

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Catherine Henry
Catherine Carhart

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

United States District Judge for the Eastern District of Pennsylvania

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.

Federal Community Defender Office for the Eastern District of Pennsylvania
601 Walnut Street
Suite 540 West
Philadelphia, Pennsylvania 19106

Residence: Bala Cynwyd, Pennsylvania

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

1969; Edison, New Jersey

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.

1992 – 1995, District of Columbia School of Law; J.D., 1995

1987 – 1991, Drew University; B.A., 1991

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

2002 – present

Federal Community Defender Office for the Eastern District of Pennsylvania
601 Walnut Street
Suite 540 West
Philadelphia, Pennsylvania 19106
Senior Litigator (2008 – present)
Assistant Federal Defender (2002 – 2008)

2009 – present
University of Pennsylvania Carey Law School
3501 Sansom Street
Philadelphia, Pennsylvania 19104
Adjunct Professor of Law

1996 – 2002
Defender Association of Philadelphia
1441 Sansom Street
Philadelphia, Pennsylvania 19102
Assistant Defender

1995 – 1996
Feminist Majority Foundation
1600 Wilson Boulevard
Arlington, Virginia 22209
Staff Attorney

1994 – 1995
United States Department of Labor
Office of Administrative Law Judges
800 K Street, Northwest
Washington, DC 20001
Law Clerk

1993 – 1994
Public Defender Service for the District of Columbia
633 Indiana Avenue, Northwest
Washington, DC 20004
Law Clerk

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

I did not serve in the military. I was not required to register for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or

professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

None.

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association

American College of Trial Lawyers (2018 – present)
Public Defenders Committee (2023 – present)
Fellow (2018 – present)

American Inns of Court, University of Pennsylvania (2006 – present)
Master of the Bench (2016 – present)

Pennsylvania Bar Association

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Maryland, 1995
Pennsylvania, 1996

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 District Court for the Eastern District of Pennsylvania, 2000

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.

Junior Legal Club (2017 – present)

- 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, the organization listed above does not currently discriminate nor did it formerly discriminate 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.

None.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I am a member of the Public Defenders Committee of the American College of Trial Lawyers. While I served on that committee, the College issued a white paper entitled, "The Effective Use of Pretrial Diversion in Criminal Cases." Although my name and the names of other committee members appear on the white paper, I did not draft, edit, review, or approve the paper. Copy supplied.

- 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.

None.

- 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.

The following list reflects my best effort to identify the public speaking events in which I have participated, based on a review of my records and publicly-available information.

December 4, 2020: Speaker, Courtroom Technology and Demonstratives in a Virtual World, American College of Trial Lawyers: Masters of Litigation, Philadelphia, Pennsylvania. PowerPoint supplied.

November 1, 2019: Speaker, Effective Use of Courtroom Technology, American College of Trial Lawyers: Masters of Litigation, Philadelphia, Pennsylvania. PowerPoint supplied.

December 19, 2018: Panelist, Technology in the Courtroom, Eastern District of Pennsylvania Federal Courts Committee, Philadelphia, Pennsylvania. I participated in a panel discussion on the use of technology in the courtroom. I have no notes, transcript, or recording. The address of the United States Courthouse is 601 Market Street, Philadelphia, Pennsylvania 19106.

October 26, 2018: Speaker, Effective Use of Courtroom Technology, American College of Trial Lawyers: Masters of Litigation, Philadelphia, Pennsylvania. PowerPoint supplied.

March 23, 2016: Panelist, Penn Law Women's Summit, Narcotics in America, University of Pennsylvania Law School, Philadelphia, Pennsylvania. The panel discussed how and why women become ensnared in the criminal justice system. I have no notes, transcript, or recording. The address of the law school is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

May 2010 – October 2019 (specific dates unknown): Faculty, Annual Maureen Kearney Rowley Criminal Justice Act Seminar: Philadelphia, Pennsylvania. PowerPoint supplied.

August 3, 2012: Panelist, Using Social Media to Investigate Jurors and Witnesses Before and After Trial, American Bar Association Annual Meeting, Chicago, Illinois. PowerPoint and press coverage supplied.

November 2011 (specific date unknown): Panelist, Sentencing Documentaries, University of Pennsylvania Law School, Philadelphia, Pennsylvania. I participated in a panel discussion on the use of videos and documentaries to enhance the sentencing presentation. I have no notes, transcript, or recording. The address of the law school is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

October 2011 (specific date unknown): Panelist, Jury Selection Strategies, Mississippi Office of State Public Defender, Jackson, Mississippi. I participated in a panel discussion on *Batson* challenges and evidence objections. I have no notes, transcript, or recording. The address of the Office of State Public Defender is 239 North Lamar, Jackson, Mississippi 39201.

June 2010 (specific date unknown): Presenter, Identifying and Investigating Your Jurors Before Trial, National Seminar for Federal Defenders, Seattle, Washington. PowerPoint supplied.

May 2009 (specific date unknown): Presenter, Challenging Interstate Commerce Before the Jury in Hobbs Act Robbery and Firearms Trials, National Seminar for Federal Defenders, Minneapolis, Minnesota. PowerPoint supplied.

July 2008 (specific date unknown): Panelist, Courtroom Technology, Second, Third, and Fourth Circuit IT Conference, Philadelphia, Pennsylvania. I participated in a panel discussion on the use of courtroom technology. I have no notes, transcript, or recording. The address of the United States Courthouse is 601 Market Street, Philadelphia, Pennsylvania 19106.

2008 – 2020: I served as an instructor for the NITA Western Regional Program (San Francisco, California), and for the NITA Mid-Atlantic Program at Temple University Law School (Philadelphia, Pennsylvania). I have no notes, transcripts, or recordings. The address for NITA is 325 West South Boulder Road, Suite 1, Louisville, CO 80027

June 2005 (specific date unknown): Presenter, The Razzle-Dazzle and Nitty-Gritty of Technology in Trial, National Seminar for Federal Defenders, Defender Services Office Training Division, San Antonio, Texas. PowerPoint supplied.

October 2003 (specific date unknown): Presenter, Trial Strategy for Criminal Justice Act attorneys and Federal Defenders, Federal Defender Services of Idaho, Boise, Idaho. The lecture was a discussion of defenses at trial and challenging the sufficiency of the government's evidence. I have no notes, transcript, or recording. The address of the Federal Defender Services of Idaho is 702 West Idaho, Suite 1000, Boise, Idaho 83702.

- 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.

Amanda Jonas, *Women Leaders in Law and Business: Trailblazers, Innovators, and Disrupters in the Law*, Women Law & Leadership Seminar, University of Pennsylvania Law School (2019). Copy supplied.

Jeremy Roebuck, *Trial opens on ties to Liberia: Trial opens on Delco man's ties to Liberian civil war*, Philadelphia Inquirer (June 11, 2018). Copy supplied.

Regina Austin, *Not Just a Common Criminal: The Case for Sentencing Mitigation Videos*, Penn Law: Legal Scholarship Repository, University of Pennsylvania Law School (2014). Copy supplied.

Michael Hinkleman, *In Philly, feds have a knack for finding narcs*, Philadelphia Daily News (May 5, 2011). Copy supplied.

Zack Needles, *Was 'attorney on a gurney' a stunt or not?*, The Legal Intelligencer (Dec. 20, 2010). Copy supplied.

Zack Needles, *Character Evidence Paints Picture of Convict Beyond Crime*, Pennsylvania Law Weekly (Aug. 24, 2010). Copy supplied.

Troy Graham, *A voice raised against straw gun buying*, Philadelphia Inquirer (Dec. 22, 2009). Copy supplied.

Dave Davies, *Trial draws few of Fumo's friends, foes*, Philadelphia Daily News (Oct. 23, 2008). Copy supplied.

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

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _
- i. Of these cases, approximately what percent were:
- jury trials: _____ %
bench trials: _____ % [total 100%]
- ii. Of these cases, approximately what percent were:

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

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

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

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

None.

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

None.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
 - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a judicial law clerk.

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

I have not practiced law alone.

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

1995 – 1996
Feminist Majority Foundation
1600 Wilson Boulevard
Arlington, Virginia 22209
Staff Attorney

1996 – 2001
Defender Association of Philadelphia
1441 Sansom Street
Philadelphia, Pennsylvania 19102
Assistant Defender

2001 – present
Federal Community Defender Office for the Eastern District of
Pennsylvania
601 Walnut Street
Suite 540 West
Philadelphia, Pennsylvania 19106
Assistant Federal Defender (2002 – 2008)
Senior Litigator (2008 – present)

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

I have not served as a mediator or arbitrator.

b. Describe:

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

I began my legal career as a staff attorney for the Feminist Majority Foundation. In that position I conducted research and review of policies and programs related to women's equality. I have spent the balance of my legal career as a public defender, and my practice has been in criminal defense work. I began my litigation career as Assistant Defender with the Defender Association of Philadelphia in 1996. In that position I represented clients at every stage of the Pennsylvania state criminal process. I handled cases in the major trial and felony waiver trial divisions. I also represented juvenile defendants in delinquency proceedings.

In 2001, I began working at the Federal Community Defender Office for the Eastern District of Pennsylvania, where I was first hired as an Assistant Federal Defender in the trial division. In that position I gained extensive jury trial and sentencing litigation experience on a wide variety of cases, including complex fraud schemes, major drug conspiracies, firearms, and violent crimes.

In 2008, I was promoted to the position of Senior Litigator. In that capacity, I maintain a full caseload of federal criminal matters. In addition, I advise and guide Assistant Federal Defenders in all aspects of litigation. I also conduct formal training of new attorneys and litigation support staff in trial advocacy.

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

During my first job as an attorney, I worked for a nonprofit organization and did not have clients. When I was a public defender in state court my clients were low-income individuals who could not otherwise afford the assistance of counsel who were prosecuted in Philadelphia. As a federal defender my clients are indigent people charged with committing federal crimes in the five counties that comprise the district.

- 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.

Throughout my career I have maintained a full caseload of criminal matters and have appeared in court frequently on a consistent basis.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 80%
- 2. state courts of record: 20%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

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

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

In federal court I have tried 35 cases to verdict or final decision as chief or co-chief counsel. In addition, I have supervised other attorneys during numerous trials and consulted at counsel table. Further, at the state court level, I tried hundreds of cases to verdict. The majority of those cases were bench trials.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 25% |
| 2. non-jury: | 75% |

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.

Schenck v. Pro-Choice Network of Western New York, 519 U.S. 357 (1997)
(amicus brief for the Feminist Majority Foundation, et al., 1996 WL 365802)

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

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

1. *United States v. Holloway*, 23-cr-471 (Hon. Chad F. Kenney)

From 2021 until 2024, I was sole counsel representing an individual charged with drug and firearm offenses after items were found in his automobile following a traffic stop. My client was facing a possible life sentence and multiple mandatory minimum sentences if convicted. I litigated a motion to suppress the evidence on the grounds that the search of the interior of the automobile was unlawful. The motion was granted, and the indictment was dismissed.

Counsel for the United States

Martin E. Howley

United States Attorney's Office for the Eastern District of Pennsylvania

615 Chestnut Street

Philadelphia, PA 19106

(215) 861-8200

2. *United States v. Rohana*, 18-cr-100 (Hon. Petrese B. Tucker)

From 2018 to 2023, I was co-lead counsel for Mr. Rohana, who was charged by indictment with theft of major artwork from a museum, concealment of major artwork stolen from a museum, and interstate transportation of stolen property. On December 21, 2017, while attending a private party at the Franklin Institute in Philadelphia, Pennsylvania, Mr. Rohana and two friends entered the Terracotta Warriors of the First Emperor Exhibit (“the Terracotta Warriors Exhibit”), which was closed at that time. The Terracotta Warriors Exhibit was a temporary special exhibit on loan to the Franklin Institute from China. Among other ancient artifacts, the exhibit featured ten terracotta warrior statues from the tomb of China’s first emperor dating back to 209 B.C. Footage from surveillance cameras at the Franklin Institute the night of the incident captured Mr. Rohana and his friends entering the closed Terracotta Warriors Exhibit. When doing this, it appeared as though Mr. Rohana snapped something off a statue’s left hand and put it in his pocket. Mr. Rohana then exited the Terracotta Warriors Exhibit. According to curators at the museum, this statue was worth an estimated \$4.5 million. I conducted voir dire, examined half the witnesses, and gave the closing argument at trial. After several days of deliberation, the jury was unable to reach a verdict and the judge declared a mistrial. Mr. Rohana ultimately pled guilty to one misdemeanor charge and a sentence of probation was imposed.

Co-Counsel for Mr. Rohana

Nancy MacEoin
Federal Community Defender Office
601 Walnut Street, Suite 540 West
Philadelphia, PA 19106
(215) 928-1100

Counsel for the United States

K.T. Newton
United States Attorney’s Office for the Eastern District of Pennsylvania
615 Chestnut Street
Philadelphia, PA 19106
(215) 861-8200

3. *United States v. Woewiyu*, 14-cr-050 (Hon. Anita B. Brody)

From 2014 until 2022, I was co-lead counsel appointed to represent Mr. Woewiyu. He was charged with immigration fraud and perjury charges relating to his alleged failure to disclose his membership in various organizations including the National Patriotic Front of Liberia (“NPFL”), his participation in the overthrow of the then-existing Liberian government by force, his alleged persecution of others on the basis of their Krahn or Mandingo heritage, and his criminal history. The factual background of the charges arose out of a civil war in Liberia between 1989 and 1994. I conducted voir dire, gave

the opening statement, examined half the witnesses, and gave the closing argument at trial. Mr. Woewiyu was convicted by the jury on 11 counts and acquitted on five counts. He passed away before the sentencing hearing.

Co-Counsel for Mr. Woewiyu

Mark Wilson
Federal Community Defender Office
601 Walnut Street, Suite 540 West
Philadelphia, PA 19106
(215) 928-1100

Counsel for the United States

Linwood C. Wright
Nelson S.T. Thayer, Jr.
United States Attorney's Office for the Eastern District of Pennsylvania
615 Chestnut Street
Philadelphia, PA 19106
(215) 861-8200

4. *United States v. Kalb*, 16-cr-012 (Hon. Gerald McHugh)

From 2016 to 2017, I was lead counsel for Mr. Kalb, who was charged with aiding and abetting the depredation of federal property valued in excess of \$1,000 and aiding and abetting the destruction of property on federal land. This case stemmed from the death of an individual who electrocuted himself while attempting to steal copper wiring from a PECO Energy Company electrical transfer box located in Valley Forge National Historical Park. Although the incident occurred on federal property the items taken were privately owned. I litigated a motion to dismiss the indictment for failure to state an offense under federal law because the items destroyed were not owned by the federal government. The motion was granted, and the indictment was dismissed.

Counsel for the United States

Denise S. Wolf
Inspector General
Southeastern Pennsylvania Transportation Authority
1234 Market Street, 11th Floor
Philadelphia, PA 19107
(215) 580-3797

5. *United States v. James*, 06-cr-502 (Hon. Michael M. Baylson)

From 2015 to 2016, I was appointed co-lead counsel to represent Mr. James, who was employed as a satellite cable installer. Mr. James was charged with wire fraud in relation to a scheme to steal satellite cable equipment from his employers. The government calculated the loss attributable to Mr. James as more than \$50,000. Mr. James received no financial benefit from this scheme above his regular salary as an installer. The

defense at trial was that the company had a flawed policy of allowing customers to open accounts and receive equipment before obtaining payment. When the customers refused to pay, the company blamed the installer for the loss. During the jury trial, I conducted voir dire, gave the opening statement, and examined half the witnesses. Mr. James was acquitted by the jury.

Co-Counsel for Mr. James

Benjamin Cooper
Montgomery County Public Defender Office
P.O. Box 311
Norristown, PA 19404
(610) 278-3295

Counsel for the United States

Joan Burnes
United States Attorney's Office for the Eastern District of Pennsylvania
615 Chestnut Street
Philadelphia, PA 19106
(215) 861-8200

6. *United States v. Jin*, 11-cr-286 (Hon. Legrome D. Davis)

From 2012 to 2013, I was lead co-counsel appointed to represent Ms. Jin. She was charged by indictment with one count of trafficking in counterfeit goods. The government alleged that Ms. Jin trafficked and attempted to traffic in counterfeit goods, namely 5,643 items of designer clothing, electronics, sports items, and accessories. At the close of the government's case we argued a motion to dismiss pursuant to Federal Rule of Criminal Procedure 29 because the evidence failed to show that the trademark at issue was properly registered and in use. The motion for judgment of acquittal was granted.

Co-Counsel for Ms. Jin

Susan Lin
Kairys, Rudovsky, Messing, Feinberg and Lin
718 Arch Street
Philadelphia, PA 19106
(215) 925-4400

Counsel for the United States

Pamela Ransome (deceased)

7. *United States v. Edwards*, 12-cr-110 (Hon. Timothy J. Savage)

In 2012, I represented Mr. Edwards who was accused of being a felon in possession of a firearm. Police observed Mr. Edwards walking his dog and grabbing the waistband of his pants. When they attempted to stop him, he fled and the officers claimed they saw him

throw a firearm. A firearm was later recovered from a vacant lot. The defense argument was that the gun recovered did not belong to Mr. Edwards and the police were mistaken. The defense presented an expert witness in crime scene investigation to establish errors made in the evidence collection and preservation. Mr. Edwards also presented eyewitness testimony which contradicted police evidence regarding the search and recovery of the firearm. As sole counsel during the jury trial, I conducted voir dire, examined all witnesses, and gave the opening statement and closing argument. Mr. Edwards was acquitted by the jury.

Counsel for the United States

Marianne Cox

United States Attorney's Office for the Eastern District of Pennsylvania
615 Chestnut Street
Philadelphia, PA 19106
(215) 861-8200

8. *United States v. McClintock*, 05-cr-441 (Hon. Gene E.K. Pratter)

From 2005 to 2006, I represented Mr. McClintock, who was charged with armed bank robbery. The indictment accused Mr. McClintock of entering a bank and demanding money after telling the bank manager that he was carrying a suitcase containing a bomb. The case involved a defense of mistaken identification. At trial we called an expert witness who was a forensic anthropologist. She testified that the person on the video depicting the robbery had immutable facial characteristics that Mr. McClintock did not possess. That evidence supported our argument that Mr. McClintock was not the person who committed the robbery. During the jury trial, I conducted voir dire, examined half the witnesses, and gave the closing argument. Our client was acquitted by the jury.

Co-Counsel for Mr. McClintock

Benjamin Cooper

Montgomery County Public Defender Office
P.O. Box 311
Norristown, PA 19404
(610) 278-3295

Counsel for the United States

Seth Weber

United States Attorney's Office for the Eastern District of Pennsylvania
615 Chestnut Street
Philadelphia, PA 19106
(215) 861-8200

9. *United States v. Temple*, 04-cr-183 (Hon. Timothy J. Savage)

From 2003 to 2004, I represented Mr. Temple. In 2003, he was under investigation for involvement in a murder for hire plot. In connection with that investigation, police

obtained a warrant to search his car. Firearms and ammunition were recovered from the trunk of his car. At trial we argued that the government could not prove that Mr. Temple had constructively possessed the weapon and ammunition because he shared ownership and access to the car with another person. He faced a 15-year mandatory minimum sentence if convicted. During the jury trial, I conducted voir dire, examined witnesses on direct and cross examination, and gave the closing argument. Mr. Temple was acquitted by the jury.

Co-Counsel for Mr. Temple

Leigh M. Skipper (formerly at Federal Community Defender Office)
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103
(215) 979-1157

Counsel for the United States

Emily McKillip
United States Attorney's Office for the Eastern District of Pennsylvania
615 Chestnut Street
Philadelphia, PA 19106
(215) 861-8200

10. *United States v. Smith*, 03-cr-356 (Hon. Eduardo C. Robreno)

From 2002 to 2003 I represented Mr. Smith. He and his brother, L. Smith, were charged with armed carjacking and robbery. During the jury trial, I argued that Mr. Smith was merely present while his brother was the one criminally liable. I conducted voir dire, gave the opening statement, examined all witnesses, and gave the closing argument at trial. L. Smith was convicted of all charges and Mr. Smith was acquitted by the jury.

Counsel for L. Smith

Howard D. Popper
One Western Avenue
Morristown, NJ 07960
(973) 659-4144

Counsel for the United States

Karen Grigsby
United States Attorney's Office for the Eastern District of Pennsylvania
615 Chestnut Street
Philadelphia, PA 19106
(215) 861-8200

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.)

The most significant legal activities I have pursued outside of litigation are the teaching and mentoring I provide to students, young attorneys, and other colleagues. In my role as the senior litigator in the office, I advise attorneys on all aspects of litigation, including case theory, investigation, ethical issues, pretrial motions practice, use of expert witnesses, case strategy, use of courtroom technology, jury selection, witness examination, and sentencing issues. I also provide training of new attorneys and litigation support staff in trial advocacy and provide ongoing advice by remaining current on all relevant issues. Additionally, I am a frequent lecturer at office-sponsored and other seminars on federal criminal trial issues, and I have provided training to Assistant Federal Defenders and Criminal Justice Act attorneys in areas such as case law developments, courtroom advocacy, and skills development in written, oral, and interpersonal communication.

In 2023, I was appointed chair of the Public Defenders Committee of the American College of Trial Lawyers. In that capacity I work with fellows to organize trainings and advise on issues facing criminal defense attorneys nationwide. We conduct regular meetings and identify ways to support our public defender colleagues as they strive to provide zealous representation to their indigent clients.

In addition, I am the volunteer defender representative for the Supervision to Aid Reentry Program (STAR). This federal reentry court program is a collaboration between the U.S. District Court, U.S. Attorney's Office, and the Federal Probation Office to help ex-offenders successfully reintegrate into society after serving lengthy sentences.

I have not performed lobbying activities or registered as a lobbyist.

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

Since 2009, I have taught Trial Advocacy annually at University of Pennsylvania Law School. The most recent syllabus is supplied.

2010 – 2016: I served as a Trial Advocacy instructor in the LL.M. Trial Advocacy program at Temple University Beasley School of Law. The course involved lectures and mock trial exercises. I am unable to locate a syllabus.

2003 – 2005 and 2008: I served as the instructor for students participating in the federal criminal clinic at Temple University Beasley School of Law. I am unable to locate a syllabus.

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

None.

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

Assuming it would be consistent with my judicial obligations, I plan to continue my teaching commitments as an adjunct professor (which is subject to annual renewal). I have no other plans, commitments, or agreements to pursue outside employment.

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I would recuse myself from cases involving The Henry Law Firm, where my husband is employed, as well as cases on which I worked as a public defender. I would also recuse myself from cases to which past clients are parties. Potential conflicts of interest could also be presented in matters being litigated before me by lawyers from my current employer, the Federal Community Defender Office for the Eastern District of Pennsylvania. I would evaluate and resolve any potential conflicts of interest by applying the rules and standards in 28

U.S.C. § 455, the Code of Conduct for United States Judges, the Published Advisory Opinions issued by the Committee on Codes of Conduct of the Judicial Conference of the United States, and any relevant judicial decisions and opinions that address what constitutes a conflict or the appearance of a conflict. I would also consult with ethics counsel or an ethics officer if one is available to the court, as well as with colleagues on the bench, as needed and appropriate.

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

If confirmed, I would evaluate and resolve any potential conflicts of interest by applying the rules and standards in 28 U.S.C. § 455, the Code of Conduct for United States Judges, the Published Advisory Opinions issued by the Committee on Codes of Conduct of the Judicial Conference of the United States, and any relevant judicial decisions and opinions.

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.

As a public defender for more than 20 years, I have dedicated nearly my entire legal career to representing indigent criminal defendants. Over the last decade I have also worked with ex-offenders in reentry court to help them succeed upon their release from confinement and support them as they strive to become law abiding citizens.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On November 14, 2023, I submitted an application to the Eastern District of Pennsylvania Judicial Advisory Committee. On January 24, 2024, I interviewed with the screening committee. On March 27, 2024, I interviewed with staff from Senator John Fetterman's office. On March 28, 2024, I interviewed with staff members from Senator Robert Casey's office. On April 16, 2024, I met with Senator Casey and his staff. On April 19, 2024, I met with Senator Fetterman and his staff and was informed that he had recommended me as a potential candidate

for nomination. On April 19, 2024, I interviewed with the White House Counsel's Office, which informed me that I would be moving forward in the selection process. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On May 23, 2024, the President announced his intent to nominate me.

- 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.