01453.

I also administered the Oath of Citizenship and spoke at the following Naturalization Ceremonies: March 13, 2007, February 7, 2008, April 3, 2008, June 25, 2008, April 29, 2009, May 28, 2009, July 22, 2009, August 26, 2010, November 23, 2010, June 8, 2011, July 21, 2011 and September 21, 2011. A copy of the speech I used at each event is supplied as is press coverage of my remarks at the May 28, 2009 event.

- 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.

Lee Hammel, *Hillman Selected for Federal Court*, Worcester Telegram & Gazette, Aug. 6, 2011. Copy supplied.

Responses to Massachusetts Continuing Legal Education, Inc. questions on general matters, pre-trial matters, courtroom practices and other matters and sample order (2011). Copy supplied.

Staff, *Lawyers Turning to Online Searches on Jurors, Witnesses*, Massachusetts Lawyers Weekly, Oct. 4, 2010. Copy supplied.

Phillip Bantz, *With Massachusetts' Judiciary in Crisis, Gov. Patrick's Nominations Questioned: Eighteen Judges Named Since Feb.*, Massachusetts Lawyers Weekly, Oct. 4, 2010. Copy supplied.

David E. Frank, *Good Faith E-Discovery Error Leads to Sanctions: N.Y. Ruling Has Mass. Bar Paying Attention*, Massachusetts Lawyers Weekly, Feb. 15, 2010 (re-printed in multiple outlets). Copy supplied.

Telephone interview on February 12, 2006 with Zachary Hillman for his article, *Pleading Guilty and Video Teleconferencing: Is a Defendant Constitutionally "Present" when Pleading Guilty by Video Teleconference?*, 7 J. High Tech. L. 41 (2007). Article supplied.

Kyle Alspach, *Fitchburg Man Named Magistrate Judge on Federal Bench*, Fitchburg Sentinel & Enterprise, Feb. 9, 2006. Copy supplied.

Lee Hammel, *Federal Court Magistrate Named*, Worcester Telegram & Gazette, Nov. 3, 2005. Copy supplied.

Sheri Qualters, *Long-Awaited Tech Upgrades Seen Coming to Courts by '06*, Boston Business Journal, June 11, 2004. Copy supplied.

Press release, *Massachusetts Trial Court Installs MassCourts in Boston Municipal Court Department*, Massachusetts Supreme Judicial Court, Nov. 20, 2003. Copy supplied.

BMC to Debut MassCourts Information System This Fall, Lawyers Journal, Sept. 2003. Copy supplied.

Shaun Sutner, *Trial Courts Across State to Go Online*, Worcester Telegram & Gazette, July 28, 2003. Copy supplied.

Andrew J. Manuse, *MassCourts Digital System Nearly Ready*, Boston Herald, July 28, 2003. Copy supplied.

Press release, *Trial Court's MassCourts Information Technology System to Begin in Boston Municipal Court*, Massachusetts Supreme Judicial Court, July 24, 2003. Copy supplied.

Staff, *Questions to Mass. Superior Court Judges of 'New' Science under Lanigan/Daubert*, Massachusetts Lawyers Weekly, Apr. 21, 2003. Copy supplied.

Lee Hammel, *Angelini Says No to Judgeship List*, Worcester Telegram & Gazette, Apr. 10, 2003. Copy supplied.

SJC Weighs Policy to Restrict Online Court Records, Providence Journal-Bulletin, Mar. 7, 2003. Copy supplied.

Elizabeth Dinan, *Mass. Court System Spends \$13M for Maximus Software*, Mass High Tech, Mar. 3, 2003. Copy supplied.

John O. Cunningham, *Massachusetts Courts' New Technology Project Looks Promising*, Massachusetts Lawyers Weekly, Feb. 3, 2003. Copy supplied.

Press release, *MAXIMUS Signs \$13 Million MassCourts Contract*, MAXIMUS, Jan. 28, 2003. Copy supplied.

Ralph Ranalli, *Court Record System to Go Online Next Year*, Boston Globe, Jan. 24, 2003 (re-printed in multiple outlets). Copy supplied.

Bainbridge D. Testa, *Massachusetts Court Database Is Finally on the Way*, Massachusetts Lawyers Weekly, Jan. 13, 2003. Copy supplied.

MassCourts Will Soon Change Trial Court Case Management, Court Compass, Winter 2003. Copy supplied.

Jason M. Scally, *Massachusetts Lawyers Weekly at 30: Tech Advances Change the Way Lawyers Practice*, Massachusetts Lawyers Weekly, Sept. 16, 2002. Copy supplied.

IT Evaluators Scrutinize MassCourts Bids, Court Compass, Autumn 2002. Copy supplied.

Matthew French, *Courting a Connected System*, Mass High Tech, Aug. 12, 2002. Copy supplied.

Gary Murray, *Judge Works on Order in the Courts*, Worcester Telegram & Gazette, Aug. 7, 2002. Copy supplied.

Questions & Answers, Court Compass, Summer 2002. Copy supplied.

Gary Murraray, *Probate Judge Calls It a Career*, Worcester Telegram & Gazette, Mar. 27, 2001. Copy supplied.

Brian S. McNiff, *Praise Heaped on Nominee*, Worcester Telegram & Gazette, Oct. 21, 1999. Copy supplied.

Shaun Sutner, *Massachusetts Is Trying New Jury Methods*, Worcester Telegram & Gazette, Aug. 8, 1999. Copy supplied.

Emilie Astell, *Sidewalk at the Aud Is Parking Lot for Court*, Worcester Telegram & Gazette, July 9, 1999. Copy supplied.

Emilie Astell, *Cellucci Pressured to Pick Local Judges*, Worcester Telegram & Gazette, June 20, 1999. Copy supplied.

Brian S. McNiff, *Judicial Candidate Reviewed*, Worcester Telegram & Gazette, Apr. 22, 1999. Copy supplied.

Emilie Astell, *Hillman Officially Joins Superior Court Bench*, Worcester Telegram & Gazette, Dec. 18, 1998. Copy supplied.

John J. Monahan, *Request for Court Lawyer Is Denied*, Worcester Telegram & Gazette, Sept. 2, 1998. Copy supplied.

Jim Bodor, *Lifeline for Addicts Falls Short*, Worcester Telegram & Gazette, Aug. 13, 1998. Copy supplied.

Ian Donnis, *Courts Focus on Crime, Drug Link*, Worcester Telegram & Gazette, June 10, 1998. Copy supplied.

Bronislaus B. Kush, *Legislators Hear Litany of Courthouse Problems*, Worcester Telegram & Gazette, Feb. 28, 1998. Copy supplied.

Ian Donnis, *Disorder in the Court as Judge is Feted*, Worcester Telegram & Gazette, Oct. 29, 1997. Copy supplied.

Ian Donnis, *Hillman Leaving for New Post with Praise from Home Front*, Worcester Telegram & Gazette, Sept. 4, 1997. Copy supplied.

Emilie Astell, *Hillman a Surprise Choice*, Worcester Telegram & Gazette, Sept. 3, 1997. Copy supplied.

Emilie Astell, *Judges Await Money for Elbow Room*, Worcester Telegram & Gazette, May 20, 1997. Copy supplied.

Ian Donnis, *Town Shows Its Support Again for Tiny Court*, Worcester Telegram & Gazette, Feb. 6, 1997. Copy supplied.

Ian Donnis, *Leominster Man Still Bitter over '93 Rock-Concert Incident*, Worcester Telegram & Gazette, Oct. 29, 1996. Copy supplied.

Mike Elfland, *Gardner Probation Chief Retires*, Worcester Telegram & Gazette, Apr. 30, 1995. Copy supplied.

Mike Elfland, *Gardner Probation Office Judged to be Top Notch*, Worcester Telegram & Gazette, 1994. Copy supplied.

Dianne Williamson, *Man Acquitted Speedily*, Worcester Telegram & Gazette, Sept. 9, 1992. Copy supplied.

Anna L. Bisol, *Even After Hours, the Judge Is "In,"* Worcester Telegram & Gazette, Sept. 6, 1992. Copy supplied.

Anna L. Bisol, *Students Enjoy Star Status with Classes on Saturdays*, Worcester Telegram & Gazette, May 24, 1992. Copy supplied.

Christine Guilfoy, *Debating Required Sentences*, Worcester Telegram & Gazette, Mar. 1, 1992. Copy supplied.

North County Notebook, Worcester Telegram & Gazette, Jan. 26, 1992. Copy supplied.

Emilie Astell, *Judge Cultivates Fairness in Disputes*, Worcester Telegram & Gazette, Jan. 20, 1992. Copy supplied.

North County Notebook, Worcester Telegram & Gazette, Dec. 22, 1991. Copy supplied.

November 1991: I was interviewed by WCVB-TV Channel 5 about Small Claims Courts. I have been unable to obtain a copy of this interview.

Thomas Warnke, *Hillman Ready to Sit on Bench*, Worcester Telegram & Gazette, Jan. 9, 1991. Copy supplied.

Anna L. Bisol, *Park 2000 Suits See Movement, Legal Action to Protect Water*, Worcester Telegram & Gazette, Sept. 5, 1990. Copy supplied.

Karen Kromer, *Lunenburg Sued in Oil Spill*, Worcester Telegram & Gazette, Mar. 14, 1990. Copy supplied.

Coria Holland, *Walsh Hires Solicitor, Assistant after Conferring with Manca*, Worcester Telegram & Gazette, Nov. 21, 1989. Copy supplied.

John Gearan, *'Say Hey Kid' Cool Customer at Card Show*, Worcester Telegram & Gazette, July 17, 1989. Copy supplied.

Peter B. Nugent, *Ferreri Appeals Dog-Removal Fine*, Worcester Telegram & Gazette, Apr. 24, 1989. Copy supplied.

Peter B. Nugent, *Dog Owner Disobeys Ruling, Is Fined \$100*, Worcester Telegram & Gazette, Mar. 25, 1989. 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.

From 1991 to 1995, I was an Associate Justice of the Gardner District Court (appointed). As a District Court judge, I handled criminal misdemeanor and felony probable cause hearings. I also had a full civil docket.

From 1995 to 1997, I was the Presiding Justice of the Gardner District Court (appointed).

From 1997 to 1998, I was the Presiding Justice of the Worcester Central District Court (appointed). Upon my appointment, Worcester District Court handled 12,000 cases per year making this court the busiest of the state's 60 District Court divisions.

From 1998 to 2006, I was a Judge of the Massachusetts Superior Court (appointed). A Superior Court Judge has jurisdiction over criminal felony cases and all civil filings with a claim for damages over \$25,000. As a Superior Court Justice, I tried 40 to 50 civil and criminal cases per year.

From 2006 to present, I have been a United States Magistrate Judge for the United States District Court for the District of Massachusetts, Worcester Division (appointed). As a Magistrate Judge, I manage and try civil cases with the consent of the parties (jury and non-jury), and am responsible for the initiation and management of criminal felonies, not including trial, and all aspects of criminal misdemeanors.

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

My best estimate is that I have tried between 1300 to 1500 cases in my years as a trial judge.

- i. Of these, approximately what percent were:

jury trials:	40%
bench trials:	60%
civil proceedings:	40%
criminal proceedings:	60%

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

See attached list.

- 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. *Commonwealth v. Morgan*, Docket No. 99-2506, Hampden Superior Court

This was a two week first degree murder trial that took place in November 2002. The victim was kidnapped and executed by the Defendant for allegedly robbing the Defendant's drug "stash." The Defendant made a series of inculpatory statements to third parties that were admitted at trial. I presided over the trial and heard and ruled on Defendant's Motion for a New Trial. The case was affirmed by the Massachusetts Supreme Judicial Court and reported at *Commonwealth v. Morgan*, 449 Mass. 343 (2007). Opinion supplied.

Counsel:

For the Commonwealth: Calvin Carr, Esq., Hamden County District Attorney's Office, 50 State Street, Springfield, MA 01102; 413-747-1000

For the Defendant: Linda Thompson, Esq., Thompson & Thompson, PCC, 1331 Main Street, Springfield, MA 01103; 413-739-2100

2. *Commonwealth v. Laguer*, Docket No. 83-103391, Worcester Superior Court

The Defendant was convicted in 1983 for brutally raping his next door neighbor. Her testimony at trial, the clothing that she was wearing, and a pair of socks were the only connections between the Defendant and the crime scene. Between 1983 and 2001 his conviction was affirmed by the Massachusetts Appeals Court and Massachusetts Supreme Judicial Court. I presided over the Defendant's Motion for DNA Testing filed in 2001. It took over 15 months to establish a testing protocol and the resulting Order has become a template for a contested DNA testing. After the testing was completed, I ruled on the Defendant's Motion for a New Trial. The denial of that motion was affirmed by the Massachusetts Supreme Judicial Court and reported at *Commonwealth v. Laguer*, 448 Mass. 585 (2007). Opinion supplied.

Counsel:

For the Commonwealth: Sandra L. Hautanen, Esq., District Attorney's Office, 2 Main Street, Worcester, MA 01608; 508-755-8601

For the Defendant: David M. Siegel, Esq. (DNA Testing Only), New England School of Law, 154 Stuart Street, Boston, MA 02116; 617-422-7270

For the Defendant: James C. Rehnquist, Esq., (Motion for a New Trial only) Goodwin & Proctor LLP, Exchange Place, Boston, MA 02109; 617-570-1000

3. *Gath v. M/A-COM, Inc.*, Docket No. 98-6221, Middlesex Superior Court

The Plaintiff was seriously injured when knocked off of his bicycle by an unsecured metal gate at the Defendant's premises. Shortly after the accident, the Defendants destroyed the gate. This was a two week civil trial with a jury verdict for the Plaintiff in the amount of \$14,250,000. I was the trial judge and heard the Motion for New Trial, which I denied. The verdict was affirmed by the Massachusetts Supreme Judicial Court and reported at *Gath v. M/A-Com, Inc.*, 440 Mass. 482 (2003). This is a leading Massachusetts case on spoliation of evidence and improper closing argument. Opinion supplied.

Counsel:

For the Plaintiff: Frederic N. Halstrom, Esq., 132 Boylston Street, P.O. Box 121203, Boston, MA 02112; 617-262-1060

For the Defendant: James S. Franchek, Esq., Franchek Law, LLC, 92 State Street, Boston, MA 02109; 617-573-0020

4. *Commonwealth v. Barnes and Levesque*, Docket Nos. 2000-0073 (1-6) and 2000-0074 (1-6), Worcester Superior Court

This was the “Worcester Fire Case” where six firefighters died fighting a fire in a cold-storage warehouse. The Defendants were two mentally challenged homeless adults who were charged with manslaughter for their role in starting, but not reporting the fire. I allowed the Defendants’ Motion to Dismiss which was based upon the insufficiency of evidence before the Grand Jury. My decision was overturned by the Massachusetts Supreme Judicial Court and reported at *Commonwealth v. Levesque*, 436 Mass. 443 (2002). Thereafter, the case was continued without a plea or finding with the assent of the District Attorney’s office. This case set the standard for establishing criminal liability for failing to report a dangerous condition. Opinion supplied.

Counsel:

For the Commonwealth: Lawrence J. Murphy, Esq., District Attorney’s Office, 2 Main Street, Worcester, MA 01608; 508-755-8601

For the Defendant: Thomas Levesque: Edward Ryan, Jr., Esq., O’Connor and Ryan, P.C., 61 Academy Street, Fitchburg, MA 01420; 978-345-4166

For the Defendant: Julie Barnes: Louis P. Aloise, Esq., Aloise & Wilcox, P.C., One Exchange Place, Worcester, MA 01608; 508-755-8118

5. *Modestino, Admx. v. Levine, et al.*, Docket No. 96-01590, Worcester Superior Court

I was the trial judge on this two and one-half week civil trial. The Plaintiff’s testate/son was a hemophiliac who died from AIDS when blood he was transfused with was infected with the HIV virus. This was one of the first cases in the country that was tried by a jury on the issue of liability for infecting a blood transfusion patient with the HIV virus. After two and one-half weeks of trial and one week of deliberations, the jury found for the Defendants.

Counsel:

For the Plaintiff: Bruce A. Bierhans, Esq., 294 Pleasant Street, Stoughton, MA 02072; 781-297-0005

For the Defendant: Levine: Peter C. Knight, Esq., Morrison Mahoney LLP, 250 Summer Street, Boston, MA 02210; 617-439-7514

For the Defendant Brettler: Claudia A. Hunter, Esq., Hunter & Bobit, P.C., 83 Atlantic Avenue, Boston, MA 02110; 617-371-1440

6. *Commonwealth v. Boyarsky*, Docket No. 2003-555, Worcester Superior Court

This was a first degree murder trial that took place in September of 2005. The Defendant broke into his neighbors' apartment and bludgeoned her to death with a baseball bat. There was considerable forensic evidence and a contested confession. I presided over the trial and ruled on the Defendant's Motion to Suppress his confession, which I denied. The case was affirmed by the Massachusetts Supreme Judicial Court and reported at *Commonwealth v. Boyarsky*, 452 Mass. 700 (2008). Opinion supplied.

Counsel:

For the Commonwealth: Thomas Landry, Esq., Worcester County District Attorney's Office, 225 Main Street, Room G-301, Worcester, MA 01608; 508-755-8601

For the Defendant: Brian Buckley, Esq., Fletcher, Tilton, and Whipple Attorneys at Law, 370 Main Street, 12th Floor, Worcester, MA 01608; 508-459-8000

7. *Commonwealth v. Feynard*, Docket No. 2000-0463, Worcester Superior Court

I was the trial judge in this drug trafficking case. I also denied the Defendant's Motion to Suppress, which ruling was affirmed by the Massachusetts Appeals Court and reported at *Commonwealth v. Feynard*, 62 Mass. App. Ct. 200, and by the Massachusetts Supreme Judicial Court and reported at *Commonwealth v. Feynard*, 445 Mass. 72 (2004). The Defendant was stopped for a motor vehicle offense and the police officer became suspicious because of the Defendant's evasive answers. The Defendant was ordered to remain at roadside until a drug sniffing dog could be delivered to the scene. That dog detected the odor of drugs from the car and the police searched, and found, a large amount of drugs inside of the car. The issue on appeal was whether the police could detain the Defendant while the dog was brought to the scene and whether there is an expectation of privacy in the odors coming from a vehicle. Opinion supplied.

Counsel:

For the Commonwealth: Peter Pratt, Esq., Worcester County District Attorney, 225 Main Street, Room G-301, Worcester, MA 01608; 508-775-8601

For the Defendant: Michael Hussey, Esq., 340 Main Street, Worcester, MA 01608; 508-368-1820

8. *Commonwealth v. Sok*, Docket No. MICR 199-153, Middlesex Superior Court

This was a first degree murder case that took place in 2001. I presided over the trial and denied the Defendant's Motion for a New Trial. The case was affirmed by the Massachusetts Supreme Judicial Court and reported at *Commonwealth v. Sok*, 439 Mass. 428 (2003). The 15-year-old Defendant stabbed the victim to death over gang related issues. The Defendant moved to suppress his confession and physical evidence. There was a trial issue about how to admit evidence of gang involvement without unfairly prejudicing the jury. My cautionary instruction to the jury before, during, and after trial was affirmed by the Supreme Judicial Court.

Counsel:

For the Commonwealth: Mark Eichler, Middlesex County District Attorney's Office, 15 Commonwealth Avenue, Woburn, MA 01801; 617-679-4000

For the Defendant: Paul D'Agostino, Esq., 449 Broadway, Everett, MA 02149; 617-381-1188.

9. *Butler v. Sigma-Aldrich, Inc.*, Docket No. 02-40238-TSH, United States District Court for the District of Massachusetts

I was the trial judge in this personal injury case that was tried to a jury between May 1 and May 10, 2006. The Plaintiff was a research assistant at BASF Corporation in Worcester who accidentally sustained a "needle stick" injury, with an experimental serum that was contaminated. The two week trial resulted in a Defendant's verdict. There were significant trial issues regarding the authentication and admission of electronically stored documents, and whether emailed lab results were business records within the meaning of FRE 803(6).

Counsel:

For the Plaintiff: Elizabeth W. Morse, Esq., Tashjian, Simsarian & Wickstrom, 370 Main Street, Worcester, MA 01608; 508-756-1578

For the Defendant: Joseph J. Leghorn, Esq., Nixon Peabody, LLP, 100 Summer Street, Boston, MA 02110; 617-345-1000

10. *Wachusett Potato Chip Co. v. Mohawk Beverage, Inc., et al.*, Docket No. 07-40029-TSH, United States District Court for the District of Massachusetts

I was the trial judge on this jury trial that took place between September 20 and 23, 2010. The Plaintiff sought payment for the delivery of goods over a course of conduct that spanned 15 years. Neither party kept accurate records,

and each attempted to prove/disprove damages through emails, letters, and how they ‘ordinarily’ did business. The jury found for the Plaintiff and awarded damages in the amount of \$1,169,098.94. This case is pending on appeal.

Counsel:

For the Plaintiff: James Galliher, Esq., Bonville & Howard, 154 Prichard Street, Fitchburg, MA 01420; 978-345-4144

For the Defendant: John J. Curley, III Esq., McEvelly & Curley, 48 West Street, Leominster, MA 01453; 978-534-3556

- 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. *Commonwealth v. Druce*, Docket No. 03-1403, Worcester Superior Court. Opinion supplied.

For the Commonwealth: Lawrence J. Murphy, District Attorney, 225 Main Street, Room G-301, Worcester, MA 01608; 508-755-8601

For the Defendant: John H. Lachance, Esq., 5 Edgell Road, Framingham, MA 01701; 508-879-5730

2. *Commonwealth v. Laguer*, Docket No. 83-103391, Worcester Superior Court. Opinion supplied in response to 13(c).

For the Commonwealth: Sandra L. Hautanen, Assistant District Attorney, 225 Main Street, Room G-301, Worcester, MA 01608; 508-755-8601

For the Defendant: James C. Rehnquist, Esq., Goodwin Procter, LLP, 88 Exchange Place, Boston, MA; 617-570-1000

3. *Advanced Cell Technology, Inc. v. Infigen, Inc. (Defendant and Plaintiff in counterclaim) v. Advanced Cell Technology, Inc. (Defendant in counterclaim)*, Docket No. 01-0376C, Worcester Superior Court. Opinion supplied.

For the Plaintiff: James C. Donnelly, Jr. Esq., Mirick O’Connell DeMallie & Lougee, LLP., 100 Front Street, Suite 17, Worcester, MA; 508-791-8500

For the Defendant: Coleen Hennessey, Esq., Peabody & Arnold, Federal Reserve Plaza, 600 Atlantic Ave., Boston, MA 02210; 617-951-2100

4. *Commonwealth v. Feynard*, Docket No. 00-0463, Worcester Superior Court. Opinion supplied in response to 13(c).

For the Commonwealth: Peter Pratt, Esq., Worcester County District Attorney, 225 Main Street, Room G-301, Worcester, MA 01608; 508-775-8601.

For the Defendant: Eric Brandt, Esq. 44 Bromfield Street, Boston, MA 02108, 617-482-6212

5. *United States v. Kearney*, Docket No. 08-40022-FDS, United States District Court for the District of Massachusetts. Opinion supplied.

For the Plaintiff: Karin M. Bell, United States Attorney's Office, 595 Main Street, Suite 206, Worcester, MA 01608; 508-368-0106

For the Defendant: Stylianus Sinnis, Esq., Federal Public Defender Office-District of Massachusetts, 51 Sleeper Street, 5th Floor, Boston, MA 02210; 617-223-8080

6. *United States v. Wilkerson, et al.*, Docket No. 08-10345-DPW, United States District Court for the District of Massachusetts. Opinion supplied.

For the United States: John T. McNeil, United States Attorney's Office, 1 Courthouse Way, Suite 9200, Boston, MA 02210; 617-748-3242

For the Defendant Wilkerson: Max D. Stern, Esq., Stern, Shapiro, Weissberg, & Garin, 90 Canal Street, Boston, MA 02114; 617-742-5800

For the Defendant Turner: Barry P. Wilson, Esq., 240 Commercial Street, Boston, MA 02109; 617-248-8979

7. *In Re Department of Justice Grand Jury Subpoenas to Company X*, Docket No. 08-MC-10253-PBS, United States District Court for the District of Massachusetts. Opinion supplied.

For Petitioner the United States: Gregg D. Shapiro, Esq., Office of the United States Attorney, One Courthouse Way, Suite 9200, Boston, MA 02210; 617-748-3366

For the Respondent Company X: Robert D. Keefe, Esq., Wilmer Hale, LLP, 60 State Street, Boston, MA; 617-526-6000

8. *Jodoin v. Baystate Health Systems, Inc. et al.*, Docket No. 08-40037-TSH, United States District Court for the District of Massachusetts. Opinion supplied.

For the Plaintiff: Tyson R. Ence, Esq., Rosenberg Schapiro Englander Chicoine & Leggett, P.C., 44 School Street, Suite 800, Boston, MA 02108; 617-482-4455

For the Defendant: Jay M. Presser, Esq., Skoler, Abbott & Presser, One Monarch Place, Suite 2000, Springfield, MA 01144; 413-737-4753

9. *Commonwealth v. Morgan*, Docket No. 99-2506, Hampden Superior Court. Opinion supplied in response to 13(c).

For the Commonwealth: Calvin Carr, Esq., Hampden County District Attorney's Office, 50 State Street, Springfield, MA 01102; 413-747-1000

For the Defendant: Linda Thompson, Esq., Thompson & Thompson, PCC, 1331 Main Street, Springfield, MA 01103; 413-739-2100

10. *Applewood Properties, Inc., et al. v. Signature Building Systems, Inc.*, Docket No. 07-40002-TSH, United States District Court for the District of Massachusetts. Opinion supplied.

For the Plaintiff: John S. Day, Esq., 185 Devonshire Street, Boston, MA 02110; 617-348-9380

For the Defendant: Francis J. DiMento, Esq., DiMento & Sullivan, Seven Faneuil Hall Marketplace, Boston, MA 02109; 617-523-2345

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

None.

- 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.

Commonwealth v. Zanetti, 454 Mass. 449 (2009)
Reversal of jury verdict for failure to grant Defendant's Motion for Required Finding of Not Guilty at close of Government's case.

Commonwealth v. Naylor, 73 Mass. App. Ct. 518 (2009)
Reversal of jury verdict due to ineffective assistance of trial counsel.

Mohamad v. Kavlakian, 69 Mass. App. Ct. 261 (2007)

A creditor brought civil contempt proceedings against mortgagees. I dismissed the complaint against two of the mortgagees. The Massachusetts Appeals Court reversed that dismissal.

MacDonald v. Paton, 57 Mass. App. Ct. 290 (2003)

The Town of Athol Selectman had brought a defamation action against the operator of a web site, newspaper, and others alleging that the web site had characterized him as a nazi. The web site operator brought a Motion to Dismiss, which I denied. That denial was reversed by the Massachusetts Appeals Court.

Commonwealth v. Desrosier, 56 Mass. App. Ct. 348 (2002)

The Defendant pled guilty to second degree murder before another judge and moved to withdraw his plea. I granted the motion on the grounds that the record did not support that his plea was made freely and voluntarily. The granting of that motion was reversed.

Commonwealth v. Levesque, 436 Mass. 443 (2003)

The Defendants were two mentally challenged homeless adults who were charged with manslaughter for their role in starting, but not reporting a fatal fire. I allowed the Defendants' Motion to Dismiss, which was based upon the insufficiency of evidence before the Grand Jury. My decision (supplied in response to Question 13c) was overturned by the Massachusetts Supreme Judicial Court.

Commonwealth v. Kwiatkowski, 418 Mass. 543 (1994)

After a trial before me, the Defendant was convicted of stalking and violation of a domestic restraining order. The Massachusetts Supreme Court reversed the conviction ruling that the statute was unconstitutionally vague.

- 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.

Most of my opinions are unpublished. During my time in the Massachusetts Trial Court, I wrote several hundred opinions. Only a very small percentage of those opinions were published. Since my appointment as a Magistrate Judge in 2006, I have written over 300 opinions; only a handful has been published. The unpublished opinions are docketed by the clerk's office and I have electronic copies.

- 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.

Commonwealth v. Sliech-Brodeur, 457 Mass. 300 (2010). My opinion is found in Hampden County Superior Court docket 04-1164 and is supplied.

Commonwealth v. Boyarsky, 452 Mass. 700 (2008). My opinion is found in Worcester Superior Court docket 03-555 and is supplied in response to 13(c).

Commonwealth v. Laguer, 448 Mass. 585 (2007). My opinion is found in Worcester County Superior Court docket 83-103391 and is supplied in response to 13(c).

Commonwealth v. Feynard, 445 Mass. 72 (2005). My opinion is found in Worcester County Superior Court docket 00-0463 and is supplied in response to 13(c).

- 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.

I assess recusal in accordance with 28 U.S.C. § 455 (2006). The Massachusetts District Court does not have an automatic recusal system. We do have a Conflict Checking Feature in our CM/ECF (our case management system) which alerts me if I have a potential conflict with someone or some entity that is a party in a newly filed case assigned to me.

During my time in the Massachusetts Trial Court I assessed recusal in accordance with Massachusetts Supreme Judicial Court Rule 3:09 (The Code of Judicial Conduct).

I recused sua sponte in the following cases:

Mulvey v. Judge Timothy S. Hillman, et al., Civil Action No. 08-40022, United States District Court for the District of Massachusetts, Worcester Division. The Plaintiff was a criminal defendant who sued me seeking civil relief while the criminal case was still pending before me. The civil case was drawn to me randomly. The court clerk's office entered an Order of Recusal on my order and the civil case was redrawn to another judge.

Castillo v. O'Brien, Civil Action No. 05-40040, United States District Court for the District of Massachusetts, Worcester Division. This case was referred to me by District Judge Saylor for a Report and Recommendation on Mr. Castillo's petition for a Writ of Habeas Corpus. Mr. Castillo had been convicted in a state criminal proceeding. As I began researching the case, I discovered that I had ruled on a number of motions in the case during my tenure as a State Superior Court Judge. I entered an Order of Recusal setting forth the above grounds as reason for recusal and had that order docketed in the case.

Commonwealth v. Laguer, Docket No. 83-103391, Worcester Superior Court. I did not recuse myself in the case of *Commonwealth v. Laguer*. Early in the proceedings, the Government advised that the victim's daughter consulted my law firm, but did not hire us, to help probate her father's estate. I did not feel that a conflict existed but did conduct a thorough colloquy on the record with both the Assistant District Attorney in charge of the case and the Defendant.

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.

City Solicitor, City of Gardner (1989 – 1990); appointed by Mayor Charles Manca

Town Counsel, Town of Petersham (1988 – 1990); appointed by Board of Selectmen

Town Counsel, Town of Athol (1988 – 1990); appointed by Board of Selectmen

Town Counsel, Town of Lunenburg (1981 – 1990); appointed by Board of Selectmen

City Solicitor, City of Fitchburg (1979 – 1990); appointed by Mayors David Gilmartin, Bernard Chartrand, Ronald Ingemie, and Jeffrey Bean

- 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 held office in or rendered services to any political party or election committee. I have not held a position or played a role in a 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 did not serve as a clerk to a judge.

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

1975 – 1988

Timothy S. Hillman, Attorney & Counselor at Law
341 Main Street
Fitchburg, Massachusetts 01420

- 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.

1974 – 1975

Murphy and Pusateri
410 Main Street
Fitchburg, Massachusetts 01420
Staff Attorney

1975 – 1977

Worcester County District Attorney's Office
1 Main Street
Worcester, Massachusetts 01608
Assistant District Attorney

1976 – 1988
Timothy S. Hillman, Attorney & Counselor at Law
341 Main Street
Fitchburg, Massachusetts 01420
Attorney

1979 – 1990
City of Fitchburg
City Hall
718 Main Street
Fitchburg, Massachusetts 01420
City Solicitor

1981 – 1990
Town of Lunenburg
Town Hall
17 Main Street
Lunenburg, Massachusetts 01462
Town Counsel

1988 – 1990
Hillman & Haley, Attorneys at Law
341 Main Street
Fitchburg, Massachusetts 01420
Attorney

1988 – 1990
Town of Athol
Town Hall
584 Main Street
Athol, Massachusetts 01331
Town Counsel

1988 – 1990
Town of Petersham
Town Hall
Main Street
Petersham, Massachusetts 01366
Town Counsel

1989 – 1990
City of Gardner
City Hall
95 Pleasant Street
Gardner, Massachusetts 01440
City Solicitor

- 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 did not so serve while in private practice.

b. Describe:

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

My law practice was a general practice with a concentration on municipal law and civil and criminal trials. From 1975 to 1977, I was an Assistant District Attorney and was permitted to have a limited private practice. My law practice centered around drafting wills, representing clients in real estate transactions, and representing plaintiffs in motor torts. After I left the D.A.'s office in 1977 and until 1988 I represented criminal defendants and my private practice was expanded to include the representation of the municipalities listed above. As town counsel or city solicitor I represented the municipalities in court, gave legal advise to their boards and elected officials, and drafted and reviewed legal documents.

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

While serving as an Assistant District Attorney, I prosecuted criminal cases in Worcester County. After leaving the D.A.'s office in 1977, I represented criminal defendants and plaintiffs in tort cases. In 1977, I became the City Solicitor for the City of Fitchburg. Thereafter, my practice slowly became more focused on municipal law, and eventually my typical clients were municipalities. Within the municipal law specialty, I developed an expertise in representing cities and towns on trial matters. In addition, I continued to represent criminal defendants and plaintiffs in tort 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.

My practice was primarily devoted to litigation. I was frequently in court.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 10%
 - 2. state courts of record: 75%
 - 3. other courts: 0%
 - 4. administrative agencies: 15%

- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 65%
 - 2. criminal proceedings: 35%

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

I estimate that I tried 300 to 400 cases to verdict, judgment or final decision. I was chief counsel in all cases.

- i. What percentage of these trials were:
 - 1. jury: 35%
 - 2. non-jury: 65%

- 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.

I have tried to answer this question as accurately as possible, but because of the passage of time since I was in private practice, I have been unable to compile a complete list or to access the records of some of these cases.

1. *Rushia v. Town of Ashburnham*, Docket No. 82-1628, United States District Court for the District of Massachusetts, Honorable Walter J. Skinner (deceased); *aff'd*, 701 F.2d 7 (1st Cir. 1983)

I was trial and appellate counsel for the Town of Ashburnham in 1982. The town passed a by-law (the Public Display to Minors By-law) seeking to keep allegedly pornographic magazines off of the shelves of the towns stores, but still available for sale. The Plaintiff sued the town seeking declaratory and injunctive relief, alleging that by-law was unconstitutional. After trial, judgment for Defendant was affirmed by the Court of Appeals for the First Circuit.

For the Plaintiff: Darragh K. Kasakoff, Attorney at Law, 339 Main Street, Worcester, MA 01608; 508-757-7721

2. *Commonwealth v. Thompson*, Docket No. 88-1343, Gardner District Court/Fitchburg District Court, Honorable Martha Brennan

The Defendant drove a car that was involved in a fatal accident when he unsuccessfully tried to pass a car on a state highway. I defended Mr. Thompson at trial on charges of vehicular homicide in 1989-1990. He was found not guilty of vehicular homicide. There were significant forensic and engineering/accident reconstruction issues at trial.

Counsel:

For the Commonwealth of Massachusetts: Assistant District Attorney Mark Noonan, Attorney at Law (now Honorable Mark Noonan, Leominster District Court), 25 School Street, Leominster MA 01453; 978-537-9797

3. *Anderson, Administratrix v. Blanchette, et al.*, Docket No. 82-2647, United States District Court for the District of Massachusetts, Honorable Mark Wolf

I was trial counsel for the Defendant City of Fitchburg in this case. The Plaintiff's estate sued the city seeking damages for his death from a police shooting during a breaking and entering into the Fitchburg Art Museum. The case was tried for approximately seven days before being settled. The Plaintiff and another had broken into the Fitchburg Art Museum after hours and had tripped the alarm. The police responded, and during a search of the building surprised the Plaintiff who made a sudden movement. That movement caused the police to shoot him fatally.

Counsel:

For the Plaintiff: David Casey, Attorney at Law, One International Place, Boston, MA 02110; 617-921-8257

For the Defendant: Chief Francis Roddy, Austin Joyce, Attorney at Law, Reardon Joyce, & Ackerson, PC, 4 Lancaster Terrace, Worcester, MA 01609; 508-754-7285

4. *Moss v. Wyman et al.*, Docket No. WOCV 1988-2630, Commonwealth of Massachusetts, Worcester Superior Court, Honorable Daniel Ford

I was counsel for the Plaintiff who sued the Town of Barre's Zoning Board of Appeals after denial of his request for a variance/special permit under the town's Zoning By-law. The Plaintiff had lived in a trailer in the town of Barre, Massachusetts for over 25 years. The town felt that use was not permitted under the Zoning By-law and began enforcement proceedings. The Plaintiff sought a variance from the by-law which was denied by the Zoning Board of Appeals. I represented the Plaintiff before the Board and filed an appeal of the denial to the Worcester Superior Court. The denial was overturned by Superior Court Judge Daniel Ford. This case was tried in 1989.

Counsel:

For the Defendant: Town of Barre Zoning Board of Appeals, Honorable Charles B. Swartwood, c/o JAMS, One Beacon Street, Boston, MA 02108; 617-565-4662

5. *United States v. Savolis*, Docket No. 5:81CR49, United States District Court for the District of Vermont, Rutland Division, Honorable James Holden (deceased)

I was counsel for Defendant Savolis, who was charged with conspiracy to import and distribute marijuana into Vermont from Columbia, South America. He was alleged to have procured marijuana in Columbia and organized its importation via airplane into the United States. I represented Mr. Savolis during all phases of the case, including discovery, motions to suppress, and trial. The Defendant was acquitted after a five week trial. The trial took place in 1983 to the best of my recollection.

Counsel:

For the Government: Gerald O'Neill, District of Vermont, United States Attorney's Office, United States Courthouse and Federal Building, Post Office Box 10, Rutland, VT 05701; 902-773-0231

The only other counsel for whom I have contact information is counsel for Defendant Ames: Jeffrey Denner, Attorney at Law, 4 Longfellow Place, Boston, MA 02114; 617-227-2800

6. *United States v. Peterson*, Docket No. 8848 CR 1394, Commonwealth of Massachusetts-Ayer District Court/Lowell District Court, Honorable Neil Colicchio (deceased)

I was counsel for Defendant Peterson, who was charged with motor vehicle homicide. Ms. Petersen was a high school student who was driving friends home from a party. Her front tire blew out and two of her friends died. I represented her at all stages of the proceedings from arraignment to trial. After a four day trial the Defendant was acquitted. The trial took place in 1989.

Counsel:

For the Commonwealth of Massachusetts: Joseph Shields, Middlesex County District Attorney's Office, 615 Concord Street, Framingham, MA 01702; 508-820-2939

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.)

Information Technology project

From 2002 to 2004, I was Project Executive for the Massachusetts Trial Court Information Technology project and was responsible for the procurement and implementation of the statewide, integrated case management and docketing system for all levels of the Massachusetts Trial Court system.

RESTART Reentry Court

In 2008, in partnership with the United States Probation Office, I established a federal Reentry Court program (RESTART) for high risk, ex-offenders who have recently been released from prison. The goal of RESTART is to reduce recidivism, and to successfully reintegrate ex-offenders into the community with an emphasis on employment skills. RESTART has been in operation for over two years and is becoming a national model for reentry courts.

Co-Chair of the Chambers Functional Requirements Group

In April of 2009, I was appointed as the national co-chair of a group of judges and courtroom support staff who are responsible for the design and implementation of the next generation of the federal courts' case management and electronic filing system. The

project is expected to last for four years and as a co-chair I manage and direct over 40 judges, courtroom staff, and technical staff.

Pro se Mediation Panel

In March 2010, Chief Magistrate Judge Judith Dein and I, in collaboration with the Federal Bar Association, established a panel of volunteer attorneys to represent pro se parties in civil case mediations. Over 10% of the civil litigants in the Massachusetts federal court are pro se and this program provides court appointed legal counsel for pro se litigants for court-involved mediations.

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

From 1999 through 2005, I taught a course on law and psychiatry at the Massachusetts School of Law in North Andover, Massachusetts. No syllabus is available. From 2002 through 2005, I taught a course on trial advocacy at Clark University in Worcester, Massachusetts. No syllabus is available.

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 am the beneficiary of a non-vested contributory retirement plan from my years in the Massachusetts State Court System.

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 such plans.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If I am confirmed, I do not believe that any of my family members, other persons, parties, categories of litigation, or financial arrangements would likely present a potential conflict of interest. I have been a United States Magistrate Judge since 2006, and was a judge of the Massachusetts Trial Court before that. As a Magistrate Judge I am subject to the Code of Conduct for United States Judges and as a Massachusetts Trial Court judge I was subject to the Code of Judicial Conduct (Massachusetts Supreme Judicial Court Rule 3:09).

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

I have listed my wife, brother, children, nieces, and nephews, and their employers in the Judge Conflict/Exclusion List Report function in the court's case management and electronic filing system. That system sends me an alert if any of the listed are named as a party in any of my cases. To date, no one has been so named. I also review the notices of case assignment and referral to ensure that no conflict arises which is not flagged by the conflict database. If confirmed, I will continue to follow the federal recusal statute and Code of Conduct for Federal Judges. If necessary I will seek advice from the Code of Conduct Committee of the Judicial Conference. I have erred, and always will err, on the side of caution.

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

Our court sponsors legal mentoring programs for disadvantaged high school and college students. The students are assigned to a judge for the months of June and July, and are part of the chambers staff for that period of time.

Our court also sponsors a robust legal education program for inner city youths. This program relies on judicial involvement and coaching for mock trials and judicial lectures. I assist my wife, who is the coach of the Lunenburg High School Mock Trial team, with any technical questions which arise during her preparation for their competitions.

While in private practice I was responsible for the Northern Worcester County Bar Association's annual holiday public service program. We developed a program to distribute holiday packages to the working poor, i.e., those families that did not qualify for public assistance but that were having trouble making ends meet. The families were identified by social service agencies and we distributed toys, food, oil vouchers, and other winter necessities.

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 January of 2011, Judge Nancy Gertner announced that she was taking Senior status, and her vacancy was announced in the early Spring of 2011. Senator John Kerry appointed a committee to screen candidates for that vacancy. On April 27, 2011, I submitted the Preliminary Screening Application and Questionnaire for Judicial Candidates to the Committee. On June 16, 2011, I was interviewed by the Committee. I was informed thereafter that the Screening Committee had recommended me for further consideration. On July 27, 2011, I was interviewed by Senators Kerry and Brown. On August 4, 2011, I was notified by the Senators that they were recommending me to the White House for appointment.

Since August 11, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On September 23, 2011, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On November 30, 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, Timothy S. Hillman, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

11/30/2011

(DATE)

Timothy S. Hillman
(NAME)



Sandra I. Burgos
(NOTARY)