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May 1, 2024

The Honorable Richard Durbin  
Chairman  
Committee on the Judiciary  
United States Senate  
711 Hart Senate Office Building  
Washington D.C. 20510  
c/o Sarah Bauer - [Sarah\\_Bauer@judiciary-dem.senate.gov](mailto:Sarah_Bauer@judiciary-dem.senate.gov)

The Honorable Lindsey Graham  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510  
c/o Ryan Giles - [Ryan\\_Giles@judiciary-rep.senate.gov](mailto:Ryan_Giles@judiciary-rep.senate.gov)

Re: **Stacey D. Neumann, Esq.**  
Nominee for the United States District Court for the District of Maine

Dear Senators Durbin and Graham:

I am writing as a former federal law enforcement officer with twenty-seven years of experience investigating federal crimes and as a current trial lawyer with twenty-five years of legal experience. Specifically, I write to wholeheartedly endorse the nomination of Stacey D. Neumann for the position of United States District Judge for the District of Maine. I cannot imagine that a more-qualified or better-suited candidate for the position than Ms. Neumann, especially because she demonstrated an unwavering commitment to fair-minded enforcement of federal criminal law in her role as a prosecutor and then to the rule of law in general after her transition into a private practice in criminal, civil, and administrative venues.

It may be helpful to know something about my background when deciding how much weight to give my perspective on Ms. Neumann's nomination. I began my law practice in 1999 after twenty-seven years of federal law enforcement service with the United States Drug Enforcement Administration and its predecessor agency, the United States Bureau of Narcotics and Dangerous Drugs. At the time of my retirement, I was a Supervisory Special Agent managing a Massachusetts-based multi-jurisdictional task force operating in the inner-city neighborhoods of Eastern Massachusetts with the goals of reducing drug trafficking and improving the quality of neighborhood life, often concentrating on the suppression of drug-related violence. Over the course of my federal career, I was assigned to permanent posts of

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duty in Boston, New York City, and Portland, and completed temporary duty assignments in many other locations. For the purposes of this submission, it is noteworthy that I was a regular member of prosecutor-investigator teams that presented complex cases to federal grand juries and that I worked in the courtroom with prosecutors who tried the indicted cases to federal juries.

From that frame of reference (and noting that, as I described below, my first encounter with Ms. Neumann was when she was a federal prosecutor and I was defense counsel), I believe that Ms. Neumann exemplified the best qualities of a federal prosecutor, and that she has carried over her respect for the law into her work in private practice. I have the highest possible opinion of her integrity, professional competence, and judicial temperament. Indeed, I am pleased that she is under consideration for appointment to the District Court, and I cannot imagine that there would be a more qualified candidate for that position.

I have known Ms. Neumann for fifteen years and in several capacities. First, I am an active trial lawyer in state and federal practice in Maine, which includes criminal, civil, and administrative matters. In 2009, she accepted an appointment as an Assistant United States Attorney in the District of Maine after serving as trial lawyer in the Vermont Office of the Defender General (and before that as a law clerk for judges of the Vermont Supreme Court and the United States Court of Appeals for the Second Circuit). I was opposing counsel (as a member of the District's CJA Panel) during her first trial as a federal prosecutor in a criminal case that involved a significant evidentiary challenge to the admission of key documentary evidence on Confrontation Clause grounds.<sup>1</sup> Over the course of the pretrial proceedings and the trial, Ms. Neumann was remarkably collegial in her dealings with me and respectful of my client's rights, which reflected her experience as a public defender without compromising her obligations as a federal prosecutor. Having served as a law clerk in the Vermont Supreme Court and in the Second Circuit Court of Appeals, her written work was excellent, and her trial experience as a public defender was evident in her oral advocacy, as well as in her performance when questioning witnesses. It was evident that she knew the law when articulating her fair-minded analysis well as she responded to evidentiary objections that I raised with the Court, and her respectfulness toward me and compassion for my client resonated with the jury as she advocated for the Government's position on the evidence. My discussions with other lawyers who were opposing counsel while she was a federal prosecutor indicate that they shared my opinion of her even-handed, compassionate, and competent work when representing the Government.

Second, I have had regular contact with Ms. Neumann regarding cases that she has handled in private practice since leaving the United States Attorney's Office in 2013, including civil and administrative cases in which we were co-counsel or represented the same clients in related matters. And I am familiar with criminal cases in which she acted as defense counsel. Suffice to say that Ms. Neumann's work as a lawyer handling criminal, civil, and administrative cases in private practice tracked the reputation that she earned as a federal prosecutor. Put succinctly, she is a diligent, tenacious, and formidable, but collegial, opponent whose mastery of the law, written and oral advocacy, and focus on the rule of law in criminal, civil, and

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<sup>1</sup> The Government prevailed at trial and in the United States Court of Appeals. *See United States v. Lang*, 672 F.3d 17 (1st Cir. 2012)

administrative forums has earned her the respect of her clients, opposing parties and counsel, mediators, and judges. To her credit, despite the unmistakable challenges that are sometimes present in the litigation process and the potential for encountering difficult opposing counsel and parties, she always operates with patience and without bias, and her integrity is beyond question—she concentrates on obtaining a fair result that is grounded in the law and the facts without any vestiges of ego.

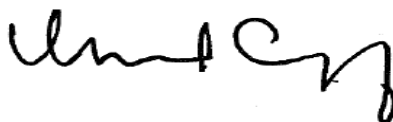
Third, I am familiar with the scope of her private law practice. In her civil practice, Ms. Neumann has represented plaintiffs *and* defendants, which demonstrates a lack of bias in favor of either category of litigants. She has been retained as a *neutral* factfinder to assist in the investigation of internal workplace matters, and she has represented both employers and employees in workplace matters, which indicates both an absence of bias and the confidence that clients have in her capacity for neutrality. She is also trained as a mediator, and I know from my work with her as co-counsel in matters that were resolved through mediation that she fully embraces the concept of alternative dispute resolution, which illustrates her commitment to fair dispositions of legal disputes to the satisfaction of all parties whenever possible.

Fourth, I am aware that Ms. Neumann has contributed to the administration of justice in various ways, including as a member of: the Federal Public Defender Reappointment Committee, the United States District Court Criminal Law Committee, the CJA Panel Selection Committee for the District of Maine, the Planning Committee for the District of Maine Judicial Conference, and the Board of Visitors for the Long Creek Youth Correctional Facility, as well as a presenter at Maine State Bar Association Employment Practice Group Annual Conferences, Maine Association of Criminal Defense Lawyers Annual Conferences, Maine Motor Transport Association Annual Conferences on Employer Compliance, the Maine Health Care Workers Conference on Human Trafficking, a Maine Trial Lawyers Conference, a United States District Court Judicial Conference, and in other professional, academic, and community settings. In other words, she has promoted the rule of law and good governance, including in ways that do not involve compensation.

In conclusion, I have no hesitation whatsoever when characterizing Ms. Neumann as being at the top of the legal profession in our jurisdiction or stating that she has a reputation for the highest level of integrity or that she is compassionate, decisive, open-minded, courteous, patient, unbiased, and committed to equal justice under the law. Maine would be well-served by her appointment as a United States District Judge for the District of Maine.

Thank you for allowing this opportunity to participate in this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Cunniff". The signature is fluid and cursive, with a large initial "M" and "C".

Michael A. Cunniff  
mcunniff@lawmmc.com

CC: Senator Susan M. Collins  
413 Dirksen Senate Office Building  
Washington, DC 20510  
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Senator Angus King  
133 Hart Building  
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