

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Julia Martha Lipez

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

United States Circuit Judge for the First Circuit

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.

Office:

Maine Superior Court  
1 Court Street  
Augusta, Maine 04330

Residence:

Cape Elizabeth, Maine

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

1980; Portland, Maine

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.

2003 – 2006, Stanford Law School; J.D. (with distinction), 2006

1998 – 2002, Amherst College; B.A. (*magna cum laude*), 2002

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.

2022 – present

Maine Superior Court  
1 Court Street  
Augusta, Maine 04330  
Justice

Summer 2004; 2011 – 2022  
United States Attorney's Office, District of Maine  
100 Middle Street, East Tower, Sixth Floor  
Portland, Maine 04101  
Appellate Chief (2019 – 2022)  
Assistant United States Attorney, Criminal Division (2011 – 2022)  
Leader, District of Maine Anti-Trafficking Coordination Team (2015 – 2022)  
Human Trafficking Coordinator (2014 – 2022)  
Intern (Summer 2004)

Summer 2005; Summer 2006; 2007 – 2011  
WilmerHale  
7 World Trade Center  
250 Greenwich Street  
New York, New York 10007  
Senior Associate (2010 – 2011)  
Associate (2007 – 2009)  
Summer Associate, Washington, DC Office (Summer 2006)  
Summer Associate, Boston, Massachusetts Office (Summer 2005)

2006 – 2007  
United States Court of Appeals for the Fourth Circuit  
101 West Lombard Street  
Baltimore, Maryland 21201  
Law Clerk to the Honorable Diana Gribbon Motz

2004 – 2005  
Stanford Law School  
559 Nathan Abbott Way  
Stanford, California 94305  
Research Assistant for Professor Robert Weisberg (2004 – 2005)  
Research Assistant for Professor Lawrence Marshall (2005)

2002 – 2003  
Amherst College Office of Admissions  
220 South Pleasant Street  
Amherst, Massachusetts 01002  
Admissions Fellow

Other Affiliations (uncompensated):

2013 – 2022  
Cumberland Bar Association  
P.O. Box 434  
Freeport, Maine 04032  
President (2017)  
First Vice President (2016)  
Second Vice President (2015)  
Member, General Committee (2013 – 2014, 2018 – 2022)

2012 – 2018  
Let's Get Ready  
82 Nassau Street #61819  
New York, New York 10038  
Member, Maine Advisory Council

2014  
Federal Bar Association  
4075 Wilson Boulevard, Eighth Floor  
Arlington, Virginia 22203  
Secretary, Maine Chapter

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.

Legal Services NYC Pro Bono Recognition Award (2010)

Recognition for Legal Service to the Poor, Empire State Counsel (2010)

Stanford Law School

Order of the Coif (2006)

Best Individual Oral Argument, Kirkwood Moot Court Competition (2006)

Finalist, Kirkwood Moot Court Competition (2006)

Pro Bono Program, Graduation with Distinction (2006)

*Stanford Journal of International Law*

Publishing Editor (2004 – 2005)

Editorial Board Member (2003 – 2004)

Amherst College

Distinction for Senior Honors Research in History (2002)  
Best Attorney Award, Northeast Regional Mock Trial Competition (1999)

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

Cumberland Bar Association

President (2017)

First Vice President (2016)

Second Vice President (2015)

Member, General Committee (2013 – 2014, 2018 – 2022)

Federal Bar Association

Founding Member, Secretary of Maine Chapter (2014)

Federal Bar Council

Junior Legal Club of Maine

Maine Judicial Branch

Court Orientation and Public Education Committee

Maine eCourts Organizational Change Management Advisory Team

Maine State-Federal Judicial Council, Secretary (2022 – present)

Maine Trial Judges Association

New York State Bar Association

Stanford Law School

Class of 2006 Reunion Committee

Stanford Committee for Community Lawyering, Director (2005 – 2006)

Street Law

United States Attorney's Office for the District of Maine

First Circuit Representative to the Department of Justice Appellate Chiefs

Working Group (2020 – 2022)

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.

Maine, 2011



Massachusetts, 2007  
New York, 2007

There have been no lapses in membership. I assumed inactive status in Massachusetts in 2011 because I do not practice law in Massachusetts; I switched to judicial status in Massachusetts in 2022.

- 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, 2011  
United States Court of Appeals for the Fourth Circuit, 2007  
United States District Court for the District of Maine, 2015  
United States District Court for the District of Maryland, 2007

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.

Let's Get Ready, Maine Advisory Council (2012 – 2018)

- 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 or 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.

With Kate Crisham, *Developing a Successful Human Trafficking Practice*, 70 DOJ J. FED. L. & PRAC. 297 (Mar. 2022). Copy supplied.

*Letter to the Editor*, ME. LAW. REV. (Feb. 21, 2019). Copy supplied.

*President's Welcome*, Cumberland Bar Association website (2017). Copy supplied.

*Federal Prosecutor - Donald Cabell*, BEYOND THE BIG FIRM: PROFILES OF LAWYERS WHO WANT SOMETHING MORE (Alan B. Morrison and Diane T. Chin, eds.), Aspen Publishers (2007). Copy supplied.

*A Return to the 'World of Work': An Analysis of California's Prison Job Training Programs and Statutory Barriers to Ex-Offender Employment* (Jan. 27, 2006) (Academic paper, Stanford Law School). Copy supplied.

*Tomorrow's Argument: Oregon v. Guzek*, SCOTUSblog (Dec. 6, 2005). Copy supplied.

*Tomorrow's Argument in Scheidler v. National Organization for Women*, SCOTUSblog (Nov. 29, 2005). Copy supplied.

*Yesterday's Oral Arguments: Wagon v. Prairie Band Potawatomi Nation*, SCOTUSblog (Oct. 4, 2005). Copy supplied.

*Tomorrow's Arguments: Wagon v. Prairie Band Potawatomi Nation*, SCOTUSblog (Oct. 2, 2005). Copy supplied.

*Excerpts from "The Future of American Sentencing: A National Roundtable on Blakely"*, 2 OHIO ST. J. OF CRIM. L. 619 (2005) (Robert Weisberg, ed.). I, along with other law students, helped prepare the transcript of the event summarized in this article. Copy supplied.

*A Time to Build Up and a Time to Break Down: The Jewish Secular Institutions of Portland, Maine* (Apr. 2002) (B.A. Honors Thesis, Amherst College). Copy supplied.

- 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 have searched my files and electronic databases and have consulted with staff members of the relevant organizations to identify responsive reports, memoranda, or policy statements I have prepared or contributed to. Although I do not recall and have not located any such material, there may be material that I have been unable to locate or identify.

- 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.

Joint Standing Committee on the Judiciary, 130th Maine Legislature (Me. Mar. 30, 2022). On March 30, 2022, I testified before the Joint Standing Committee on the Judiciary as a nominee to be a justice on the Maine Superior Court. Prepared remarks and public application supplied. Audio available at <https://legislature.maine.gov/audio/#438?event=86017&startDate=2022-03-30T10:00:00-04:00>. My hearing began at approximately 2:48 p.m.

February 1, 2018: Introductory remarks, Cumberland Bar Association Annual Meeting, Portland, Maine. Minutes supplied.

March 2, 2017: Introductory remarks, Cumberland Bar Association Annual Meeting, Portland, Maine. Minutes and prepared remarks supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have searched my files and electronic databases to identify events responsive to this question. I no longer have access to my files and electronic databases from my time as an Assistant U.S. Attorney. I have located the events listed below, but there may be some events that I have been unable to recall or identify.

September 20, 2023: Speaker, "All Rise: A Live Storytelling Event," sponsored by the Maine Trial Lawyers Association, the Maine State Bar Association Women's Law Section, and the Women's Law Association at Maine Law, to benefit the Women's Law Association Fellowship at Maine Law, Portland,

Maine. Notes supplied.

February 10, 2022; October 7, 2019; March 7, 2019; March 19, 2015; October 31, 2013: Guest speaker, Advanced Placement Government class, Cape Elizabeth High School, Cape Elizabeth, Maine. I spoke about the work of the U.S. Attorney's Office and my career path. I have no notes, transcripts, or recordings. Related press coverage supplied. The address for Cape Elizabeth High School is 345 Ocean House Road, Cape Elizabeth, Maine 04107.

September 14, 2021: Speaker, Preble Street Healing Center Opening (virtual). Video available at <https://www.youtube.com/watch?v=s2sh88gqPpo>. My remarks begin at 8:46.

March 22, 2021: Moderator, "A Trauma-Informed Approach to Legal Advocacy," Cumberland Bar Association Continuing Legal Education program (virtual). I introduced the panelists and moderated questions. The panelists discussed ways for attorneys to recognize when a client is experiencing trauma and provided concrete tips for applying a trauma-informed approach to working with clients in the context of legal proceedings. I have no notes, transcript, or recording. The address for the Cumberland Bar Association is P.O. Box 434, Freeport, Maine 04032.

July 29, 2020: Moderator, "Appearing from Afar: Lessons Learned from the Use of Remote Technology for Hearings and Other Proceedings," Cumberland Bar Association Continuing Legal Education program (virtual). I introduced the panelists and moderated questions about participating remotely in court proceedings, depositions, and an arbitration. I have no notes, transcript, or recording. The address for the Cumberland Bar Association is P.O. Box 434, Freeport, Maine 04032.

November 13, 2019, Moderator: "How Bias Impacts the Legal Workplace," Cumberland Bar Association Continuing Legal Education program, Portland, Maine. I introduced the panelists and moderated questions about the implementation of a new Maine bar rule requiring all lawyers to receive annual anti-harassment training. I have no notes, transcript, or recording. The address for the Cumberland Bar Association is P.O. Box 434, Freeport, Maine 04032.

July 24, 2019: Panelist, Maine Department of Labor human trafficking meeting, Augusta, Maine. I presented to a group of state employees about the efforts of the U.S. Attorney's Office and federal law enforcement to combat labor trafficking. I have no notes, transcript, or recording. The address for the Maine Department of Labor is 54 State House Station, Augusta, Maine 04333.

June 27, 2019: Panelist, Visit from representatives of Qatar Attorney General's Office to U.S. Attorney's Office, Portland, Maine. The panel was about conducting human trafficking investigations and prosecutions. I have no notes,

transcript, or recording. The address for the U.S. Attorney's Office is 100 Middle Street, East Tower, Sixth Floor, Portland, Maine 04101.

March 20, 2019: Panelist, "Healthcare and Law Enforcement: Friends or Foes?", 17th Annual Freedom Network USA Conference, Alexandria, Virginia. The panel was about ways to optimize coordination between healthcare and law enforcement professionals to connect trafficked persons to the care they need. I have no notes, transcript, or recording. The address for Freedom Network USA is 712 H Street, Northeast, Suite 1667, Washington, DC 20002.

January 31, 2019: Panel moderator, Health Care Response to Human Trafficking, sponsored by the New England Coalition Against Sex Trafficking, Preble Street, the Sexual Assault Forensic Examiner Program, and the University of New England Advanced Nursing Education Program, Augusta, Maine. The panel was about the criminal justice system's response to human trafficking. I have no notes, transcript, or recording, but press coverage is available at <https://www.wabi.tv/content/news/Conference-held-in-Augusta-to-teach-medical-professionals-the-signs-of-human-trafficking-505160101.html>. The address for Preble Street is 55 Portland Street, Portland, Maine 04101.

July 19, 2017: Panelist, meeting of the York County Coalition Against Sex Trafficking, Biddeford, Maine. The panel was on labor trafficking in Maine. I have no notes, transcript, or recording. The York County Coalition Against Sex Trafficking does not have a physical address.

2016 (specific date unknown): Introductory remarks, law enforcement training organized by the National Center for Missing and Exploited Children, Maine. I cannot recall the specific date or location of this event. I have no notes, transcript, or recording. The address for the National Center for Missing and Exploited Children is 333 John Carlyle Street, Suite #125, Alexandria, Virginia 22314.

2016, 2013, 2011 (specific dates unknown): Guest judge, moot court, University of Maine School of Law, Portland, Maine. At different times, I have helped judge the first-year moot court competition as well as practice rounds for the moot court competition team. I have no notes, transcripts, or recordings. The address for the University of Maine School of Law is 300 Fore Street, Portland, Maine 04101.

December 4, 2014; November 7, 2012; November 10, 2011; and other dates unknown: Judge, Maine State High School Mock Trial Tournament, Portland, Maine. After the competition rounds, I provided feedback to the competitors. I have no notes, transcripts, or recordings. The mock trial program does not have a physical address.

2012, 2011 (specific dates and other dates unknown): Guest judge, Trial Advocacy, University of Maine School of Law, Portland, Maine. I judged a mock trial and provided feedback to law students taking a trial advocacy class. I have no

notes, transcripts, or recordings. The address for the University of Maine School of Law is 300 Fore Street, Portland, Maine 04101.

Date unknown: Guest lecturer, Criminal Procedure, University of Maine School of Law, Portland, Maine. I taught one class session as a substitute for a colleague at the U.S. Attorney's Office, who was the regular course instructor. I have no notes, transcript, or recording. The address for the University of Maine School of Law is 300 Fore Street, Portland, Maine 04101.

Date unknown: Guest lecturer, Maine Criminal Justice Academy, Vassalboro, Maine. I provided a review of the law governing searches and seizures to a group of new police cadets. I have no notes, transcript, or recording. The address for the Maine Criminal Justice Academy is 15 Oak Grove Road, Vassalboro, Maine 04989.

- 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.

I have searched my files and electronic databases, as well as publicly available databases, to identify interviews responsive to this question. I no longer have access to my files and electronic databases from my time as an Assistant U.S. Attorney. I have located the interviews listed below, but there may be some interviews that I have been unable to recall or identify.

Margaret D. McGaughey, *Remote Oral Arguments in the Age of Coronavirus: A Blip on the Screen or a Permanent Fixture?*, 21 J. APP. PRAC. & PROCESS 163 (2021). Copy supplied.

Eric T. Berkman, *1st Circuit Affirms Search Under 'Automobile' Exception*, RHODE ISLAND LAWYERS WEEKLY (Oct. 29, 2020). Copy supplied.

Jennifer Rooks, *Human Trafficking: How Sex and Labor Exploitation is Being Addressed in Maine*, Maine Calling, MPBN (Oct. 28, 2019). Audio available at <https://www.mainepublic.org/show/maine-calling/2019-10-28/human-trafficking-how-sex-and-labor-exploitation-is-being-addressed-in-maine>. My telephone call begins approximately 42 minutes and 30 seconds into the recording.

Eric T. Berkman, *Ex Parte Exchange Between Probation Officer, Judge OK*, MASSACHUSETTS LAWYERS WEEKLY (Feb. 2, 2017). Copy supplied.

David Hench, *Portland Will Host Federal Task Force on Human Trafficking*, PORTLAND PRESS HERALD (Dec. 18, 2015). Copy supplied.

I conducted an interview with a local television news station on approximately

December 18, 2015, regarding the District of Maine's new anti-human trafficking program. I do not recall which news station and I have been unable to locate a copy of the interview. Related press coverage supplied.

Stephen Betts, *Feds Offer More Details in Court Papers on Illegal Lobster Sales*, BANGOR DAILY NEWS (Dec. 13, 2014). Copy supplied.

Stephen Betts, *Former Spruce Head Lobster Co-op Manager Pleads Guilty to Federal Tax Evasion, Seafood Violation*, BANGOR DAILY NEWS (Dec. 11, 2014). Copy supplied.

Judy Harrison, *Kennebunk Couple Sentenced to Probation for Lying About Living Together to Receive Benefits*, BANGOR DAILY NEWS (Nov. 24, 2014). Copy supplied.

Stephen Betts, *Southern Maine Seafood Dealer Gets 45 Days, \$100,000 Fine for Money Transactions Involving Spruce Head Lobsters*, BANGOR DAILY NEWS (Oct. 29, 2014). Copy supplied.

Judy Harrison, *Skowhegan Man with Counterfeit Money in Doritos*, BANGOR DAILY NEWS (July 20, 2012). Copy supplied.

I believe that on about August 13, 2011, I conducted a brief interview with a local television news station regarding the sentencing of a defendant who transmitted threatening communications to National Public Radio. I do not recall which news station and I have been unable to locate a copy of the interview. Related press coverage supplied.

*Former Cape man pleads guilty to threatening*, Publication unknown (Apr. 22, 2011). Copy supplied.

Jessica Dye, *Stanford Law Clinic Shapes Up Supreme Court Bar*, LAW360 (Sept. 15, 2009). Copy supplied.

Sharon Driscoll, *Supreme Court Litigation Clinic: A Record-Setting Semester*, STANFORD LAWYER (May 15, 2008). Copy supplied.

Amherst College admissions brochure (approximately 2004). Copy supplied.

Supurna Banerjee, *Track Continues Winter Success at Bantam Invite*, The Amherst Student (Apr. 5, 2000). 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.



Since 2022, I have served as a justice on the Maine Superior Court. I was nominated by Governor Janet Mills following a merit screening process by the Governor's Judicial Nominations Advisory Committee, and thereafter confirmed by the Maine Senate. The Maine Superior Court is Maine's trial court of general jurisdiction and is the only level of court with the power to conduct jury trials. The Maine Superior Court also has jurisdiction over administrative appeals and appeals from certain Maine District Court matters. Appeals from the Maine Superior Court may be taken to the Maine Supreme Judicial Court, which is known as the Law Court when sitting in an appellate capacity. For the first year of my tenure, I primarily presided in Androscoggin, Oxford, and Franklin Counties. I now preside in Kennebec County.

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

I have presided over approximately 21 trials in civil, misdemeanor, and felony matters.

- i. Of these cases, approximately what percent were:

jury trials:	70%
bench trials:	30%

- ii. Of these cases, approximately what percent were:

civil proceedings:	30%
criminal proceedings:	70%

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

*Christie v. Bellows*, 2023 Me. Super. LEXIS 17 (Me. Super. Ct. Dec. 21, 2023)

*Johns v. Ashmore*, 2023 Me. Super. LEXIS 14 (Me. Super. Ct. Feb. 24, 2023)

- 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).

1. *State v. Michaud*, KENCD-CR-19-2763 (Me. Super. Ct.). Opinion supplied.

The state charged the defendant with two counts of unlawful sexual contact. I presided over case-management related hearings in this matter in 2023. I also presided over the jury trial. On the second day of deliberations, I declared a mistrial upon learning that the jury was deadlocked.



The defendant thereafter filed motions to dismiss the case for speedy trial and double jeopardy violations, as well as a motion to sever the two counts from each other in the event of a retrial. I conducted an evidentiary hearing on the motions to dismiss, and subsequently issued a written opinion denying all three motions and placing the case back on the docket for a second trial. The case remains pending.

Counsel for the State:

Michael Madigan  
District Attorney's Office, Prosecutorial District Four  
95 State Street  
Augusta, ME 04330  
(207) 623-1156

Counsel for Defendant:

Scott F. Hess  
The Law Office of Scott F. Hess  
114 State Street  
Augusta, ME 04330  
(207) 430-8079

2. *State v. O'Connor*, KENCD-CR-23-1302 (Me. Super. Ct.)

The state charged the defendant with one count of felony domestic violence criminal threatening and one count of domestic violence terrorizing. I presided over pretrial motions, issuing decisions orally from the bench in open court. Prior to trial, the state dismissed the terrorizing charge. In February 2024, I presided over the jury trial. The jury returned a guilty verdict on the charge of domestic violence criminal threatening. I then sentenced the defendant to the statutory-maximum five years in prison. The case is now pending on appeal.

Counsel for the State:

Jonathan Provisor  
District Attorney's Office, Prosecutorial District Four  
95 State Street  
Augusta, ME 04330  
(207) 623-1156

Counsel for Defendant:

Patrick Parson  
The Law Office of Patrick Parson  
P.O. Box 395  
Newcastle, ME 04553  
(207) 350-3945

3. *Residential and Community Support Services v. Dept. of Health and Human*

*Services*, KEN-AP-23-10 (Me. Super. Ct.). Opinion supplied.

Petitioner Residential and Community Support Services (RCSS) filed a two-count complaint challenging the decision of the Commissioner of the Maine Department of Health and Human Services (DHHS) to recoup more than \$30 million paid to RCSS as part of the MaineCare program. According to its complaint, RCSS learned during the administrative proceedings that any money recouped by DHHS would go directly into the agency's budget as unrestricted funds. RCSS thus alleged that the DHHS Commissioner had an institutional financial interest in the demanded recoupment, rendering her a biased decision-maker. In count I, RCSS sought judicial review of DHHS's decision pursuant to the Maine Administrative Procedure Act (APA) and in count II, RCSS alleged that its federal and state procedural due process rights had been violated.

I presided over initial case management matters. DHHS then moved to dismiss count II on several grounds, including that the APA provided the exclusive means to redress RCSS's claimed due process violation. I conducted oral argument and subsequently issued a written opinion denying DHHS's motion to dismiss. The case remains pending.

Counsel for Petitioner:

Kelly W. McDonald  
Ellen P. Masalsky  
Murray Plumb & Murray  
75 Pearl Street  
Portland, ME 04104  
(207) 773-5651

Counsel for Respondent:

Jeffrey Schwartz  
Kevin Beal  
Office of the Maine Attorney General  
6 State House Station  
Augusta, ME 04333  
(207) 626-8800

4. *Day v. Town of Hiram*, OXF-AP-22-06 (Me. Super. Ct.). Opinions supplied.

The petitioner appealed a decision by the Planning Board ("the Board") of the Town of Hiram ("the Town") to issue a conditional use permit to individuals who sought to open a microbrewery, tap room, and beer garden in a part of the Town zoned as residential. The petitioner argued that the Board failed to make sufficient findings of fact to support its decision and misinterpreted two provisions of the Town's zoning ordinance when awarding the conditional use permit. After briefing and oral argument, I issued an order remanding the matter to the Board to issue findings of fact and conclusions of law sufficient to apprise the court of the

reasons for its decision. After the Board issued written findings, the case returned to me for decision on the remainder of the petitioner's claims. A new round of briefing ensued, and I issued a written opinion finding that the Board had not misapplied the two provisions of the ordinance at issue and therefore affirming the Board's permitting decision. The petitioner has appealed my decision to the Law Court.

Counsel for Petitioner:

Sean R. Turley  
Murray Plumb & Murray  
75 Pearl Street  
Portland, ME 04104  
(207) 773-5651

Counsel for Respondent:

Leah Rachin  
Drummond Woodsum  
84 Marginal Way, Suite 600  
Portland, ME 04101  
(207) 772-1941

Counsel for Parties-in-Interest:

David A. Goldman  
Norman Hanson DeTroy, LLC  
Two Canal Plaza  
Portland, ME 04112  
(207) 774-7000

5. *Christie v. Bellows*, 2023 Me. Super. LEXIS 17 (Me. Super. Ct. Dec. 21, 2023)

Mr. Christie, a Republican presidential candidate, filed a petition with the Maine Secretary of State to appear on the ballot for the upcoming primary election. The Secretary rejected his petition because Mr. Christie failed to meet the signature threshold established by Maine law, which required him to submit a minimum of 2,000 certified signatures from registered Republican voters. Many of the signatures Mr. Christie's campaign submitted for review had not been certified by a municipal registrar because the campaign did not submit the signatures to the registrar of the voter's municipality.

Mr. Christie appealed the Secretary's decision to the Superior Court. By statute, I had to resolve the appeal within 20 days of the Secretary's decision. After expedited briefing and oral argument, I issued a written opinion affirming the Secretary's decision. The primary issue on appeal was whether Maine's election statute prohibited registrars from certifying the signatures of voters who lived outside the municipality, and if so, whether such prohibition was constitutional.

Upon review of the pertinent statute, I concluded that it did not allow registrars to certify out-of-municipality signatures. I further concluded that the statute did not violate Mr. Christie's state and federal constitutional due process rights. Mr. Christie did not appeal my decision.

Counsel for Petitioner:

Fred W. Bopp III  
Bopp & Guecia  
121 Main Street  
Yarmouth, ME 04096  
(207) 846-6111

Counsel for Respondent:

Jonathan Bolton  
Office of the Maine Attorney General  
6 State House Station  
Augusta, ME 04333  
(207) 626-8800

6. *State v. Malloy*, KENCD-CR-22-167 (Me. Super. Ct.)

In March 2022, the defendant in this matter was charged by indictment with one count of manslaughter, in connection with the fentanyl overdose death of her toddler son, as well as charges of unlawful trafficking in scheduled drugs that carried statutory four-year mandatory minimum penalties. The case was assigned to me in June 2023.

In late August 2023, the state amended the drug trafficking charges to remove the mandatory-minimum penalties. I presided over a change of plea proceeding at which the defendant entered guilty pleas to the manslaughter charge and to the amended drug trafficking charges. By Maine statute, a person is guilty of manslaughter if that person recklessly, or with criminal negligence, causes the death of another human being. Reckless conduct denotes a higher degree of criminal culpability than criminally negligent conduct. At the change of plea proceeding, the defendant admitted that she had acted with criminal negligence under Maine law, meaning that she failed to be aware of the risk posed by her conduct and that her failure to be aware of the risk involved a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation. The defendant did not admit to recklessness under Maine law, which requires a showing that the person has consciously disregarded the risks of her conduct.

I presided over a sentencing proceeding in November 2023. In determining the appropriate sentence, I reviewed extensive sentencing memoranda and exhibits that had been submitted by the parties prior to the sentencing, additional exhibits admitted at the hearing, the parties' in-court presentations, and sentences

previously imposed in similar cases in Maine. I concluded that the evidence demonstrated that the defendant, a single mother with no criminal history who turned 21 years old the day before the offense date, had become involved for a brief period with violent drug traffickers who preyed on her vulnerabilities (including social isolation, lack of familial support, meager financial resources, and an abusive childhood that forced her out of her home at age 16) and ultimately threatened to harm her aunt unless the defendant let them use her apartment to distribute drugs. These men had instructed the defendant to leave her apartment on her birthday. When she returned late in the evening, she found that the men had left drugs and other unknown substances in her bedroom. The defendant and her son slept in the bedroom that evening without incident. The next day, after the defendant placed her son in the bedroom for a nap, she returned to find him unresponsive. Emergency medical personnel were unable to revive him, and the state's experts ultimately concluded that he died from exposure to fentanyl powder.

Because the evidence showed that the defendant aided, but was not an active participant in, the drug trafficking operation; was not an opioid user; was not aware of the nature of the substances that were left in her bedroom or the risks they posed; and had a history as a dedicated mother who would not have consciously disregarded a risk posed to her son, I determined that the evidence supported a finding of criminal negligence but not recklessness. The state did not appeal this finding. I then conducted the three-part sentencing analysis required by Maine law to arrive at the appropriate sentence. The third step of the prescribed analysis directs the court to consider whether it is appropriate to suspend a portion of the maximum period of incarceration so that the defendant may serve a period of supervised probation. In the absence of such a suspension, there is no mechanism under Maine law to order a defendant convicted of these charges to serve a period of probation after release from incarceration. I determined that the defendant was a good candidate for rehabilitation and was not a threat to the public given her lack of criminal history, her acceptance of responsibility, her cooperation with law enforcement, and her compliance with bail conditions. In addition, at the time of sentencing, the defendant had a new baby, and I received numerous letters of support, including from the child's foster parent and nursing professionals, attesting to the defendant's good qualities as a mother.

I imposed a sentence of 10 years, with all but four years suspended, and six years of probation on the manslaughter charge, and three years concurrent on each of the drug trafficking charges. After serving the four-year unsuspended portion of the sentence, the defendant will be subject to strict probation conditions for six years. If she is found to have violated the probation conditions, the court has the authority to order her to serve the remainder of the 10-year sentence in jail. The state did not appeal the sentence but the defendant did. The Law Court exercised its discretion to dismiss the defendant's appeal.

Counsel for the State:

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Counsel for Defendant:

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10 Summer Street  
Augusta, ME 04330  
(207) 622-6161

7. *The Maine Center for Public Interest Reporting v. York County*, KEN-CV-21-141 (Me. Super. Ct.). Opinion supplied.

In 2021, a reporter employed by the plaintiff, The Maine Center for Public Interest Reporting (the “Center”), submitted a request pursuant to the Maine Freedom of Access Act (FOAA) to York County seeking records related to the County’s potential practice of recording privileged telephone calls between jail inmates and their attorneys. York County refused to turn over documents known as Call Detail Reports, which contained certain information about telephone calls placed by jail inmates, such as whether the call was recorded, the name of the inmate and the telephone number dialed, the date and time of the call, and the amount the jail charged the inmate to make the call. The Reports did not contain any information about the substance of the calls. The Center appealed the denial and the Superior Court was called upon to determine whether the Call Detail Reports constituted “public records” as that term is defined under FOAA, such that disclosure of the records was required by statute. Another judge handled initial case management matters. The case was reassigned to me in 2023. At that point, it was briefed and ready for decision.

After conducting oral argument, I issued a written opinion concluding that Call Detail Reports of calls placed by inmates to attorneys fit within the statute’s definition of “public records,” which includes material containing “information relating to the transaction of public or governmental business . . . .” 1 M.R.S. § 402(3). I found that the Reports contained information relating to two types of governmental business: the York County Jail’s practice of (1) recording telephone calls between inmates and their attorneys; and (2) deriving income from the calls. Thus, I ordered disclosure of the requested Reports. York County did not appeal my decision.

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Preti Flaherty

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Michael Linhorst  
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Media Freedom and Information Access Clinic  
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Counsel for Defendant:

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Libby O'Brien Kingsley & Champion, LLC  
62 Portland Road, #17  
Kennebunk, ME 04043  
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8. *Wilson Lake Marina, LLP v. Town of Wilton*, FARSC-CV-21-12 (Me. Super. Ct.). Opinion supplied.

In 2021, Wilson Lake Marina, LLP filed a declaratory judgment action to determine the validity of certain zoning amendments enacted by the Town of Wilton (“the Town”). Earlier that year, the plaintiff, hoping to build a commercial marina on Wilson Lake, applied for approval to the Town Planning Board. That triggered a series of events culminating in the Town’s voters adopting two amendments to the Town zoning ordinance that impacted the conditions under which one could build a commercial marina. The Planning Board subsequently denied the plaintiff’s application under the amended zoning ordinance, leading to filing of this case.

The plaintiff asserted that the Town had not followed proper procedures in amending the zoning ordinance, and that the amendments were inconsistent with the Town’s comprehensive plan. Another judge handled the initial case management proceedings, and the case was assigned to me shortly before trial. In May 2023, I conducted pretrial conferences, and then presided over a bench trial. After receiving post-hearing briefs from the parties, I issued a written opinion making detailed findings of fact about the procedures the Town had followed, and ultimately concluding that the plaintiff had failed to meet its burden to establish that the zoning amendments were invalid. The plaintiff did not appeal the decision.

Counsel for Plaintiff:

L. Clinton Boothby  
Kendall A. Ricker

Boothby, Silver & Ricker, LLC  
22 School House Hill Road  
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(207) 225-5044

Counsel for Defendant:

Sally J. Daggett  
Jensen Baird  
Ten Free Street  
Portland, ME 04112  
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9. *State v. Every*, OXFCD-CR-20-30009 (Me. Super. Ct.), *aff'd*, 2023 ME 39, 298 A.3d 806

The state charged the defendant with attempted murder, burglary, and other offenses. Prior to trial, I issued an oral ruling finding that the recordings of two 911 calls that the state wished to play at trial were admissible under exceptions to the rule against hearsay. I presided over a jury trial in 2022. The jury acquitted the defendant of attempted murder but convicted him of burglary and domestic violence offenses. Before sentencing, the defendant moved for judgment of acquittal on the burglary count, asserting that the state had failed to prove that he was not licensed or privileged to be in the house because he was legally present on the premises as a tenant. I denied the motion from the bench, finding that the licensed or privileged element of the burglary statute focuses on actual or constructive possession of the premises, and that there was sufficient evidence for the jury to find that the defendant knew he lacked the right to possess or occupy the house the night of the offense. I sentenced the defendant to 15 years' imprisonment with all but six years suspended and four years of probation on the burglary charge, five years' imprisonment (the statutory maximum) on each of the three charges related to domestic violence, and 364 days' imprisonment on the charge of obstructing report of crime or injury, with all sentences to be served concurrently. The defendant then appealed my decision on the motion for judgment of acquittal. The Law Court affirmed.

Counsel for the State:

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(207) 753-2500

Counsel for Defendant:

James P. Howaniec  
145 Lisbon Street  
Lewiston, ME 04243



(207) 777-3900

10. *Ackett v. Hellgren*, FARSC-CV-19-1 (Me. Super. Ct.)

The plaintiff filed a civil action accusing the defendant of negligence and premises liability after she was badly injured in the collapse of a staircase that was under construction in the defendant's home. Another judge handled much of the initial case management. The case was assigned to me in 2022. I resolved several motions in limine orally from the bench, and then presided over the jury trial in September 2022. By that time, the plaintiff was deceased and her estate had been substituted as plaintiff. A critical question at trial was who had been responsible for placing unsecured treads on the staircase while the plaintiff was out of the house, such that the staircase appeared to be complete, but was in fact not safe for use. In September 2022, the jury returned a verdict finding that the defendant was not negligent. The plaintiff did not file an appeal.

Counsel for Plaintiff:

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Counsel for Defendant:

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Law Office of Stephen A. Bell  
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- 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. *State v. Michaud*, KENCD-CR-19-2763 (Me. Super. Ct.). Copy previously supplied in response to Question 13c.

Counsel for the State:

Michael Madigan  
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(207) 623-1156

Counsel for Defendant:

Scott F. Hess  
The Law Office of Scott F. Hess  
114 State Street  
Augusta, ME 04330  
(207) 430-8079

2. *Residential and Community Support Services v. Dept. of Health and Human Services*, KEN-AP-23-10 (Me. Super. Ct.). Copy previously supplied in response to Question 13c.

Counsel for Petitioner:

Kelly W. McDonald  
Ellen P. Masalsky  
Murray Plumb & Murray  
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(207) 773-5651

Counsel for Respondent:

Jeffrey Schwartz  
Kevin Beal  
Office of the Maine Attorney General  
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Augusta, ME 04333  
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3. *Penquis C.A.P. Inc. v. Me. Dept. of Health and Human Servs. et al.*, KEN-CV-24-17 (Me. Super. Ct.). Copy supplied.

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Counsel for Defendants:

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Margaret Machaiek  
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Counsel for Party-in-Interest:

F. David Walker IV  
Rudman Winchell  
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Bangor, ME 04402  
(207) 947-4501

4. *Day v. Town of Hiram*, OXF-AP-22-06 (Me. Super. Ct.). Copy previously supplied in response to Question 13c.

Counsel for Petitioner:

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Murray Plumb & Murray  
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Counsel for Respondent:

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(207) 772-1941

Counsel for Parties-in-Interest:

David A. Goldman  
Norman Hanson DeTroy, LLC  
Two Canal Plaza  
Portland, Maine 04112  
(207) 774-7000

5. *Christie v. Bellows*, 2023 Me. Super. LEXIS 17 (Me. Super. Ct. Dec. 21, 2023)

Counsel for Petitioner:

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Bopp & Guecia  
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(207) 846-6111

Counsel for Respondent:

Jonathan Bolton  
Office of the Maine Attorney General  
6 State House Station  
Augusta, ME 04333  
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6. *The Maine Center for Public Interest Reporting v. York County*, KEN-CV-21-141 (Me. Super. Ct.). Copy previously supplied in response to Question 13c.

Counsel for Plaintiff:

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Counsel for Defendant:

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7. *State v. Weeks*, CUMCD-CR-20-20047 (Me. Super. Ct.). Copy supplied.

Counsel for the State:

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Liam Harrigan (formerly a student attorney with the District Attorney's Office)  
McKee Morgan Attorneys  
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(207) 620-8294

Counsel for Defendant:

Adam P. Sherman  
Sherman & Worden, P.A.  
473 Center Street  
Auburn, ME 04212

(207) 344-9362

8. *Wilson Lake Marina, LLP v. Town of Wilton*, FARSC-CV-21-12 (Me. Super. Ct.). Copy previously supplied in response to Question 13c.

Counsel for Plaintiff:

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(207) 225-5044

Counsel for Defendant:

Sally J. Daggett  
Jensen Baird  
Ten Free Street  
Portland, ME 04112  
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9. *Stickney et al. v. Town of Andover et al.*, OXF-AP-22-03 (Me. Super. Ct.).  
Copy supplied.

Counsel for Petitioners:

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Counsel for Respondents:

Adam R. Lee  
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10. *State v. Hastings*, OXFCD-CR-20-250 (Me. Super. Ct.). Copy supplied.

Counsel for the State:

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Alexandra Winter

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Counsel for Defendant:

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(207) 200-4899

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

To the best of my knowledge and based upon a review of my records and publicly available legal databases, my decisions have never been the subject of a request for certiorari to the United States Supreme Court.

- 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.

To the best of my knowledge and based upon a review of my records and publicly available legal databases, my decisions have never been reversed by a reviewing court, nor have my judgments been affirmed with significant criticism of my substantive or procedural rulings.

- 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.

As a justice on the Maine Superior Court, my written opinions are unpublished. The Maine Superior Court does not maintain any readily accessible database of my written decisions. Instead, case files are stored in hard copy in the Clerk's Office for each county Superior Court. I estimate that I have issued 60 written opinions, some of which are sealed. I am aware that Garbrecht Law Library at the University of Maine School of Law keeps an online database of Maine Superior Court decisions. I have searched that database, and it appears to contain only a fraction of my written opinions. Evergreen Decisions, LLC also keeps a database of Maine Superior Court decisions. I do not know how complete this database is.

I have also issued several decisions from the bench in open court. In most cases these oral decisions are captured by audio recording, and in some cases, recorded verbatim in the reporter's transcript.

- 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.

*State v. Michaud*, KENCDCR-19-2763 (Me. Super. Ct.). Copy previously supplied in response to Question 13c.

*Residential and Community Support Services v. Dept. of Health and Human Services*, KEN-AP-23-10 (Me. Super. Ct.). Copy previously supplied in response to Question 13c.

*Christie v. Bellows*, 2023 Me. Super. LEXIS 17 (Me. Super. Ct. Dec. 21, 2023).

*State v. Hastings*, OXFCD-CR-20-250 (Me. Super. Ct.). Copy previously supplied in response to Question 13d.

- 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 any 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.

Rule 2.11 of the Maine Code of Judicial Conduct provides that a "judge shall disqualify or recuse himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned . . ." I consult this Rule as well as associated guidance and interpretations and evaluate the necessity of recusal on a case-by-case basis.

I have also provided the Clerk's Office in Kennebec County with a list of matters from which I should be automatically recused. That list includes all cases involving the law firm Pierce Atwood, at which my husband is a partner, and cases involving a handful of local attorneys with whom I have longstanding close, personal friendships. In at least three cases that I can recall, I have recused myself after assignment because I was erroneously assigned to a case from which I should have been automatically recused or Pierce Atwood entered an appearance after the case was assigned to me.

A party requested my recusal in the following matter:

*Merrill v. Town of Brownfield*, OXF-RE-22-04 (Me. Super. Ct.): Upon being assigned to this matter, I disclosed to the parties that one of the lawyers in the case was my cousin's godson, although I do not have a close relationship with the lawyer. The opposing party asked that I recuse myself from the matter and I agreed to do so.

I have sua sponte recused myself from the following matters:

*Camden Nat'l Bank v. Smart*, KEN-CV-21-143 (Me. Super. Ct.): I recused myself from this matter because one of the parties was represented by a close friend.

*Crocker v. Central Maine Power Co.*, KEN-CV-21-143 (Me. Super. Ct.): I recused myself from this matter because my husband's law firm has done significant work on behalf of Central Maine Power Company (CMP) and my husband has been publicly identified as outside counsel for CMP. Although neither my husband nor his law firm was involved with this case, I concluded that recusal was nonetheless appropriate.

I can recall three instances in which I recused myself from a criminal matter because the defendant was someone who had been a victim in a human trafficking case that I prosecuted or helped investigate as an Assistant U.S. Attorney.

**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.



On election day in 2008, I canvassed door-to-door in Philadelphia, Pennsylvania, as a volunteer for Barack Obama's Presidential Campaign. On the same date, I also served as a legal volunteer to assist with voter protection efforts.

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;

From 2006 to 2007, I clerked for Judge Diana Gribbon Motz on the United States Court of Appeals for the Fourth Circuit.

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

I have never practiced alone.

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

Summer 2006; 2007 – 2011  
WilmerHale  
7 World Trade Center  
250 Greenwich Street  
New York, New York 10007  
Senior Associate (2010 – 2011)  
Associate (2007 – 2009)  
Summer Associate, Washington, DC Office (Summer 2006)

2011 – 2022  
United States Attorney's Office, District of Maine  
100 Middle Street, East Tower, Sixth Floor  
Portland, Maine 04101  
Appellate Chief (2019 – 2022)  
Assistant United States Attorney, Criminal Division (2011 – 2022)  
Leader, District of Maine Anti-Trafficking Coordination Team (2015 – 2022)  
Human Trafficking Coordinator (2014 – 2022)

2022 – present  
Maine Superior Court  
1 Court Street

Augusta, Maine 04330  
Justice

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

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

b. Describe:

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

From 2006 to 2007 I served as a law clerk to Judge Diana Gribbon Motz on the United States Court of Appeals for the Fourth Circuit.

From 2007 to early 2011, I worked first as an Associate, and a later as a Senior Associate, at WilmerHale. I worked primarily as a civil litigator on cases involving securities fraud and other types of complex commercial litigation. As an associate, I had responsibility for managing large discovery processes, conducting legal research, drafting memoranda and briefs, and preparing more senior attorneys for depositions and hearings. I also worked on internal investigations for a large pharmaceutical company, including by conducting witness interviews, and represented individual and institutional clients under federal criminal investigation. I maintained an active appellate practice, assisting with the drafting of briefs and oral argument preparation on matters in the United States Supreme Court and the federal courts of appeals. Finally, I worked on pro bono family and immigration matters, which enabled me to conduct depositions and witness examinations and appear in family court in both Brooklyn and the Bronx.

From 2011 to 2022, I served as an Assistant United States Attorney in the Criminal Division of the U.S. Attorney's Office for the District of Maine. I prosecuted all manner of criminal cases, including those involving sex trafficking, sexual exploitation of children, domestic violence, drugs, immigration, firearms, and fraud. From 2014 to 2022, I had the collateral duty of Human Trafficking Coordinator. In that role, I was responsible for case intake and overseeing the investigation of adult and child labor and sex trafficking matters. Between 2015 and 2022, I was also the leader of the District of Maine's Anti-Trafficking Coordination Team, comprised of members from federal and local law enforcement, including the FBI and HSI.

Beginning in 2015, I handled criminal appeals for the U.S. Attorney's Office. From 2019 to 2022, I was the Appellate Chief and a member of the U.S. Attorney's Office management team. As Appellate Chief, I oversaw a three-attorney Appellate Division and was responsible for assigning appellate matters, reviewing draft briefs of other appellate attorneys, conducting moot courts, advising all criminal AUSAs on pertinent legal developments, providing legal advice to criminal AUSAs, and developing appellate litigation strategy. I also continued to carry a full caseload of criminal appellate matters in the U.S. Court of Appeals for the First Circuit and served as the First Circuit representative to the Department of Justice Appellate Chiefs Working Group.

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

As an associate at WilmerHale from 2007 to 2011, my typical clients were financial institutions. I specialized in securities and complex commercial litigation as well as appellate litigation.

As an Assistant United States Attorney between 2011 and 2022, my client was the United States government. I specialized in the investigation and prosecution of human trafficking cases and in criminal appellate litigation.

- 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.

Prior to becoming a Superior Court Justice, I was an experienced litigator, both at the trial and appellate levels. As an Assistant United States Attorney in the Criminal Division of the U.S. Attorney's Office, I appeared in federal district court in Maine several times per week. When I became Appellate Chief, I continued to appear in federal district court, although less frequently. As Appellate Chief, I appeared several times per year in the United States Court of Appeals for the First Circuit. I appeared in court infrequently while at WilmerHale.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 95%
- 2. state courts of record: 5%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 25%
- 2. criminal proceedings: 75%

- 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 tried seven cases to verdict in the United States District Court for the District of Maine. In each case I was lead or sole counsel. Additionally, I have argued approximately 15 cases in the United States Court of Appeals for the First Circuit.

- i. What percentage of these trials were:
- |              |      |
|--------------|------|
| 1. jury:     | 100% |
| 2. non-jury: | 0%   |

- 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.

As a law student, I participated in the Stanford Supreme Court Litigation Clinic. In that capacity, I helped draft briefs and prepare my professors for oral argument. I have, to the best of my ability, listed below the cases I worked on as a student member of the Clinic. In some cases, my participation was substantial. In others, it was minimal.

*United States v. Gonzalez-Lopez*, 548 U.S. 140 (2006). The Clinic represented the respondent. I assisted with a brief in opposition to certiorari. Brief available at 2005 WL 3157586 (Nov. 18, 2005).

*Johnson v. Bush*, 546 U.S. 1015 (2005) (cert. denied). The Clinic represented the League of Women Voters of Florida as amicus curiae in support of the petitioners. Brief available at 2005 WL 2661822 (Oct. 14, 2005).

*Tum et al. v. Barber Foods*, 546 U.S. 21 (2005). The Clinic represented the petitioners. I assisted with the opening brief, the reply brief, and oral argument preparation. Briefs available at 2005 WL 1185926 (May 16, 2005) and 2005 WL 2170257 (Sept. 6, 2005).

*Gonzales v. Crosby*, 545 U.S. 524 (2005). The Clinic represented Abu-Ali Abdur'Rahman as amicus curiae in support of the petitioner. Brief available at 2005 WL 537135 (Feb. 28 2005).

*City of Evanston v. Franklin*, 544 U.S. 956 (2005) (cert. denied). The Clinic drafted a brief in opposition to certiorari on behalf of the respondent. Brief available at 2005 WL 438005 (Feb. 23, 2005).

*Spector et al. v. Norwegian Cruise Line Ltd.*, 545 U.S. 119 (2005). The Clinic represented the petitioners. I assisted with the reply brief. Brief available at 2005 WL 429974 (Feb. 18, 2005).

While at WilmerHale, I worked on matters in the United States Supreme Court. I helped draft briefs, and, in one instance, prepare another attorney for oral argument. I have listed below the cases I recall, although it is possible I provided minimal assistance on other matters.

*Ricci v. DeStefano*, 557 U.S. 557 (2009). WilmerHale represented the respondents. I assisted with the brief in opposition to certiorari, the brief on the merits, and oral argument preparation. Briefs available at 2009 WL 740763 (Mar. 18, 2009) and 2008 WL 4918011 (Nov. 13, 2008).

*Davis v. Federal Election Com'n*, 554 U.S. 724 (2008). WilmerHale represented Democracy 21, The Campaign Legal Center, Brennan Center for Justice at NYU School of Law, and Public Citizen, Inc. as amici curiae in support of the appellee. I helped draft the amicus brief. Brief available at 2008 WL 859387 (Mar. 26, 2008).

*Brown v. McKithen*, 552 U.S. 1179 (2008) (cert. denied). WilmerHale represented the respondent. I helped draft a brief in opposition to certiorari. Brief available at 2008 WL 177573 (Jan. 16, 2008).

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. Minor*, 2:17-cr-00021-DBH (D. Me.) (Hornby, J.), *vacated and remanded*, 63 F.4th 112 (1st Cir. 2023) (en banc) (Barron, Lynch, Thompson, Kayatta, Gelpí, and Montecalvo, Circuit Judges).

The defendant was charged with possessing a firearm after having been convicted of a misdemeanor crime of domestic violence, in violation of 18 U.S.C. §§ 924(a)(2) and 922(g)(9). I handled the investigation and all pretrial matters and was joined by co-

counsel for trial. The jury returned a guilty verdict. The defendant appealed, and while the appeal was pending, the Supreme Court issued its decision in *Rehaif v. United States*, 139 S. Ct. 2191 (2019), construing §§ 924(a)(2) and 922(g) to require the prosecution to show that the defendant knew he belonged to the relevant category of persons prohibited from possessing a gun. In light of that ruling, the parties agreed that the defendant's conviction should be vacated and the case remanded for a new trial.

On remand, co-counsel and I obtained a superseding indictment and then tried the case a second time. The parties engaged in extensive pretrial briefing and argument regarding whether the defendant would be permitted to present evidence that he believed he was lawfully allowed to possess firearms, as well as the appropriate jury instructions. At the time, this case was among the first prosecutions under § 922(g)(9) to go to trial in the wake of *Rehaif*. At trial, I examined witnesses, cross-examined the defendant, and delivered the closing argument. The jury returned a guilty verdict again.

The defendant appealed a second time. As Appellate Chief, I assigned another attorney to handle the second appeal, although I was closely involved with the briefing and oral argument preparations. Shortly after I left the U.S. Attorney's Office, the First Circuit issued a divided decision vacating and remanding the conviction again, finding errors in the district court's jury instructions. The government successfully petitioned for rehearing en banc. In an en banc decision, the First Circuit once again remanded on the basis of instructional error, but clarified what the government must prove to establish that a defendant knew of his status as someone convicted of a misdemeanor crime of domestic violence. The defendant was recently convicted a third time after jury trial.

Dates of Representation: 2017 – 2022

Co-counsel

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Opposing counsel (appeal)  
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2. *United States v. Miller*, 2:16-cr-165-DBH (D. Me.) (Hornby, J.), *aff'd*, 911 F.3d 638 (1st Cir. 2018) (Barron and Selya, Circuit Judges, and Katzmann, Judge, United States Court of International Trade, sitting by designation); *Miller v. United States*, 2:16-cr-165-DBH, 2:19-cv-313-DBH, 2021 WL 311860 (D. Me. Jan. 29, 2021) (Nivison, J.), *R. & R. approved*, 2021 WL 787133 (D. Me. Mar. 1, 2021) (Hornby, J.), *aff'd*, 77 F.4th 1 (1st Cir. 2023) (Barron, Selya, and Howard, Circuit Judges).

The defendant pleaded guilty to violating the Mann Act, 18 U.S.C. § 2423(a), by transporting his 13-year-old adopted daughter across state lines in 1995 for criminal sexual activity, and was sentenced to serve 327 months in prison. I initially opened the case for investigation in 2016, and then passed the matter to a colleague while I was on leave. My colleague presented the case for indictment, handled all aspects of the guilty plea, and presented the sentencing recommendation.

The defendant appealed his conviction, and I handled all aspects of the appeal, including conducting legal research, preparing the brief, and presenting oral argument. On appeal, the defendant argued that trial counsel was ineffective for failing to raise a statute of limitations defense to the charge. The conduct occurred in 1995, and the defendant had not yet been charged and the limitations period for his Mann Act violation was still open when Congress elongated the statute of limitations in 2003. By the time the defendant was charged in 2016, the old statute of limitations had expired, but the new statute of limitations had not. The First Circuit concluded that the defendant's ineffective assistance of counsel claim should not be considered for the first time on direct appeal. It therefore declined to address the merits of the limitations issue and instead affirmed the conviction, without prejudice to the defendant raising his ineffective assistance of counsel claim in a collateral proceeding brought pursuant to 28 U.S.C. § 2255.

The defendant thereafter filed his habeas petition raising the ineffective assistance of counsel claim. I handled all research and responsive briefing in the district court. In

support of the government's position, I obtained court permission to access the files of defendant's trial counsel and prepared an evidentiary record to demonstrate why counsel's performance was not deficient. The district judge adopted the magistrate judge's finding that the defendant had suffered no prejudice because the statute of limitations argument would not have been successful. The defendant appealed once more. By that time, I was no longer at the U.S. Attorney's Office, and thus was not involved with the second appeal. The First Circuit ultimately affirmed the denial of the habeas petition, albeit on the alternate grounds that counsel's performance was not deficient.

Dates of Representation: 2016 – 2022

Co-counsel (district court)

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3. *United States v. Manubolu*, 478 F. Supp. 3d 32 (D. Me. 2020) (Woodcock, J.), *rev'd*, 13 F.4th 57 (1st Cir. 2021) (Thompson and Kayatta, Circuit Judges, and Woodlock, District Judge, sitting by designation).

The defendant, the driver in an early morning motor vehicle crash in Acadia National Park that injured him and killed his three passengers, was charged with three counts of manslaughter, in violation of 18 U.S.C. § 1112(a), and other intoxicated-driving related crimes. Prior to trial, the district court granted the defendant's motion to suppress the blood alcohol content (BAC) results of a warrantless blood draw performed on the defendant after the crash. I handled the interlocutory appeal of the district court's suppression order, both writing the briefs and presenting oral argument. The First Circuit



reversed the district court's order suppressing the BAC results. The defendant subsequently entered a guilty plea and was sentenced to 41 months in prison and three years of supervised release. I was not involved with the district court proceedings.

The issue in the interlocutory appeal was whether the trial court erred as matter of law in suppressing the results of the warrantless blood draw based on the court's conclusion that no exigent circumstances were present. After reviewing the factual record and prevailing caselaw, the court of appeals concluded that the totality of the circumstances, which included pressing investigative responsibilities, limited resources, the defendant's own health needs, a potentially protracted warrant process given the late hour and rural location, and the defendant's dissipating BAC, demonstrated exigent circumstances that created an exception to the warrant requirement.

Dates of Representation: 2020 – 2021

Co-counsel

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4. *United States v. Heindenstrom*, 2:16-cr-156-NT (D. Me.) (Torresen, J.), *aff'd*, 946 F.3d 57 (1st Cir. 2019) (Lynch, Selya, and Barron, Circuit Judges).

The defendant in this case pleaded guilty to a single count of distribution of fentanyl. At sentencing, the district court imposed a sentence of 60 months, which was substantially above the advisory guidelines range of 8 to 14 months, upon finding that the person to whom the defendant sold fentanyl had subsequently died from a drug overdose, such that a death resulted from the offense of conviction. The court justified the sentence as both an upward departure and an upward variance from the guidelines range. The defendant appealed the sentence, and I handled the appellate proceedings, both drafting the government's brief and presenting oral argument to the First Circuit urging that court to uphold the sentence. The court of appeals affirmed the sentence.

The First Circuit noted that the appeal presented a "close question" of whether the district court used the appropriate causation standard in applying a sentencing guidelines provision that authorized an upward departure if death resulted from the offense conduct. The court of appeals ultimately accepted the government's position that it was not

necessary to reach that question because any error in invoking the departure guideline was harmless given that the district court would have imposed the same sentence by means of a variance. The First Circuit then concluded that the 60-month sentence was both procedurally and substantively reasonable, noting that the defendant knowingly sold fentanyl to the victim with the awareness that he was risking the victim's life, and that the victim subsequently died from a combination of drugs that included fentanyl.

Dates of Representation: 2018 – 2019

Opposing counsel

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5. *Dimott v. United States*, 2:06-cr-26-GZS, 2:16-cv-347-GZS, 2016 WL 6068114 (D. Me. Oct. 14, 2016) (Singal, J.); *Collamore v. United States*, 2:10-cr-158-GZS, 2:16-cv-259-GZS, 2016 WL 6304668 (D. Me. Oct. 27, 2016) (Singal, J.); *Casey v. United States*, 2:11-cr-216-DBH, 2:16-cv-346-DBH, 2016 WL 6581178 (D. Me. Nov. 3, 2016) (Hornby, J.), *consolidated & aff'd*, 881 F.3d 232 (1st Cir. 2018) (Howard, Torruella, and Lynch, Circuit Judges).

This was a consolidated appeal arising from the denials of three federal post-conviction relief petitions filed under 28 U.S.C. § 2255. Each of the three petitioners pleaded guilty to a federal firearms offense and received an enhanced sentence under the Armed Career Criminal Act (ACCA) due to a history of Maine state burglary convictions. On collateral review, all three alleged that they no longer qualified for a sentence enhancement because the ACCA's residual clause was invalidated by the U.S. Supreme Court in *Johnson v. United States*, 576 U.S. 591 (2015). In each case, the district court dismissed the petitions. I litigated the consolidated appeal, conducting the research, writing the brief, and presenting oral argument. The First Circuit affirmed the dismissals.

The critical question on appeal was whether the petitions were timely. Typically, federal habeas petitions must be filed within one year of the date on which the conviction becomes final. However, because the Supreme Court's decision in *Johnson* announced a new right that was retroactively applicable on collateral review, petitions that raised *Johnson* claims and were filed within one year of that decision were also timely. In this case, although more than one year had passed between the time each petitioner's conviction became final and the date on which each filed his habeas motion, all three argued that their petitions raised *Johnson* claims, and were thus timely. The First Circuit rejected that argument, finding that in each case the petitioner had been sentenced under a provision of the ACCA referred to as the enumerated clause, rather than the residual clause. As a result, the petitioners did not raise valid *Johnson* claims and their petitions were untimely. The Court of Appeals accordingly dismissed all three petitions without addressing the merits of the petitioners' arguments that their Maine burglary convictions no longer qualified as ACCA predicates. (In a later case in which I helped write the brief,

the First Circuit concluded that Maine burglary continues to qualify as an ACCA predicate. *See United States v. Bowers*, 27 F.4th 130 (1st Cir. 2022)).

Dates of Representation: 2017 – 2018

Opposing counsel

David Beneman  
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6. *United States v. Sabeau*, 2:15-cr-175-GZS (D. Me.) (Singal, J.), *aff'd*, 885 F.3d 27 (1st Cir. 2018) (Souter, Associate Justice (Ret.) of the Supreme Court of the United States, sitting by designation, Kayatta and Selya, Circuit Judges).

The defendant, a doctor, was charged with tax evasion, unlawful distribution of controlled substances, and health-care fraud. Following trial, the jury found him guilty on all charged counts. The First Circuit affirmed the conviction. I provided support to the trial attorneys in the form of conducting research and assisting with drafting briefs in response to motions in limine. I played a more significant role on appeal, presenting oral argument to the Court of Appeals. I was called upon to present the oral argument on short notice due to the retirement of the attorney who drafted the appellate brief.

The trial evidence showed that between January 2008 and December 2013, the defendant sent more than \$2.3 million to a relative who resided in Florida and had her fabricate and send him phony medical bills so that he could write off about \$3 million in medical expenses on his 2008 through 2012 income tax returns. From 2007 through 2014, the defendant also wrote invalid prescriptions for the relative, in her name and the names of others, for controlled and non-controlled drugs. On appeal, the defendant argued that the trial court had erroneously permitted the government to offer testimony from the relative that the defendant had sexually abused her for many years, beginning when she was young. The First Circuit concluded that the evidence was properly admitted to show the defendant's motive and lack of mistake in providing the money and prescriptions to the relative, as well as to rebut his defense that he believed the relative truly needed both the money and the extensive medical treatment. The Court of Appeals also rejected the defendant's other claims of error.

Dates of Representation: 2016 – 2018

Co-counsel (trial)

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7. *United States v. Sabree*, 2:17-cr-00158-JDL (D. Me.) (Levy, C.J.).

The defendant in this case coerced two young women to engage in commercial sex acts between December 2015 and January 2016 by exploiting their heroin addictions, verbally abusing them, and threatening them with violence. The defendant controlled the victims by supplying them with just enough heroin to avoid opiate withdrawal, which involves severe pain and physical sickness, and then threatening to cut off their supply and cause them to suffer withdrawal if they refused to engage in commercial sex. I opened this investigation, and then worked with co-counsel to build the case and present it for indictment. The defendant was charged with, among other offenses, two counts of sex trafficking by force, fraud, or coercion, to which he entered guilty pleas. I, along with my co-counsel, handled all aspects of the guilty plea proceedings, and I presented the government's sentencing recommendation. The defendant was sentenced to 17 years in prison.

Dates of Representation: 2016 – 2018

Co-counsel

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Opposing counsel

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8. *United States v. Gordon et al.*, 2:15-cr-00027-GZS (D. Me.) (Singal, J.).

Working closely with investigators from the FBI and other federal, state, and local law enforcement agencies, I oversaw all aspects of this lengthy investigation into a crack cocaine trafficking organization operating in Connecticut and Maine between 2013 and 2015. The investigation, which involved Title III intercepts, search warrants, confidential informants, and other surveillance techniques, ultimately resulted in an indictment charging five individuals with a variety of federal drug trafficking offenses. I handled all aspects of the litigation, up to and including guilty plea proceedings and sentencing presentations. The leaders of the organization were sentenced to 13 years and 11 years, respectively.

Dates of Representation: 2014 – 2015

Opposing counsel

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9. *United States v. Fuentes*, 2:12-CR-50-DBH, 2:14-cr-00047-DBH (D. Me.) (Hornby, J.).

The defendants in this case, two brothers, were charged with conspiracy to harbor undocumented aliens for profit, harboring undocumented aliens for profit, and aiding and abetting document fraud, arising out of their Mexican restaurant operations in Biddeford, Waterville, and Westbrook, Maine. The case was initially opened by other attorneys in the U.S. Attorney's Office. I then took over the investigation, presented the case for indictment, and handled all pretrial matters. I was joined by co-counsel for trial. In a jury trial that lasted more than a week, we called dozens of witnesses and presented hundreds of documents. I personally examined many of the witnesses, cross-examined defense witnesses, and presented the closing argument. The jury returned a guilty verdict on all counts.

The district court subsequently ordered a new trial upon learning that one of the jurors had used an ethnic slur and prejudged the defendants' guilt based on an ethnic stereotype (I was on leave and therefore only minimally participated in the investigation into juror misconduct). We thereafter negotiated a resolution by guilty plea to charges of hiring ten or more undocumented aliens in a 12-month period and making false statements. The defendants were sentenced to serve 37 months and 30 months, respectively, and ordered to forfeit approximately \$48,000 that was seized in connection with the investigation.

After the judgment, one of the defendants filed a habeas motion claiming that he had received faulty advice from counsel about the immigration consequences of his plea, and that he had been placed in deportation proceedings because of his convictions. Co-counsel and I handled the briefing in the habeas action. The district court ultimately rejected the defendant's claim without hearing.

Dates of Representation: 2011 – 2014

Co-counsel

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Edward Wade (deceased) (for G. Fuentes)

Opposing counsel (post-conviction)  
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10. *United States v. Almeida*, 2:11-cr-00127-DBH (D. Me.) (Hornby, J.), *aff'd*, 748 F.3d 41 (1st Cir. 2014) (Lynch, Stahl, and Kayatta, Circuit Judges).

The defendant in this case was charged with possession of counterfeit currency, convicted after a jury trial, and sentenced to serve 51 months in prison. I conducted the investigation and handled the pretrial litigation, which included a suppression hearing at which the defendant challenged the warrantless search of the truck in which the counterfeit currency was located, as well as a later inventory search of the truck. The district court denied the motion to suppress. I handled all aspects of the jury trial, including the opening statement, witness exams, and the closing argument. At sentencing, I successfully argued for an enhancement for obstruction of justice, based on a recorded phone call in which the defendant instructed his wife to dispose of evidence. The First Circuit affirmed the conviction (the appeal was handled by another attorney in the U.S. Attorney's Office).

Dates of Representation: 2011 – 2012

Co-counsel

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As the Human Trafficking Coordinator at the U.S. Attorney's Office for more than seven years, I devoted significant time and energy to developing robust systems for identifying, investigating, and prosecuting human trafficking crimes. At the time I took on the role of Human Trafficking Coordinator, to my knowledge, the District of Maine had never prosecuted a crime under the Trafficking Victims Protection Act, which was enacted in 2000. That has since changed. I worked with an excellent team of investigators from multiple law enforcement agencies, partners at the U.S. Attorney's Office, state prosecutors, and devoted service providers from a variety of non-governmental organizations. As a reflection of our efforts, the District of Maine was selected through a competitive process in 2015 as one of only six federal Districts designated to participate in the Anti-Trafficking Coordination Team (ACTeam) Initiative, an interagency federal law enforcement initiative aimed at streamlining the investigation and prosecution of federal human trafficking offenses. In my time as Human Trafficking Coordinator, my colleagues and I successfully prosecuted many cases involving sex trafficking and exploitation, as well as assisted with the investigation of sex trafficking cases being prosecuted in other federal districts. I personally prosecuted multiple cases involving juvenile victims of sex trafficking. My colleagues and I also participated in numerous trainings throughout Maine and nationally, and I co-authored an article for federal



prosecutors nationwide that is designed to serve as a guide for others who seek to develop an anti-trafficking practice in their Districts.

As a member of the Board of the Cumberland Bar Association (CBA) between 2013 and 2022, my colleagues and I endeavored to revitalize an organization that seemed to have flagging interest and membership. We did so both by increasing the number of continuing legal education programs offered by the CBA and ensuring that the programs were of high quality and addressed areas of interest for local lawyers. As a result of these efforts, the CBA is now able to provide a valuable service for members of the bar while also standing on firmer financial footing.

When possible, I try to aid the next generation of lawyers in Maine. I have on several occasions judged competition rounds of the first-year moot court exercise at the University of Maine School of Law. I have similarly judged practice rounds of and provided feedback to members of the law school's moot court competition team. I have also served as a guest judge for mock trials conducted by students taking a trial advocacy class at the law school and as a judge during the Maine state high school mock trial competition.

Finally, in my role as a justice on the Maine Superior Court, I have engaged in committee work that is designed to help improve the functioning of the Maine Judicial Branch. I am a member of the Maine eCourts Organizational Change Management Advisory Team, which works to enhance communication within the Judicial Branch about the ongoing transition to an electronic filing system. On the Court Orientation and Public Education Committee, I work with a dedicated team of employees to develop materials and programs that will make the Judicial Branch more accessible for self-represented litigants. Finally, I am a member of the executive committee of the Maine State-Federal Judicial Council, which exists to enhance collaboration and communication between the state and federal judiciary in Maine.

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

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

None.

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.

None.

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 address any actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant laws, canons, rules, practices, and guidelines.

My husband is a partner at Pierce Atwood LLP. I would recuse myself from any matter in which Pierce Atwood is involved.

I also would recuse myself from appeals involving any matter in which I was personally involved or supervised while I was employed at the United States Attorney's Office for the District of Maine.

A conflict of interest could arise from any matter arising from a case I handled as a Superior Court justice. I would evaluate any real or potential conflict, or relationship that could give rise to the appearance of such a conflict, on a case-by-case basis and determine appropriate action, including recusal, where necessary.

If I am confirmed, my father, who is currently a retired judge in senior status on

the United States Court of Appeals for the First Circuit, intends to retire fully prior to my appointment, consistent with the requirements of 28 U.S.C. § 458.

- 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 address any actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant laws, canons, rules, practices, and guidelines.

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

I have been engaged in public service throughout my legal career. While working at WilmerHale between 2007 and 2011, I engaged in extensive pro bono work. I represented low-income parents in a termination of parental rights proceeding in Brooklyn family court, assisted a teenager in the Bronx who had been undocumented since he was a young child obtain Special Immigrant Juvenile status and lawful permanent residency, worked on a pro bono immigration appeal to the Second Circuit, and volunteered at a community immigration clinic in Brooklyn. I estimate that combined, I spent well over 200 hours on these matters. In recognition of my pro bono work, I was designated as an Empire State Counsel by the New York State Bar Association and received an award from Legal Services NYC.

Between 2011 and 2022, I served the public as an Assistant U.S. Attorney in the District of Maine. My ability to engage in outside legal representation was restricted, although in 2021 and 2022 I was able to work with the Volunteer Lawyers Project assisting with case referrals. I estimate that I gave approximately six hours to this project.

In my current role as a Superior Court Justice, my involvement in outside legal activities is restricted. However, I am currently a member of the Court Orientation and Public Education Committee, which exists to develop resources and procedures to make the Maine courts more accessible to self-represented litigants.

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 December 13, 2023, I submitted an application by e-mail to the Advisory Committee on the Appointment of Federal Judges, which was convened by Senator Angus King and Representatives Chellie Pingree and Jared Golden. On January 4, 2024, I interviewed with the Committee. On January 15, 2024, I was interviewed by attorneys from the White House Counsel's Office. Since that date, I have been in contact with attorneys from the White House Counsel's Office. On January 19, 2024, I spoke by telephone with Senator King and a staff member. On February 28, 2024, I had a follow-up conversation with a staff member from Senator King's Office. Since March 19, 2024, 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.