

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Myong Jin Joun

For full disclosure, I was given the first name of Mark by the New York State Public School administrators in grade school because they could not pronounce my true name. Since about the fourth grade, I have only used my true name.

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

United States District Judge for the District of Massachusetts.

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: Boston Municipal Court  
Administrative Office  
Edward W. Brooke Courthouse  
24 New Chardon Street, 6th Floor  
Boston, Massachusetts 02114

Physical Location:  
Boston Municipal Court  
Brighton Division  
52 Academy Hill Road  
Brighton, Massachusetts 02135

Residence: Arlington, Massachusetts.

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

1971; South Korea

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.

1995 – 1999, Suffolk University Law School; J.D., 1999

1991 – 1994, University of Massachusetts – Boston; B.A. (*magna cum laude*), 1994

1989 – 1990, Boston University; no degree received

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.

2014 – present  
Boston Municipal Court  
Edward W. Brooke Courthouse  
24 New Chardon Street, 6th Floor  
Boston, Massachusetts 02114

2007 – 2014  
Joun Law Office  
491 Massachusetts Avenue, Suite 208  
Arlington, Massachusetts 02474  
Sole proprietor

1997 – 2007  
Law Offices of Howard Friedman, P.C.  
90 Canal Street, 5th Floor  
Boston, Massachusetts 02114  
Associate (1999 – 2007)  
Paralegal (1997 – 1999)

1997  
Boone & Henkoff  
311 Washington Street  
Brighton, Massachusetts 02135  
Office Manager/Paralegal

1994 – 1997  
B.D.s Stores, Inc. (HQ)  
313 Fifth Avenue  
New York, New York 10016  
New England Regional Manager

B.D.'s Stores (My Office)  
314 Essex Street  
Lawrence, Massachusetts 01840

Teaching Affiliations (uncompensated):

Fall 2017, 2018, 2019, 2021  
Harvard Law School  
Trial Advocacy Workshop Instructor  
1563 Massachusetts Avenue  
Cambridge, Massachusetts 02138

Other Affiliations (uncompensated):

2021 – present  
Harry J. Elam Conference (f/k/a Massachusetts Black Judges Conference)  
(This organization has no physical address.)  
Treasurer, Executive Board

2019 – present  
Flaschner Judicial Institute  
1 Pemberton Square, Suite 4300  
Boston, Massachusetts 02018  
Board of Trustees

2009 – 2014  
American Civil Liberties Union of Massachusetts  
211 Congress Street  
Boston, Massachusetts 02110  
Board of Directors

2009 – 2010  
National Lawyers Guild – Massachusetts Chapter  
41 West Street, Suite 700  
Boston, Massachusetts 02111  
Board of Directors

2004 – 2014  
Massachusetts Bar Association  
20 West Street  
Boston, Massachusetts 02111  
Budget and Finance Committee (2007 – 2008)  
Executive Management Board (2004 – 2005)  
At-Large Member, House of Delegates (2004 – 2006)

2003 – 2007  
Lawyers Committee for Civil Rights Under Law of the Boston Bar Association  
294 Washington Street, Suite 443  
Boston, Massachusetts 02018  
Board of Directors

2000 – 2006

Asian American Lawyers Association of Massachusetts  
c/o The Boston Bar Association  
16 Beacon Street  
Boston, Massachusetts 02108  
President (2003 – 2005)  
Vice President (2002 – 2003)  
Board of Directors (2000 – 2006)

2001 – 2010

Massachusetts Law Reform Institute  
40 Court Street, Suite 800  
Boston, Massachusetts 02108  
Board of Trustees

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.

1990 – 1996

United States Army, Massachusetts National Guard  
E-4, Specialist  
Honorably Discharged in 1996

I have registered 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.

Super Lawyers, Massachusetts, Thompson Reuters (2014)

Legal Worker Award, Mass Defense Committee, National Lawyers Guild (2012)

Super Lawyers Rising Star, Massachusetts, Thompson Reuters (2009, 2010, 2011)

University of Massachusetts – Boston

*Magna Cum Laude* (1994)

Departmental Distinction in Ethics, Social and Political Philosophy (1994)

Student Senate (1994)

Dean's List (1992 – 1994)

United States Army (1990 – 1996)

Honor Graduate, United States Army Platoon Leader Development Course (1994)

Army Reserve Component Achievement Medal (approximately 1995)  
National Defense Service Medal (approximately 1992)

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 Association for Justice, formerly Association of Trial Lawyers of America, Member (1999 – 2007)

American Bar Association, Member (1999 – 2006)

Individual Rights and Responsibilities Section, Member (1999 – 2006)

American Bar Association/Massachusetts Bar Association Delegation to Bristol County Jail to Assess Compliance with INS Detention Standards (2003)

American Bar Foundation, Fellow (2005 – present)

American Civil Liberties Union of Massachusetts

Board of Trustees (2009 – 2014)

Cooperating Attorney (1999 – 2014)

Asian American Lawyers Association of Massachusetts, Member (2000 – present)

President (2003 – 2005)

Vice President (2002 – 2003)

Advocacy Committee, Chair (2002-2003)

Student Mentorship Committee, Chair (2001 – 2002)

Membership Committee, Chair (2000 – 2001)

Board of Directors (2000 – 2006)

Boston Municipal Court Committees

Diversity, Equity & Inclusion Committee, Chair (2021 – present)

Technology Committee (2017 – present)

Forms Committee, Member (2015 – present)

Federal Bar Association, Massachusetts chapter, Member (2003 – 2014)

Flaschner Judicial Institute

Board of Trustees (2019 – present)

Nominations Committee, Member (2019 – present)

Academic Programs Committee, Member (2020 – present)

Harry J. Elam Conference, *formerly known as* Massachusetts Black Judges Conference

Treasurer (2021 – present)

Committee on Racial Justice, Chair (2021 – present)

Member (2020 – present)

Joint District Court/Boston Municipal Court Committee on Immigration (2016 – 2017)

Judicial Institute Program Committee on Poverty, Member (2017 – present)

Lawyers Committee for Civil Rights Under Law of the Boston Bar Association  
Board of Directors (2003 – 2007)

Massachusetts Academy of Trial Attorneys, Member (1999 – 2011)

Massachusetts Association of Criminal Defense Lawyers, Member (2007 – 2014)

Massachusetts Bar Association, Member (1999 – present)  
Executive Management Board, Member (2004 – 2005)  
Budget and Finance Committee, Member (2007 – 2008)  
House of Delegates, At-Large Member (2004 – 2006)  
Diversity Task Force, Member (2006 – 2009)  
Criminal Law Section, Member (2006 – 2007)  
General Practice, Solo & Small Firm Section, Member (2007 – 2008)  
Individual Rights and Responsibilities Section, Member (2001 – 2003)  
Police Misconduct Committee, Member (1999 – 2001)

Massachusetts Bar Foundation, Life Fellow (2006 – present)  
Grant Advisory Committee, Member (2008 – 2010)

Massachusetts Employment Lawyers Association, Member (2007 – 2014)

Massachusetts Judges Conference, Member (2014 – present)

Massachusetts Law Reform Institute  
Board of Trustees (2001 – 2010)

Massachusetts Trial Court  
Committee to Eliminate Racism and Other Systemic Barriers (2021 – present)  
Policies and Protocols Working Group, Member  
Sub-Committee on Case Management Process, Member  
Digital Case Processes Project, Member (2020 – present)  
Digital Courtroom Committee, Member (2017 – present)

National Asian Pacific American Bar Association, Member (2000 – present)

National Lawyers Guild – Massachusetts Chapter  
Board of Directors (2009 – 2010)  
Stop & Search Clinic, Attorney (1999 – 2014)

National Police Accountability Project, Member (1999 – 2014)

Roundtable on Racial Disparities in Massachusetts Courts (2021 – present)  
Judicial Decision-Making Working Group, Member  
Racial Climate in the Courtroom Working Group, Member

Supreme Judicial Court Standing Advisory Committee on Massachusetts Rules of Civil Procedure, Member (2019 – present)

10. **Bar and Court Admission:**

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

Massachusetts, 1999

There have been no lapses in membership. I have been on inactive judicial status since my appointment to the bench in 2014.

- 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.

Supreme Court of the United States, 2003  
United States Court of Appeals for the First Circuit, 2000  
United States District Court for the District of Massachusetts, 2000

There have been no lapses in membership.

11. **Memberships:**

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

None.

- 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.

Not applicable.

**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.

The following reflects my best efforts to identify materials responsive to the question. I have searched my records, electronic databases, and internet sources. It is possible that there are other materials that I have not been able to identify, recall, or locate.

*Stop and Search Clinic Brochure*, National Lawyers Guild – Massachusetts Chapter (updated Aug. 2011). I drafted sections IV, V, VII and VIII in approximately 2002. Other attorneys have subsequently updated it. Copy supplied.

*President's Message*, Asian American Lawyers Association of Massachusetts, Massachusetts Lawyers Weekly (May 9, 2005). Copy supplied.

*President's Welcome Letter*, National Asian Pacific American Bar Association, 2005 Annual Conference and Banquet Program (Apr. 23, 2005). Copy supplied.

*President's Welcome Letter*, Harry H. Dow Memorial Legal Defense Fund, 2004 Dinner Program (Dec. 3, 2004). Copy supplied.

*President's Message*, Asian American Lawyers Association of Massachusetts, Massachusetts Lawyers Weekly (Nov. 9, 2004). Copy supplied.

*Challenging Unlawful Strip Searches*, Association of Trial Lawyers of America, Civil Rights Section, Vol. 11, No. 2 (Winter 2004). Final draft copy supplied.

*Practice Management Tips: Little Investments with Big Returns*, Westchester Women's Bar Association Member Newsletter (Sept. 2004). Copy supplied.

Letter to the Editor, *The Reason Why Minority Bar Groups Exist*, Massachusetts Lawyers Weekly (Nov. 2003). Copy supplied.

Letter to the Editor, *Uphold Democracy*, Boston Herald (Sept. 25, 1996). Draft 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.

The following reflects my best efforts to identify materials responsive to the question. I have searched my records, electronic databases, and internet sources. It is possible that there are other materials that I have not been able to identify, recall, or locate.

*Racial Disparities in Community Supervision and Reentry: The Massachusetts Case*, May 2022, Community Corrections and Reentry Working Group, Roundtable on Racial Disparities in Massachusetts Criminal Courts. I am listed as a roundtable member, but I did not draft, edit, or participate in the report's creation. Copy supplied.

*Reducing Racial Disparities through Decriminalization in Massachusetts: What Seems to Work and What Makes Matters Worse*, Mar. 2022, Decriminalization and Policing Working Group, Roundtable on Racial Disparities in Massachusetts Criminal Courts. I am listed as a roundtable member, but I did not draft, edit, or participate in the report's creation. Copy supplied.

*2014 Action Report*, American Civil Liberties Union of Massachusetts. I am listed as a member of the Board of Directors, but I did not draft, edit, or participate in the report's creation, and the Board was not asked to vote on or approve its contents. Copy supplied.

*2013 Action Report*, American Civil Liberties Union of Massachusetts. I am listed as a member of the Board of Directors, but I did not draft, edit, or participate in the report's creation, and the Board was not asked to vote on or approve its contents. Copy supplied.

*2012 Action Report*, American Civil Liberties Union of Massachusetts. I am listed as a member of the Board of Directors, but I did not draft, edit, or participate in the report's creation, and the Board was not asked to vote on or approve its contents. Copy supplied.

*2011 Action Report*, American Civil Liberties Union of Massachusetts. I am listed as a member of the Board of Directors, but I did not draft, edit, or participate in the report's creation, and the Board was not asked to vote on or approve its contents. Copy supplied.

*2011 Civil Liberties Calendar and 2010 Annual Report*, American Civil Liberties Union of Massachusetts. I am listed as a member of the Board of Directors, but I did not draft, edit, or participate in the report's creation, and the Board was not

asked to vote on or approve its contents. Copy supplied.

*Mass Dissent Newsletter*, National Lawyers Guild – Massachusetts Chapter, Feb. 2010. I am listed as a member of the Board of Directors, but I did not draft, edit, or participate in the articles or creation of the content in these newsletters, and the Board was not asked to vote on or approve its contents. Copy supplied.

*Mass Dissent Newsletter*, National Lawyers Guild – Massachusetts Chapter, Dec. 2009. I am listed as a member of the Board of Directors, but I did not draft, edit, or participate in the articles or creation of the content in these newsletters, and the Board was not asked to vote on or approve its contents. Copy supplied.

*Mass Dissent Newsletter*, National Lawyers Guild – Massachusetts Chapter, Nov. 2009. I am listed as a member of the Board of Directors, but I did not draft, edit, or participate in the articles or creation of the content in these newsletters, and the Board was not asked to vote on or approve its contents. Copy supplied.

*Mass Dissent Newsletter*, National Lawyers Guild – Massachusetts Chapter, Oct. 2009. I am listed as a member of the Board of Directors, but I did not draft, edit, or participate in the articles or creation of the content in these newsletters, and the Board was not asked to vote on or approve its contents. Copy supplied.

*Mass Dissent Newsletter*, National Lawyers Guild – Massachusetts Chapter, June 2009. I am listed as a member of the Board of Directors, but I did not draft, edit, or participate in the articles or creation of the content in these newsletters, and the Board was not asked to vote on or approve its contents. Copy supplied.

*Mass Dissent Newsletter*, National Lawyers Guild – Massachusetts Chapter, Apr. 2009. I am listed as a member of the Board of Directors, but I did not draft, edit, or participate in the articles or creation of the content in these newsletters, and the Board was not asked to vote on or approve its contents. Copy supplied.

*Annual Advocacy Report*, 2007, Massachusetts Law Reform Institute. I am listed as a member of the Board of Trustees, but I did not draft, edit, or participate in the report's creation, and the Board was not asked to vote on or approve its contents. Copy supplied. I am unable to locate annual reports for other years when I served as a Trustee.

*Guidelines Concerning Requests for AALAM to Take a Position Relative to Amicus Briefs and Pending Legislation (Advocacy Policy)*, adopted Jan. 2003, Asian American Lawyers Association of Massachusetts. Copy supplied.

Additional reports may have been published by other organizations such as the Massachusetts Bar Association, or the Lawyers Committee for Civil Rights Under Law of the Boston Bar Association, during these years that I served on the Executive Management Board (2004 – 2005) or the Board of Directors (2003 –

2007). If such reports exist, I would not have drafted, edited, or participated in the reports' creation and, to the best of my recollection, the Board would not have been asked to vote on or approve its contents.

- 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.

On November 12, 2014, I testified, and responded to questions, before the Massachusetts Governor's Council, also known as the Executive Council, as a nominee to be an Associate Justice of the Boston Municipal Court. Audio available at

<https://sites.google.com/patrickmccabegovernorscouncil.com/massachusetts-district-court/district/2014/myong-j-joun>.

Letter to the Boston City Council, from Ingrid C. Schroffner as President of the Asian American Lawyers Association of Massachusetts, dated May 2, 2008. I am listed as a Director on the letterhead, but I did not draft, edit, or participate in the letter's creation. Draft supplied.

Letter to the Massachusetts Joint Committee on the Judiciary, from Myong Joun as President of the Asian American Lawyers Association of Massachusetts, dated Apr. 12, 2005. Draft supplied.

Letter to Governor Mitt Romney, from William "Mo" Cowan as President of the Massachusetts Black Lawyers Association, Oscar Cruz as President of the Massachusetts Association of Hispanic Attorneys, Inc., Belinda Taylor as President of the Massachusetts Black Women Attorneys, and Myong Joun as President of the Asian American Lawyers Association of Massachusetts, dated June 17, 2004. Copy 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.

The following reflects my best efforts to identify materials responsive to the question. I have searched my records, electronic databases, and internet sources. It is possible that there are other materials that I have not been able to identify, recall, or locate.

July 13, 2022: Guest Speaker, “The Judge,” Via Vita Veritas Summer School, Marlborough, Massachusetts. I spoke to high school students about my path to the bench and the day-to-day work as a judge and discussed what the rule of law means. I have no notes, transcript, or recording. The address for Via Vita Veritas Summer School is 12 Brighton Street, Belmont, Massachusetts 02478.

June 28, 2022: Speaker, “Summer Intern Judicial Speaker Series,” Committee for Public Counsel Services, Boston, Massachusetts (virtual). I spoke to a group of law student interns regarding my career. I have no notes, transcript, or recording. The address for Committee for Public Counsel Services is 75 Federal Street, 6th Floor, Boston, Massachusetts 02110.

May 3, 2022: Moderator, “Anatomy of Wrongful Convictions,” Flaschner Judicial Institute, Boston, Massachusetts (virtual). I moderated a panel on wrongful convictions. I have no notes, transcript, or recording. The address for the Flaschner Judicial Institute is 1 Pemberton Square, Suite 4300, Boston, Massachusetts 02108.

April 8, 2022: Panelist, “Navigating a Career in Law,” Thrive Scholars, Boston, Massachusetts. The panel addressed careers in the law and I participated in a question-and-answer session with the students who attended the event. I have no notes, transcript, or recording. The address for the Boston Region of Thrive Scholars is 75 Federal Street, Suite 1250, Boston, Massachusetts 02110.

March 25, 2022: Panelist, “Jury Trial Management,” Flaschner Judicial Institute, Clinton, Massachusetts. I discussed challenges for cause and peremptory challenges during jury selection. I have no notes, transcript, or recording. The address for the Flaschner Judicial Institute is 1 Pemberton Square, Suite 4300, Boston, Massachusetts 02108.

January 13, 2022: Speaker, “AALAM Presents: Our Pathways to the Bench,” Boston Bar Association Webinar, Boston, Massachusetts (virtual). Video available at <https://vimeo.com/666043761>.

November 16, 2021: Administered Oath of Office, Mayor Michelle Wu Swear-In Ceremony, Boston City Hall, Boston, Massachusetts. Sample press coverage supplied. Video available at <https://www.youtube.com/watch?v=xPzBJ5qKynY>.

November 3, 2021: Guest Speaker, “Race, Class, Crime, and Justice,” Bridgewater State University, Bridgewater, Massachusetts. The panel discussed our roles as judges in the criminal justice system. I have no notes, transcript, or recording. The address for Bridgewater State University is 131 Summer Street, Bridgewater, Massachusetts 02324.

November 2, 2021: Moderator, “Autopsy of a Crime Lab: Exposing the Flaws in

Forensics,” Author Talk with Professor Brandon L. Garrett, Flaschner Judicial Institute, Boston, Massachusetts (virtual). I moderated a panel discussion of Professor Garrett’s book. I have no notes, transcript, or recording. The address for the Flaschner Judicial Institute is 1 Pemberton Square, Suite 4300, Boston, Massachusetts 02108.

September 13 – 17, 2021: Faculty, Trial Advocacy Workshop, Harvard Law School, Cambridge, Massachusetts. I taught law students how to conduct trials. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

July 13, 2021: Guest Speaker, “The Judge,” Via Vita Veritas Summer School, Brighton, Massachusetts (virtual). I spoke about my path to the bench and my day-to-day work. I have no notes, transcript, or recording. The address for Via Vita Veritas Summer School is 12 Brighton Street, Belmont, Massachusetts 02478.

March 15, 2021: Mock Trial Judge, Massachusetts High School Mock Trial Competition, Boston, Massachusetts (virtual). I served as a mock trial judge and offered feedback to the students on their performance. I have no notes, transcript, or recording. The Massachusetts High School Mock Trial Competition does not have a mailing address.

March 5, 2020: Speaker, “Bill of Rights,” Mary Lyon School, Brighton, Massachusetts. As part of the American Bar Association’s National Judicial Outreach Month activities, I spoke to students about the Bill of Rights. I have no notes, transcript, or recording. The address for the Mary Lyon School is 50 Beechcroft Street, Brighton, Massachusetts 02135.

September 9 – 13, 2019: Faculty, Trial Advocacy Workshop, Harvard Law School, Cambridge, Massachusetts. I taught law students how to conduct trials. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

March 15, 2019: Speaker, “Rule of Law,” Charlestown High School, Charlestown, Massachusetts. As part of the American Bar Association’s National Judicial Outreach Month activities, I spoke to students about the Rule of Law. I have no notes, transcript, or recording. The address for Charlestown High School is 240 Medford Street, Charlestown, Massachusetts 02129.

October 11, 2018: Panelist, “Debt Collection,” Boston Municipal Court Fall Judicial Education Conference, Hull, Massachusetts. The panel spoke about debt collection cases in Massachusetts courts. I have no notes, transcript, or recording. The address for the Administrative Office of the Boston Municipal Court is 24 New Chardon Street, 6th Floor, Boston, Massachusetts 02114.

September 10 – 14, 2018: Faculty, Trial Advocacy Workshop, Harvard Law School, Cambridge, Massachusetts. I taught law students how to conduct trials. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

June 20, 2018: Panelist, “Crimmigration 101,” Massachusetts Continuing Legal Education, Boston, Massachusetts. Presentation supplied.

April 3, 2018: Guest Speaker, APALSA Year End Banquet, Suffolk University Law School, Boston, Massachusetts. Notes supplied.

November 4, 2017: Guest Speaker, 2017 Young Leaders Symposium, The Korean-American Citizens League of New England, Harvard Law School, Cambridge, Massachusetts. Notes supplied.

October 17, 2017: Panelist, “On the Brink: Unraveling the Interplay Between Poverty and Court,” Judicial Institute, Boston, Massachusetts. As a member of the Judicial Institute’s Program Committee on Poverty, I helped organize and spoke at an educational program at Massachusetts Continuing Legal Education, Inc. for judges and attorneys regarding the effects of poverty on court users. I have no notes, transcript, or recording. The address for the Judicial Institute is Two Center Plaza, Suite 540, Boston, Massachusetts 02108. The address for Massachusetts Continuing Legal Education, Inc. is 10 Winter Place, Boston, Massachusetts 02108.

September 11 – 15, 2017: Faculty, Trial Advocacy Workshop, Harvard Law School, Cambridge, Massachusetts. I taught law students how to conduct trials. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

June 26, 2017: Panelist, “Crimmigration 101,” Massachusetts Continuing Legal Education, Boston, Massachusetts. I used the same handout that was provided for the presentation on June 20, 2018.

October 21, 2016: Panelist, “Access to the Legal System: Criminal, Housing and Immigration Law,” AAPI Civil Rights Forum, Boston, Massachusetts. I spoke about access to justice and the courts. I have no notes, transcript, or recording. The address for Asian American & Pacific Islanders Commission is One Ashburton Place, 12th Floor, Boston, Massachusetts 02108.

June 16, 2016: Panelist, “Crimmigration 101,” Massachusetts Continuing Legal Education, Boston, Massachusetts. I used the same handout that was provided for the presentation on June 20, 2018.

January 23, 2015: Speaker, Investiture of Associate Justice Myong J. Joun, Roxbury Division, Boston Municipal Court, Roxbury, Massachusetts. I thanked

family, friends, colleagues, and mentors who provided support in my career. I have no notes, transcript, or recording. The address for the Administrative Offices of the Boston Municipal Court is 24 New Chardon Street, Boston, Massachusetts 02114.

December 4, 2012: Guest speaker, Professor Karen Blum's "Police Misconduct" Class, Suffolk University Law School, Boston, Massachusetts. Along with other practitioners, both plaintiffs and defense counsel, I discussed recent developments in the law regarding § 1983 litigation in federal courts. I have no notes, transcript, or recording. The address for Suffolk University Law School is 120 Tremont Street, Boston, Massachusetts 02108.

March 15, 2012: Lecturer, "What Criminal Defense Lawyers Should Know About Civil Rights," Central Middlesex County Bar Association, Concord, Massachusetts. Notes supplied.

August 11, 2011: Speaker, "Know Your Rights," Grassroots International, Jamaica Plain, Massachusetts. I spoke about the right to peaceful protest, its legal limits, and brief overview of a criminal case in court if charged with a crime. I have no notes, transcript, or recording. The address for Grassroots International is 179 Boylston Street #4, Jamaica Plain, Massachusetts, 02130.

July 21, 2011: Speaker, "Civil Liberties and Human Rights in the 21st Century," Fitchburg Human Rights Commission, Fitchburg, Massachusetts. I discussed the emerging technology used by law enforcement agencies as well as an overview of the Secure Communities Initiative. I have no notes, transcript, or recording but press coverage is supplied. The address for the Fitchburg Human Rights Commission is Fitchburg Municipal Offices, 718 Main Street, Fitchburg, Massachusetts 01420.

April 24, 2011: Speaker, "Your Rights When Questioned by the FBI & Responding to Federal Grand Jury Subpoenas," National Lawyers Guild – Massachusetts Chapter, Brookline, Massachusetts. I discussed generally federal grand jury proceedings and the right to and the limits of counsel. I have no notes, transcript, or recording. The address for the National Lawyers Guild – Massachusetts Chapter is 41 West Street, Suite 700, Boston, Massachusetts 02111.

December 12, 2010: Speaker, "Know Your Rights," Arlington United for Justice with Peace, Arlington, Massachusetts. I spoke about the right to peaceful protest, its legal limits, and brief overview of a criminal case in court if charged with a crime. I have no notes, transcript, or recording. To the best of my knowledge, Arlington United for Justice with Peace does not have a physical address.

November 16, 2010: Panelist, "10 Rules for Dealing with the Police," Northeastern University School of Law, Boston, Massachusetts. The panel

discussed legal and practical aspects in police interactions. I have no notes, transcript, or recording. The address for Northeastern University School of Law is 416 Huntington Avenue, Boston, Massachusetts 02115.

October 2010 (specific date unknown): Panelist, “Know Your Rights” Training and Update on FBI Raids & Surveillance, various community organizers, Boston, Massachusetts. I discussed legal and practical limits of an individual’s rights during interactions with law enforcement. I have no notes, transcript, or recording. The address for the National Lawyers Guild – Massachusetts Chapter is 41 West Street, Suite 700, Boston, Massachusetts 02111, and the address for the American Civil Liberties Union of Massachusetts is 211 Congress Street, Boston, Massachusetts 02110.

February 3, 2009: Speaker, “Stop & Search Clinic,” Cambridge Cares About AIDS, Cambridge, Massachusetts. Handout previously supplied in response to Question 12a.

May 13, 2008: Speaker, “Stop & Search Clinic,” Boston Hope Found, Boston, Massachusetts. Handout previously supplied in response to Question 12a.

October 4, 2007: Speaker, “Stop & Search Clinic,” Suffolk University Law School, Boston, Massachusetts. Handout previously supplied in response to Question 12a.

October 21, 2005: Moderator, “Civil Rights 101,” 17th Annual National Asian Pacific American Bar Association National Convention, Chicago, Illinois. I moderated a panel on civil rights issues relevant to the AAPI community. I have no notes, transcript, or recording. The address for the National Asian Pacific American Bar Association is 1612 K Street, Northwest, Suite 300, Washington, DC 20006.

April 25, 2005: Moderator, “Intersections Between Korematsu and the Current Administration’s Fight Against Terrorism,” 2005 National Asian Pacific American Bar Association Northeast Regional Conference, Boston, Massachusetts. I moderated a panel discussing the parallels of how the government responded to national security concerns of the two eras. I have no notes, transcript, or recording. The address for the National Asian Pacific American Bar Association is 1612 K Street, Northwest, Suite 300, Washington, DC 20006.

April 25, 2005: President’s Speech, 2005 National Asian Pacific American Bar Association Northeast Regional Conference, Boston, Massachusetts. I welcomed the attendees and gave a short speech about the theme of the conference. I have no notes, transcript, or recording but press coverage is supplied. The address for the National Asian Pacific American Bar Association is 1612 K Street, Northwest, Suite 300, Washington, DC 20006.



November 2004 (specific date unknown): Speaker, "Stop & Search Clinic," TechBoston Academy, Dorchester, Massachusetts. Handout previously supplied in response to Question 12a.

June 2004 (specific date unknown): Panelist, "Emerging Civil Rights Issues: USA Patriot Act, SAFE Act, and 'Enemy Combatants'," 2004 NAPABA Northeast Regional Conference, New Brunswick, New Jersey. I discussed the various changes in the law from recent legislation. I have no notes, transcript, or recording. The address for the National Asian Pacific American Bar Association is 1612 K Street, Northwest, Suite 300, Washington, DC 20006.

April 29, 2004: Speaker, President's Speech, 19th Anniversary Banquet, Asian American Lawyers Association of Massachusetts, Boston, Massachusetts. Speech supplied.

February 2004 (specific date unknown): Speaker, "Stop & Search Clinic," Boys & Girls Clubs of Dorchester, Dorchester, Massachusetts. Handout previously supplied in response to Question 12a.

2004 (approximate date): Panelist, "Careers in Law," Boston University School of Law, Boston, Massachusetts. I discussed my experience as a civil rights lawyer in a small law firm. I have no notes, transcript, or recording. The address of Boston University School of Law is 765 Commonwealth Avenue, Boston, Massachusetts 02215.

February 2003 (specific date unknown): Speaker, "Stop & Search Clinic," St. Ambrose Inn Homeless Shelter, Dorchester, Massachusetts. Handout previously supplied in response to Question 12a.

February 2003 (specific date unknown): Moderator, "Asian Gangs in Massachusetts: Understanding the Growing Asian Gang Phenomenon and Identifying Ways to Prevent, Intervene and Rehabilitate Gang Membership," Choate Hall & Stewart, Boston, Massachusetts. I moderated a panel of former gang members, law enforcement officials, and medical doctors on the topic of gangs, and Asian gangs in particular, in Massachusetts. I have no notes, transcript, or recording. The address for the Asian American Lawyers Association of Massachusetts is c/o The Boston Bar Association, 16 Beacon Street, Boston, Massachusetts 02108.

November 2002 (specific date unknown): Speaker, "Stop & Search Clinic," Lare Institute, Chelsea, Massachusetts. Handout previously supplied in response to Question 12a.

October 2002 (specific date unknown): Panelist, "Civil Liberties in a New America," Part of a Nationwide "First Monday" Campaign, Alliance for Justice,

Boston University, Boston, Massachusetts. I participated in a panel that provided an overview of new federal laws responding to the September 11 attacks. I have no notes, transcript, or recording. The address for the Alliance for Justice is 11 Dupont Circle Northwest, Suite 500, Washington, DC 20036.

September 2002 (specific date unknown): Panelist, “Strip Searches and Civil Remedies,” National Lawyers Guild Northeast Regional Conference, Western New England College School of Law, Springfield, Massachusetts. I discussed the law and limits of conducting strip searches by law enforcement and correctional officials and litigating civil rights claims. I have no notes, transcript, or recording. The address for the National Lawyers Guild – Massachusetts Chapter is 41 West Street, Suite 700, Boston, Massachusetts 02111.

November 2001 (specific date unknown): Speaker, “Stop & Search Clinic,” Temporary Home for Women and Children Shelter, Boston, Massachusetts. Handout previously supplied in response to Question 12a.

July 2001 (specific date unknown): Speaker, “Stop & Search Clinic,” Department of Youth Services, Cambridge, Massachusetts. Handout previously supplied in response to Question 12a.

I frequently volunteered at “Stop & Search” and “Know Your Rights” clinics at various schools, community training centers, Department of Youth Services facilities, shelters, and temporary homes over the years. While I have listed above all such events that I have been able to recall or identify, there may have been other similar events I have been unable to recall or identify.

- 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.

The following reflects my best efforts to identify materials responsive to the question. I have searched my records, electronic databases, and internet sources. It is possible that there are other materials that I have not been able to identify, recall, or locate.

Edward Mason, *I've Waited More Than Long Enough*, Boston Magazine (May 22, 2014). Copy supplied.

Edward Mason, *The Complaint Jar Runneth Over*, Boston Magazine (Apr. 2014). Copy supplied.

Chris Faraone, *Cops, Tents, and Videotape*, The Boston Phoenix (Sept. 12, 2012). Copy supplied.

Seth Daniel, *Granddad Claims That He Was Falsely Arrested*, Revere Journal (June 27, 2012). Copy supplied.

Dan Nicastro, *Resident Sues Revere Police Officer*, Saugus Advertiser (June 14, 2012). Copy supplied.

Seth Daniel, *Saugus Man Sues*, Revere Journal (June 6, 2012). Copy supplied.

Record Staff, *His Photo Isn't Finished: Chelsea Man Files Suit For False Arrest Over Taking Pictures at Son's Soccer Game*, Chelsea Record (Jan. 26, 2012). Copy supplied.

Lisa Redmond, *Lowell to Pay Nuon \$50G In '08 Wrongful-Arrest Suit*, Lowell Sun (Dec. 29, 2011). Copy supplied.

Kendell Sweeney-Thomas, *Attorney Questions Effectiveness of Secure Communities Initiative*, Sentinel & Enterprise (July 23, 2011). Copy supplied.

Lisa Redmond, *Judge: City Man's Civil Rights Were Violated in Arrest*, Lowell Sun (Apr. 11, 2011). Copy supplied.

Leigh Kamping-Carder, *Immigration Status Irrelevant in FLSA Suit: Judge*, Law360 (Mar. 29, 2011). Copy supplied.

Sheri Qualters, *Plaintiffs' Immigration Status 'Irrelevant' to Their Wage Claims, Mass. Judge Rules*, National Law Journal (Mar. 28, 2011). Copy supplied.

Lisa Redmond, *Dracut Man's Lawsuit Alleges Officer Used Excessive Force*, Lowell Sun (Jan. 17, 2010). Copy supplied.

Jon Chesto, *Quincy Residents Sue Former Employer In Brockton, Alleging Unpaid Wages At Restaurant*, The Patriot Ledger (Sept. 16, 2009). Copy supplied.

Lisa Redmond, *ZBA's Nuon Sues City for Arrest*, Lowell Sun (July 11, 2009). Copy supplied.

Legaline, AALAM TV, Boston Neighborhood Network (BNN) (2006) (specific date unknown). I am unable to obtain any recording or transcripts.

Gary Zalkin, *Ask a Mensan Lawyer*, Boston's Beacon, Vol. 29, Issue 5 (May 2005). Copy supplied.

*Interview Q&A with President Myong Joun*, Asian American Lawyers Association Newsletter (Apr. 2005). Copy supplied.

Cathryn Keefe O'Hare, *Assault Alleged Against Former Police Chief*, Danvers Herald (Feb. 3, 2005). Copy supplied.

Correy E. Stephenson, *Electronic Filing: What You Need to Know to Make the Transition*, Lawyers Weekly USA (Apr. 26, 2004). Copy supplied.

Jill Schachner Chanen, *Crossing the Digital Divide: Small-Firm Lawyers Find Electronic Evidence Isn't Just for Their Corporate Counterparts*, ABA Journal (Mar. 26, 2004). Copy supplied.

Jason M. Scally, *USDC's Young Calls for E-Filing In All His Cases*, Massachusetts Lawyers Weekly (Mar. 24, 2004). 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.

On December 3, 2014, I was appointed as Associate Justice of the Boston Municipal Court by Massachusetts Governor Deval Patrick. The Boston Municipal Court serves the City of Boston which encompasses all of Suffolk County, except the City of Chelsea. It has jurisdiction over both criminal and civil matters. The Boston Municipal Court also has jurisdiction to review appeals of decisions made by government agencies. Although I have sat in each of the eight divisions of the Boston Municipal Court, since November 2015, I have primarily served in the Brighton Division. From time to time, I have also sat by designation to the Appellate Division.

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

I have presided over approximately 140 trials.

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

jury trials:	70%
bench trials:	30%

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

civil proceedings:	25%
criminal proceedings:	75%

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

As a Justice of the Boston Municipal Court, none of my opinions are published. However, I have identified one published opinion that I wrote while sitting by designation to the Appellate Division of the Boston Municipal Court:

*In the Matter of C.R. v. Massachusetts General Hospital*, Docket No. 1801MH0235, 2019 WL 4769417, Appellate Division of the Boston Municipal Court (Sept. 4, 2019).

- 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. *The Exhibit Source Inc. v. Wells Ave. Business Center LLC*, Central Division, Boston Municipal Court, Docket No. 1401CV0899, *aff'd*, 94 Mass. App. Ct. 497 (2018). Decisions supplied.

The Exhibit Source Inc., a commercial tenant, sued its landlord, Wells Avenue Business Center LLC, alleging breach of contract, breach of the implied covenant of good faith and fair dealing, conversion, and intentional misrepresentation after Wells Avenue Business Center LLC failed to return the security deposit. After the tenant had vacated the premises, the landlord's representative conducted a walk-through. The landlord's representative did not indicate any issues and informed the tenant that the security deposit would be returned within 30 days. The landlord did not return the deposit despite multiple requests over the subsequent months. The tenant hired an attorney who sent the landlord a formal demand for the return of the security deposit. In response, the landlord claimed that there were extensive damages to the property when the tenant moved out and returned only a small fraction of the security deposit. The case was tried to a jury which returned verdicts in favor of Plaintiff on all of the common-law claims. I conducted a bench trial on Plaintiff's statutory claim of unfair trade practices under M.G.L. c. 93A, § 11. I invited the parties to submit written memoranda on the issue of multiple damages. Defendant additionally filed a motion for remittitur or, in the alternative, motion for judgment notwithstanding the verdict or, in the alternative, motion to alter or amend judgment. I denied Defendant's motion and found for Plaintiff on the c. 93A claim. I then awarded attorney's fees to Plaintiff as the prevailing party. Defendant appealed and Plaintiff cross-appealed. The Appellate Division of the Boston Municipal Court affirmed my decisions in all respects. On further appeal, the Massachusetts Appeals Court affirmed my decisions.

Counsel for Plaintiff:

David C. Aisenberg  
Looney Cohen & Aisenberg LLP  
33 Broad Street 5th Floor  
Boston, MA 02109

(617) 371-1050

Counsel for Defendant:

Valentin Gurvitz (formerly with Boston Law Group, PC)  
Current business contact information unavailable.

Matthew Shayefar (formerly with Boston Law Group, PC)  
Law Office of Matthew Shayefar, PC  
750 North San Vicente Boulevard, 800 West  
West Hollywood, CA 90069  
(323) 948-8101

2. *Commonwealth v. Dias-Gaynor*, West Roxbury Division, Boston Municipal Court, Docket No. 1406CR2375.

Mr. Dias-Gaynor was charged with an assault and battery upon his daughter. A verbal argument that started when the daughter insisted on going out for the night had escalated into a physical altercation. During the scuffle, the daughter suffered an injury to her eye and was taken to the hospital. Mr. Dias-Gaylor also suffered bite injuries. As mandated reporters under Massachusetts law, the responding police officers reported the incident to the Department of Children and Families. DCF conducted an investigation into possible abuse of a minor. On the morning of trial, the daughter asserted her rights under the Fifth Amendment. After a hearing, I found that the Commonwealth had extended a valid and binding offer not to prosecute in exchange for her testimony. Therefore, I denied the daughter's assertion of her Fifth Amendment rights and compelled her to testify at the trial. I also allowed Defendant's motion in limine to preclude the use of DCF records. The Commonwealth was not able to secure the attendance of the DCF investigators for trial. I ruled that the records were not admissible under the rules of evidence. Further, the admission of the records in the absence of the investigators would violate Defendant's right under the Sixth Amendment to confront witnesses called against him. Trial commenced. In addition to witness testimony, the Commonwealth introduced photographs of injuries, ambulance records, and hospital records. Defendant also testified. The daughter claimed that her eye was injured when her father intentionally hit her with his elbow. Mr. Dias-Gaylor claimed that it was an accidental contact when he jerked in response to her biting. As for the initial physical contact, he claimed the parental discipline privilege as a defense. After deliberating for two days, the jury returned a verdict of guilty. I sentenced Mr. Dias-Gaylor to a term of six months in the House of Correction, suspended during a term of six months of probation. I ordered him to not abuse the daughter, enter and complete an anger management program, and to complete a fatherhood program.

Counsel for the Commonwealth:

Tai Antoine (formerly with the Suffolk County District Attorney's Office)  
Law Office of Tai Antoine

40 Salisbury Road  
Newton, MA 02458  
(617) 852-9258

Counsel for Defendant Dias-Gaylor:

Joseph F. Hennessey  
Law Office of Joseph F. Hennessey  
11 Foster Street, Suite 300  
Worcester, MA 01610  
(508) 881-9500

3. *Charles Street Family Chiropractic v. Premier Insurance Company d/b/a Traveler's of Massachusetts*, Dorchester Division, Boston Municipal Court, Docket No. 1607CV0340.

Plaintiff Charles Street Family Chiropractic treated a patient for injuries sustained in a motor vehicle accident. Under the Massachusetts motor vehicle insurance policy issued by Defendant insurance company Premier Insurance Company, pursuant to state law, it was contractually obligated to pay Personal Injury Protection (PIP) benefits for the patient's treatment. The insurance company had developed a software program that purportedly calculated what a "reasonable fee" was for various medical treatment in different regions of the country. Relying on its software, the insurance company only made partial payments for Plaintiff's bills. Charles Street Family Chiropractic, as an unpaid medical provider, sued to enforce its rights under the insurance contract. At trial, plaintiff and defendant each called their respective expert medical witnesses to testify as to whether the medical treatments given to the patient were "reasonable and necessary." Defendant insurance company then also called another expert witness who claimed that the software program that the insurance company had developed was able to reliably determine what medical treatment charges were "reasonable." The jury returned a verdict for Plaintiff, and judgment was entered in the amount of \$3,218. In addition, under the Massachusetts fee-shifting statute for the prevailing party, I awarded \$18,615 plus court costs to Plaintiff.

Counsel for Plaintiff:

Matthew T. Lamothe  
LaMothe, McNiff, Relethford  
2 Margin Street  
PO Box 4526  
Salem, MA 01970  
(617) 532-7162

Counsel for Defendant:

Bruce Medoff  
King Tilden McEttrick & Brink, P.C.  
350 Granite Street, Suite 2204

Braintree, MA 02184  
(617) 770-2214

4. *Commonwealth v. O'Brien*, Brighton Division, Boston Municipal Court, Docket No. 1708CR0211, *aff'd*, 97 Mass. App. Ct. 1120 (2020), *rev. denied*, 485 Mass. 1104 (2020).

Mr. O'Brien was charged with intentional assault and battery causing serious bodily injury after a physical altercation with his girlfriend's former husband. The victim suffered tooth loss and facial injuries. After a four-day jury trial, Mr. O'Brien was convicted of the lesser charge of assault and battery. I sentenced Mr. O'Brien to two years in the House of Correction, with six months to serve, and the remainder suspended for the term of probation of two years. Mr. O'Brien filed a motion to revise and revoke the sentence. I denied the motion. Mr. O'Brien appealed. The Massachusetts Appeals Court affirmed and further appellate review was denied.

Counsel for the Commonwealth:

Margaret Hegarty  
Suffolk County District Attorney's Office  
Brighton Division  
52 Academy Hill Road  
Brighton, MA 02135  
(617) 484-2142

Counsel for Defendant O'Brien:

Rudge S. McKenney (Retired)

5. *Stern v. Norfolk Hardware v. Stark*, Brighton Division, Boston Municipal Court, Docket No. 1408CV0144. Decision supplied.

Plaintiff brought a six-count complaint against Norfolk Hardware after an under-sink garbage disposal was installed during a kitchen renovation project which caused a leak resulting in severe water damage to Plaintiff's condominium. Norfolk Hardware brought a third-party complaint against Mr. Stark, the plumber, alleging that he was negligent in installing the garbage disposal. After a three-day trial, the jury returned verdicts for Plaintiff on his breach of contract and negligence claims but against him on the fraud, breach of implied covenant, and negligent misrepresentation claims. The jury also found against Norfolk on its third-party claim against Mr. Stark. I then conducted a bench trial on Plaintiff's statutory claim of unfair trade practices under M.G.L. c. 93A. I found in Plaintiff's favor and doubled the jury award. Norfolk Hardware appealed. The Appellate Division of the Boston Municipal Court affirmed.

Counsel for Plaintiff Stern:

John J. Hightower



Law Office of John J. Hightower  
90 Maplewood Circle  
Brockton, MA 02302  
(617) 308-7136

Counsel for Defendant Norfolk Hardware:

Jennifer M. Pinkham  
Phifer Pinkham LLC  
1900 Crown Colony Drive, Suite 309  
Quincy, MA 02169  
(617) 409-7409

Counsel for Third Party Defendant Stark:

Owen P. McGowan  
McGowan & Associates  
80 Washington Street, Unit C20  
Norwell, MA 02061  
(781) 261-9977

6. *Commonwealth v. Washington*, West Roxbury Division, Boston Municipal Court, Docket No. 1606CR1169.

Mr. Washington was charged with committing an assault on a family member. His ex-wife had gone to his apartment to collect child support payments that he owed. The Commonwealth alleged that Defendant became irate and attempted to cause physical harm to the victim by swinging his fist at her. The victim was able to run away and called the police. On defendant's motion in limine to preclude the use of the recorded 911 call, I held a hearing and determined that the call was admissible. I ruled that the statements were not hearsay under the excited utterance exception and that it was not violative of the Sixth Amendment's confrontation clause because the victim was going to testify and was available for cross-examination. After trial, the jury returned a guilty verdict. I sentenced Mr. Washington to a term of probation for 18 months and ordered him to enter and complete the certified batterer's intervention program.

Counsel for the Commonwealth:

Khyati P. Short  
Suffolk County District Attorney's Office  
1 Bullfinch Place  
Boston, MA 02114  
(617) 619-4000

Counsel for Defendant Washington:

Samuel Higher (retired)

7. *Commonwealth v. Gonzalez*, Brighton Division, Boston Municipal Court, Docket No.1608CR1014. Decision supplied.

Mr. Gonzalez was charged with negligent operation of a motor vehicle, making an improper turn, and leaving the scene of property damage after a collision between his sixteen-wheeler truck and a Lyft passenger car. The jury returned a guilty verdict on the negligent operation charge but not guilty on the leaving the scene charge. Mr. Gonzalez filed a motion for a new trial on grounds that government failed to disclose the existence of two witnesses who were in the Lyft car at the time of the accident and that he was prejudiced by the surprise testimony of the Lyft driver at trial. On the morning prior to trial, the Lyft driver had informed the prosecutor for the first time that he had two passengers in his car during the collision. He also told the prosecutor that Mr. Gonzalez had run a red light. None of this was mentioned in pretrial discovery and the prosecutor failed to disclose what she had learned from the Commonwealth's witness. I allowed post-trial discovery. One of the passengers was unsure whether the traffic light was green or red. However, the other witness remembered that the light was green. When asked how sure she was about the light having turned green, she felt she was 60 to 70 percent sure. Finding the existence of these two percipient witnesses and their testimony with regard to the alleged red-light violation to be newly discovered evidence that could not have been procured by reasonable due diligence prior to trial, I granted Mr. Gonzalez's motion for a new trial. Subsequently, the Commonwealth agreed to generally continue the case for six months, after which it moved to dismiss the case, which I allowed.

Counsel for the Commonwealth:

Alyssa B. Tochka  
Suffolk County District Attorney's Office  
1 Bullfinch Place  
Boston, MA 02114  
(617) 619-4000

Counsel for Defendant Gonzalez:

Thomas J. Amoroso  
Law Office of Thomas Amoroso  
220 Broadway, Suite 404  
Lynnfield, MA 01940  
(781) 581-8450

8. *Commonwealth v. Joseph*, West Roxbury Division, Boston Municipal Court, Docket No. 1506CR0142.

Mr. Joseph was charged with total of 11 crimes: seven counts of uttering a false check, three counts of larceny over \$250, and one count of larceny under \$250. Extensive documentary evidence was admitted; however, at the close of the Commonwealth's case, I directed verdicts of not guilty on three of the seven uttering false check charges and the larceny under \$250 charge. No evidence pertaining to these charges was presented by the Commonwealth. On the

remaining seven charges, the jury returned a guilty verdict on one count of uttering a false check. Mr. Joseph was found not guilty of the remaining charges. I adopted the parties' recommendation of a probationary sentence of six months.

Counsel for the Commonwealth:

Brett Walker (formerly of Suffolk County District Attorney's Office)  
Gordon Rees Scully Mansukhani  
21 Custom House Road  
Boston, MA 02110  
(857) 504-6101

Counsel for Defendant Joseph:

Maureen Flaherty (formerly with the Law Offices of Maureen Flaherty)  
Boston Municipal Court  
24 New Chardon Street, 6th Floor  
Boston, MA 02114  
(617) 788-8700

9. *Commonwealth v. Hintz*, Brighton Division, Boston Municipal Court, Docket No. 1708CR0290, *aff'd*, 98 Mass. App. Ct. 1102 (2020), *rev. denied*, 486 Mass. 1109 (2020).

Mr. Hintz was charged with operating a motor vehicle while under the influence of intoxicating liquor as well as other civil motor vehicle infractions. The criminal charge was tried to a jury. Mr. Hintz was found guilty. Defendant appealed his conviction claiming that his right to an impartial jury under the Sixth Amendment and article 12 of the Massachusetts Declaration of Rights was violated as a result of my decisions during jury selection. Specifically, Mr. Hintz claimed that I erred by not excusing two of the jurors for cause. One juror initially stated that it was her "natural instinct" to believe police officers. The other juror responded to a question that could have been interpreted as having a bias against drinking alcoholic beverages and then driving a motor vehicle. On appeal, the Massachusetts Appeals Court reviewed my further examinations of the jurors at sidebar, ruled that there were no errors, and affirmed.

Counsel for the Commonwealth:

Sarah Farley (formerly with the Suffolk County District Attorney's Office)  
Administrative Office  
Boston Municipal Court  
24 New Chardon Street, 6th Floor  
Boston, MA 02114  
(617) 788-8708

Counsel for Defendant O'Brien:

Jeffrey R. Chapdelaine  
Law Offices of Jeffrey R. Chapdelaine, PC

42A Street  
Boston, MA 02127  
(617) 262-1800

10. *Geszpenc v. Martinez and Martinez*, Brighton Division, Boston Municipal Court, Docket No. 1608SU0012. Decision supplied.

Landlord filed a no-fault eviction action to remove residential tenants. The pro se tenants did not file an answer or other pleading in response to the complaint but appeared on the date of trial. Both parties answered ready for a non-jury trial. After Plaintiff landlord rested, Mr. Martinez, through an interpreter, testified about the conditions in the apartment. He also offered into evidence photographs as well as glass jars containing bed bugs. Counsel for the landlord objected when the tenant produced the jars of bugs on grounds that the tenants had failed to file an answer or counterclaim. I overruled the objection and allowed in the evidence and considered the counterclaim. At the conclusion of the evidence and argument, I found for the tenants on their counterclaim and awarded possession and damages. Landlord plaintiff filed a notice of appeal and a motion for reconsideration, arguing that I erred in considering the tenants' counterclaim. The landlord made two arguments. First, that counterclaims are not allowed in a no-fault eviction action, and, second, that my doing so unfairly prejudiced him by not being able to adequately prepare and present a defense to the counterclaim. Plaintiff requested written findings for an appeal. I found that the Massachusetts Uniform Summary Process Rules allow counterclaims in a no-fault eviction action. Further, I found that I had a duty, under the Massachusetts Code of Judicial Conduct, to allow the defense and counterclaim brought forward by an unrepresented party. I would have granted the landlord's request for a continuance to prepare a defense to the counterclaim had one been made. Instead, counsel for the landlord proceeded to cross-examine the defendant tenants. Under these circumstances, it was not only within my discretion, but I had an obligation to consider the counterclaim. Plaintiff did not appeal.

Counsel for Plaintiff:

Lorene A. Schettino  
245 Sumner Street, Suite 110  
Boston, MA 02128  
(617) 997-4379

The defendants proceeded pro se.

- 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. *Demosthene v. Signature Breads, Inc.*, Appellate Division, Boston Municipal Court, Docket No. 1701CV0352 (June 7, 2018). Copy supplied.

Counsel for Plaintiff-Appellant Demosthene:

Donald J. Bertrand  
Law Office of Donald J. Bertrand  
1651 Blue Hill Avenue  
Mattapan, MA 02126  
(617) 298-3222

Counsel for Defendant-Appellee Signature Breads, Inc.:

John M. Simon  
Stoneham, Chandler & Miller, LLP  
99 High Street  
Boston, MA 02110  
(617) 542-6789

2. *Commonwealth v. Neely*, Brighton Division, Boston Municipal Court, Docket No. 1708CR0144 (Feb. 7, 2018). Copy supplied.

Counsel for the Commonwealth:

Margaret Hegarty  
Assistant District Attorney  
Suffolk County District Attorney's Office  
52 Academy Hill Road  
Brighton, MA 02135  
(617) 484-2142

Counsel for Defendant Neely:

Robert E. Fox  
358 Chestnut Hill Avenue, Suite 205  
Brighton, MA 02135  
(617) 686-1015

3. *Commonwealth v. Bautista*, Brighton Division, Boston Municipal Court, Docket No. 1608CR0766 (Dec. 1, 2017). Copy supplied.

Counsel for the Commonwealth:

Sarah Farley (formerly with the Suffolk County District Attorney's Office)  
Administrative Office  
Boston Municipal Court  
24 New Chardon Street, 6th Floor  
Boston, MA 02114  
(617) 788-8708

Counsel for Defendant Bautista:

Richard J. Dyer  
Law Offices of Richard J. Dyer  
10 Terrace Avenue  
Newton Highlands, MA 02461  
(617) 965-3637

4. *Geszpenec v. Martinez and Martinez*, Brighton Division, Boston Municipal Court, Docket No. 1608SU0012 (Feb. 27, 2017). Copy previously supplied in response to Question 13c.

Counsel for Plaintiff:

Lorene A. Schettino  
245 Sumner Street, Suite 110  
Boston, MA 02128  
(617) 997-4379

The defendants proceeded pro se.

5. *Stern v. Norfolk Hardware v. Stark*, Brighton Division, Boston Municipal Court, Docket No. 1408CV0144 (Oct. 24, 2016). Copy previously supplied in response to Question 13c.

Counsel for Plaintiff Stern:

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Law Office of John J. Hightower  
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Brockton, MA 02302  
(617) 308-7136

Counsel for Defendant Norfolk Hardware:

Jennifer M. Pinkham  
Phifer Pinkham LLC  
1900 Crown Colony Drive, Suite 309  
Quincy, MA 02169  
(617) 409-7409

Counsel for Third Party Defendant Stark:

Owen P. McGowan  
McGowan & Associates  
80 Washington Street, Unit C20  
Norwell, MA 02061  
(781) 261-9977

6. *Commonwealth v. Mejia-Tejada*, Brighton Division, Boston Municipal Court, Docket No. 1508CR0782 (July 28, 2016). Copy supplied.

Counsel for the Commonwealth:  
Margaret Hegarty  
Suffolk County District Attorney's Office  
52 Academy Hill Road  
Brighton, MA 02135  
(617) 484-2142

Counsel for Defendant Mejia-Tejada:  
Scott Gediman  
Gediman & Gediman PC  
512 Broadway  
Everett, MA 02149  
(617) 389-7200

7. *Commonwealth v. McNab*, Brighton Division, Boston Municipal Court, Docket No. 1508CR0273 (Mar. 24, 2016). Copy supplied.

Counsel for the Commonwealth:  
Samantha Shusterman (formerly with Suffolk County District Attorney's Office)  
Massachusetts Attorney General's Office  
One Ashburton Place  
Boston, MA 02108  
(617) 963-2844

Counsel for Defendant McNab:  
Jamison M. House  
27 29 Mechanic Street, Suite 101  
Worcester, MA 01608  
(617) 216-2094

8. *The Exhibit Source Inc. v. Wells Ave. Business Center LLC*, Central Division, Boston Municipal Court, Docket No. 1401CV0899 (Dec. 7, 2015), *aff'd*, 94 Mass. App. Ct. 497 (2018). Copy previously supplied in response to Question 13c.

Counsel for Plaintiff:  
David C. Aisenberg  
Looney Cohen & Aisenberg LLP  
33 Broad Street 5th Floor  
Boston, MA 02109  
(617) 371-1050

Counsel for Defendant:  
Valentin Gurvitz (formerly with Boston Law Group, PC)  
Current business contact information unavailable.

Matthew Shayefar (formerly with Boston Law Group, PC)  
Law Office of Matthew Shayefar, PC  
750 North San Vicente Boulevard, 800 West  
West Hollywood, CA 90069  
(323) 948-8101

9. *Howard v. Santander Bank, N.A.*, Appellate Division, Boston Municipal Court, Docket No. 1201CV2657 (July 22, 2015). Copy supplied.

The plaintiff proceeded pro se.

Counsel for Defendant Santander Bank, N.A.:

Ryan P. Smith  
Engelberg & Bratcher  
100 High Street, Suite 1450  
Boston, MA 02110  
(617) 371-4226

10. *W. Tabb, Jr. v. A. Tabb*, West Roxbury Division, Boston Municipal Court, Docket No. 1406CV0471 (Mar. 4, 2015). Copy supplied.

Counsel for Plaintiff W. Tabb, Jr.:

Armond C. Colombo, Jr.  
Law Office of Armond Colombo  
300 Brickstone Square, Unit 201  
Andover, MA 01810  
(978) 662-5124

The defendant proceeded pro se.

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

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

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

I have searched my records and legal databases and, to the best of my knowledge, I have been reversed in the following matters:

*Massachusetts General Hospital v. C.R.*, Docket No. 1801MH0235, 2019 WL 4769417, *rev'd*, 484 Mass. 472 (2020). This case presented an issue of first



impression in Massachusetts – whether the three-day statutory limit to evaluate a patient involuntarily committed begins when the patient is admitted to a hospital’s emergency room department or when a bed becomes available in a psychiatric facility. M.G.L. c. 123 § 12 (a) authorizes an emergency restraint and hospitalization of a person posing a risk of serious harm by reason of mental illness. Sitting by designation to the Appellate Division of the Boston Municipal Court with Justice David B. Poole and Justice Eleanor C. Sinnott, on behalf of the unanimous panel, I wrote that the statutory period begins when a patient is admitted to a hospital’s emergency room; otherwise, a patient can be held involuntarily for weeks or months in violation of due process until a psychiatric bed becomes available. On direct appellate review, the Supreme Judicial Court reversed. While recognizing the significant problem of “boarding” mentally ill patients in emergency departments while waiting for admission to a psychiatric facility, SJC declined to impose a specific deadline. Instead, it “strongly encourage[d] the Legislature to identify a § 12 (a) time deadline to clarify the statute and avoid future constitutional difficulties and to do so as expeditiously as possible.”

*Commonwealth v. Kurko*, Docket No. 1608CR0216, *rev’d*, 95 Mass. App. Ct. 719 (2019). Defendant was charged with violating an abuse prevention order. During the jury trial, the parties stipulated to one of the elements of the crime – that a valid abuse prevention order was in effect at the time of the alleged violation. The jury returned a guilty verdict. Defendant appealed. The Massachusetts Appeals Court held that I should have allowed Defendant’s motion for a required finding of not guilty because the parties’ stipulation was not reduced to writing and submitted to the jury, and directed an entry of judgment of not guilty.

*Commonwealth v. Asase*, Docket No. 1506CR01267, *rev’d*, 93 Mass. App. Ct. 356 (2018). After a jury trial, Defendant was acquitted of witness intimidation but was convicted of assault and battery upon a pregnant person. I imposed a House of Correction sentence, suspended during the term of probation for six months. The filing of briefs by the parties and my holding hearings on the matter delayed sentencing by more than six months. Finding that the delay in sentencing could not be charged to the defendant, I ordered the sentence nunc pro tunc to the date of conviction, effectively terminating Defendant’s probation. Opinion supplied. On appeal, the Massachusetts Appeals Court held that the nunc pro tunc probationary sentence was not a lawful sentence where a defendant was never actually placed in the care of a probation officer and remanded the case for resentencing. I sentenced the defendant to one day probation.

*Commonwealth v. Emerton*, Docket No. 1608CR0453, *rev’d*, 94 Mass. App. Ct. 365 (2018). Defendant was charged with operating under the influence of intoxicating liquor. After an evidentiary hearing, I granted a motion to suppress evidence after finding that the statistical data the Massachusetts State Police relied on to select the site as a sobriety checkpoint to stop motor vehicles without individualized suspicion was constitutionally insufficient. Opinion supplied. On

appeal, the Massachusetts Appeals Court reversed, noting that no appellate court has required the police to demonstrate any minimum number of alcohol-related arrests or accidents that must have occurred in a location before it may select the site of a roadblock, the Appeals Court reversed.

*Commonwealth v. Moore*, Docket No. 1502CR0643, *rev'd*, 93 Mass. App. Ct. 73 (2018). Defendant was charged with use of a motor vehicle without authority. Prior to arraignment, he moved to dismiss the charge for lack of probable cause. Relying on *Commonwealth v. Humberto H.*, 466 Mass. 562 (2013), where the Supreme Judicial Court held that complaints not supported by probable cause may be dismissed prior to arraignment in order to avoid creating a false court activity record for juveniles, and finding no good cause why that reasoning should not apply to adult defendants, I granted the motion. Opinion supplied. On appeal, the Massachusetts Appeals Court held that, for adults, a court may consider a motion to dismiss for lack of probable cause only after arraignment. On remand, Defendant was arraigned and then the case was dismissed the same day after a different judge allowed Defendant's motion to dismiss.

- 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.

Although the Massachusetts Trial Court instituted an electronic docketing system (MassCourts) since about 2016, it is unable to generate a list of opinions that I have issued. I estimate that I have issued approximately 120 written decisions during my almost eight years on the bench. Consistent with my court's practice, none of my decisions are published, with the exception of decisions I wrote sitting by designation to the Appellate Division of the Boston Municipal Court. I estimate that 99 percent of my decisions are unpublished. However, all of my written decisions are filed with the Clerk's Office of the division where the case originated and are available to the public.

- 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.

None.

- 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.

The Massachusetts Code of Judicial Conduct provides that “[a] judge shall disqualify himself or herself in any proceeding in which the judge cannot be impartial or the judge’s impartiality might reasonably be questioned.” S.J.C. Rule 3:09, Canon 2, Rule 2.11 (A) (2016). I do not recall a case where I have been asked to recuse myself by a litigant, counsel, or others. I have however, recused myself sua sponte where I, prior to my appointment to the bench, had represented, or considered representing, a party before me. Additionally, where I am familiar with a party or counsel, I have always disclosed the nature and extent of that familiarity on the record and offered to recuse myself if any party or counsel felt there may be a conflict or had an objection to my hearing the case. I am unable to recall specific cases as I have not kept such a list, except the one below.

*Commonwealth v. David Sanchez*, West Roxbury Division, Boston Municipal Court, Docket No. 1806CR0334. I recused myself sua sponte because I recognized one of the witnesses as a former potential client.

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

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

I was a Notary Public, appointed by Governor Mitt Romney on April 7, 2004. The position is for a term of seven years. I was reappointed by Governor Deval Patrick on March 23, 2011. I did not seek another reappointment because I became a state court judge.

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

None.

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

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

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

I have not served as a clerk to a judge.

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

2007 – 2014  
Joun Law Office

90 Canal Street, Suite 500  
Boston, Massachusetts 02114  
2007

420 Harvard Street  
Brookline, Massachusetts 02446  
2008 – 2011

491 Massachusetts Avenue, Suite 208  
Arlington, Massachusetts 02474  
2011 – 2014

- 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;

1999 – 2007  
Law Offices of Howard Friedman, P.C.  
90 Canal Street, 5th Floor  
Boston, Massachusetts 02114  
Associate attorney

2014 – present

Trial Courts of the Commonwealth of Massachusetts  
Boston Municipal Court  
Edward W. Brooke Courthouse  
24 New Chardon Street, 6th Floor  
Boston, Massachusetts 02114  
Associate 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 not served as a mediator or arbitrator.

b. Describe:

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

After graduating from law school in 1999, I was an associate at the Law Offices of Howard Friedman, P.C., where my practice consisted mostly of civil rights litigation in federal court with a few cases in state Superior Court. For class actions and other complex cases, I co-counseled with Attorney Howard Friedman, splitting tasks during pretrial discovery and at trial. For other cases, I was lead counsel conducting written discovery, depositions, motion practice, and trial. In April 2007 I started my own law office, where my practice consisted of approximately 75 percent criminal defense and 25 percent civil litigation in federal and state courts. I was sole counsel in almost all of the cases.

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

Beginning 1999 to 2007, while an associate attorney at the Law Offices of Howard Friedman, P.C., my practice was approximately 95 percent civil rights litigation in federal courts. My typical clients were individuals who were victims of a civil rights violation and/or state or federal tort.

After I began my own law practice in 2007, the majority of my practice was in criminal law. My clients were typically individuals charged with crimes. In addition to being retained in private cases, I accepted appointed cases from the Committee for Public Counsel Services (CPCS) as a bar advocate of Suffolk Lawyers for Justice, Inc. to represent indigent clients. I was certified to accept appointments in District/Boston Municipal Court, Superior Court, and the Appellate Courts in Massachusetts. Approximately 25 percent of my practice was civil, focusing on civil rights and employment cases which included unpaid minimum and/or

overtime wages in violation of the Fair Labor Standards Act or state laws.

- 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.

As an attorney, 100 percent of my practice was in litigation and I appeared regularly in court. From 1999 to 2007, I appeared in court a few times per month. From 2007 to 2014, I appeared in court frequently, three to four times a week.

- i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 55% |
| 2. state courts of record:  | 43% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 2%  |

- ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 50% |
| 2. criminal proceedings: | 50% |

- 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 approximately 20 cases to verdict. In 80 percent of those cases, I was sole counsel, in 5 percent I was lead counsel, and in 15 percent I was associate counsel.

- i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 85% |
| 2. non-jury: | 15% |

- 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.

*Scott v. Harris*, 550 U.S. 372 (2007) (brief of National Police Accountability Project as amicus curiae in support of respondent, 2007 WL 128585).

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. *Commonwealth v. Romelus*, West Roxbury Division, Boston Municipal Court, Docket No.: 1206CR1681 (Coffey, K., J.)

From 2012 to 2013, I represented a Licensed Practical Nurse charged with assault and battery on an elderly/disabled person. The government alleged that my client assaulted a resident under her care at a nursing home. The case was tried to a jury before Justice Kathleen E. Coffey in February 2013. During the trial, the government called Ms. Romelus's supervisor, a Registered Nurse, as a fact witness. During my cross-examination, I was able to lay sufficient foundation to qualify her as an expert witness. She testified she had knowledge that the patient was prescribed a blood-thinning medication and that, based on her education and experience, if the assault and battery occurred as alleged, she would expect to find large amount of bruising among other injuries given the patient's advanced age and condition. Subsequent staff nurse witnesses all testified that they were specifically looking for signs of an assault and battery as a result of the allegation but were unable to observe any bruising, swelling or redness to the patient during the two-day 24/7 observation period. The jury returned a verdict of not guilty. In May 2013, I successfully petitioned the Court to seal the criminal record so that Ms. Romelus could continue working in her field without adverse consequences. I also successfully represented Ms. Romelus at the State Board of Registration for Nursing to clear her license to practice. I was sole counsel handling all aspects of the case.

Counsel for the Commonwealth:

Kriss R. Basil (formerly of Massachusetts Office of the Attorney General)  
U.S. Attorney's Office  
Moakley Courthouse  
One Courthouse Way  
Boston, MA 02210  
(617) 748-3387

2. *Lin et al. v. Chinatown Restaurant Corp. et al.*, Docket No.: 09-11510-GAO, 771 F. Supp. 2d 185 (D. Mass. 2011) (O'Toole, J.)

From 2009 to 2013, I represented seven restaurant workers for unpaid overtime wages under the Fair Labor Standards Act. In December 2009, I moved for conditional class certification and expedited collective action notification, which was granted in May 2010. Defendant Chinatown Restaurant Corporation moved to compel discovery regarding the

immigration status of the named class representative plaintiffs, claiming that undocumented aliens cannot recover unpaid wages, and by extension cannot represent a class seeking unpaid wages. I opposed the motion to compel and made argument at the hearing. In March 2011, Judge O'Toole held that courts have no discretion but to award damages for unpaid wages to undocumented alien employees under the FLSA regardless of any conflicts with the Immigration Reform and Control Act. The case was then tried to a jury in October 2012. The jury returned a verdict in favor of all workers. After the verdict, the Court doubled the jury award. Defendants appealed. The case settled shortly after participation in the First Circuit's mandatory Civil Appeals Management Program Pre-Argument Settlement Conference. I was lead counsel handling all aspects of litigation.

Co-counsel for Plaintiffs:

Jeffrey P. Wiesner  
Wiesner McKinnon LLP  
90 Canal Street  
Boston, MA 02114  
(617) 303-3940

Counsel for Defendant Chinatown Restaurant Corp.:

Lawrence M. Siskind (Retired)

Counsel for Defendant Hayes:

David Berman (Retired)

3. *Chen et al. v. Double Sparkle Inc. (d/b/a Sunshine Travel), Sunrise Boulevard LLC (d/b/a Sunshine Travel), Morning Sun Bus Company Inc., Coach America LLC, New England Coach Express LLC, et al.*, Suffolk Superior Court, Civil Action No.: 2009-4224 (Fahey, J.)

From 2009 to 2013, I represented eight individual bus drivers, under Massachusetts' wage and hour laws, in a suit against five corporate entities and three individuals as joint employers for non-payment of wages, unlawful deductions from their wages and tips, unlawful retaliation, and breach of contract. The Defendant corporate entities were owned by the same individual Defendants. Plaintiffs alleged that Defendants routinely failed to pay them for all hours worked, in part by dividing the total hours worked among the several companies, and made illegal deductions from Plaintiffs' wages and tips to pay for the companies' insurance, cleaning fees, and bus repairs. Discovery was extensive and contested. In addition to dozens of written sets of interrogatories, dozens more sets of requests for documents, and multiple sets of requests for admissions, I took or defended more than thirty depositions. Both sides moved to compel discovery from the other on several occasions. Defendants also unsuccessfully moved to quash my subpoenas several times. With sufficient discovery completed, in May 2012, I moved for partial summary judgment on claims that Defendants failed to pay timely wages, and that Defendants illegally withheld tip wages. Defendants cross-moved for summary judgment, arguing that the federal Motor Carrier Act and the Fair Labor Standards Act expressly and



impliedly preempted all of Plaintiffs' state law claims. I filed an opposition memorandum in response. In June 2012, I argued the motions before the Court. In December 2012, Judge Elizabeth Fahey, ruling that federal law only preempted the wage claims in so far as they alleged a failure to pay overtime wages, denied the rest of Defendants' motion and granted Plaintiffs' motion for summary judgment. Trial, on the questions of damages for those two claims as well as for liability and damages on the retaliation and breach of contract claims, was scheduled for March 2013. On the eve of trial, the case settled with Defendants paying the full amount of Plaintiffs' demand. I was lead counsel for Plaintiffs handling all aspects of the case.

Co-counsel for Plaintiffs:

Cynthia Mark (formerly with Greater Boston Legal Services)  
Massachusetts Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108  
(617) 963-2626

Counsel for Defendants:

Donald R. Bumiller (formerly with the Law Offices of Donald Bumiller)  
Donald Bumiller, P.C.  
17531 Elkgrove Lane  
Esterro, FL 33928  
(781) 592-7500

4. *Brown v. Town of Dracut et al.*, Docket No.: 10-10030-WGY (D. Mass.) (Young, J., later reassigned to Bowler, M.J.); *Chandler v. Town of Dracut et al.*, Docket No.: 11-10195-JLT (D. Mass.) (Tauro, J.)

From 2009 to 2011, I represented a man after a police officer falsely arrested him and fractured his elbow during the arrest when there was no reason to use force. From 2010 to 2013, I then represented a woman who was falsely arrested by the same police officer and who used excessive and unreasonable force during that arrest which caused permanent nerve damage to her wrist. The cases were heavily litigated. In addition to voluminous written discovery, I took or defended more than 20 depositions which revealed that, before the incident involving Mr. Brown, the officer had a long history of misconduct including more than a dozen complaints from other citizens as well as fellow police officers. The Chief of Police and the Deputy Chief of Police knew of the numerous complaints but failed to take any corrective actions. In November 2010, I filed a motion to amend the complaint to add the Chief and Deputy Chief as defendants for supervisory liability. The Town settled the case shortly thereafter in March 2011, and the police officer retired from the department. In February 2011, I filed the civil action on behalf of Ms. Chandler. After additional discovery, including the taking and defending depositions of over a dozen more witnesses, and designation of medical expert witnesses, the case settled in March 2013, one week before the scheduled jury trial. I was sole counsel for Mr. Brown and Ms. Chandler.

Counsel for Defendant Town of Dracut:

Daniel J. Shanahan (formerly with Behman Hambelton LLP)  
Katz Legal Group  
60 Walnut Street, 4th Floor  
Wellesley Hills, MA 02481  
(781) 328-1133

Counsel for Defendant Bailey:

Thomas P. Campbell III (formerly with Thomas P. Campbell, P.C.)  
Gerry D'Ambrosio  
D'Ambrosio Brown LLP  
185 Devonshire Street, 10th Floor  
Boston, MA 02110  
(617) 720-5657

Matthew A. Slater (formerly with D'Ambrosio Brown LLP)  
Tentindo Kendall Canniff & Keefe LLP  
510 Rutherford Avenue  
Boston, MA 02129  
(617) 242-9600

5. *Commonwealth v. Murphy*, Roxbury Division, Boston Municipal Court, Docket No.: 0902CR2405 (Fiandaca, J.)

From 2009 to 2010, I represented Mr. Murphy who was charged with possession with intent to distribute a Class B substance in a school zone, a charge that carries a minimum mandatory sentence, and a municipal violation. I successfully moved for specific discovery of portable police radio call recordings in addition to the 911 recordings. The radio calls contradicted the police report narrative as to the reason for the stop and subsequent search of Mr. Murphy. I moved to suppress the evidence from that search. At the hearing, I cross-examined the police sergeant with the radio call recordings. Two additional patrol officers involved in the stop and search then testified to the correct sequence of events, undermining the report narrative. Finding that there was no probable cause for the stop and search, Justice Kenneth J. Fiandaca granted my motion to suppress. All charges were ultimately dismissed. I was sole counsel handling all aspects of the case.

Counsel for the Commonwealth:

Cameron S. Merrill (formerly with the Suffolk County District Attorney's Office)  
Merrill & McGeary  
100 State Street, Suite 200  
Boston, MA 02109  
(617) 523-1760

6. *Nuon v. City of Lowell*, Docket No.: 09-11161-WGY (Young, J.), later reassigned 09-11161-LTS, 768 F. Supp. 2d 323 (D. Mass. 2011) (Sorokin, J.)

From 2008 to 2011, I represented a man who was unlawfully arrested when he attempted to complain about the officer's unprofessional conduct. The officer falsely charged Mr. Nuon with disorderly conduct. The charge was dismissed at arraignment. In July 2009, I filed a civil action alleging that Mr. Nuon's rights under the First, Fourth and Fourteenth Amendments to the United States Constitution and under Massachusetts law were violated. After discovery, and on cross-motions for summary judgment, in March 2011, then-U.S. Magistrate Judge Leo Sorokin granted summary judgment on liability for Mr. Nuon on his Fourth Amendment, Massachusetts Civil Rights Act, and state tort of false imprisonment claims. The court ruled that the arrest for disorderly conduct was without probable cause and denied qualified immunity to the defendant police officer. The case settled for \$50,000 as well as commitment from the City of Lowell that it would retrain all its officers on the law of disorderly conduct, and an apology to the client from the defendant officer. I was lead counsel handling all aspects of litigation in this case.

Co-counsel for Plaintiff:

Jeffrey P. Wiesner  
Wiesner McKinnon LLP  
90 Canal Street  
Boston, MA 02114  
(617) 303-3940

Counsel for Defendant City of Lowell:

Brian W. Leahy (formerly with the City of Lowell)  
Law Office of Brian W. Leahey, P.C.  
1 Bridgeview Circle, Suite 15  
Tyngsboro, MA 01879  
(978) 459-0396

Christine P. O'Connor  
City of Lowell – Law Department  
375 Merrimack Street, 3rd Floor  
Lowell, MA 01852  
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Counsel for Defendant Kinney:

Stephen C. Pfaff  
Louison, Costello, Condon & Pfaff, LLP  
Ten Post Office Square, Suite 1330  
Boston, MA 02109  
(617) 439-0305

7. *Ryan v. Garvey et al.*, Docket No.: 05-30017-MAP (D. Mass.) (Ponsor, J.)

From 2004 to 2007, I was lead counsel in this civil rights class action against the Sheriff and Deputy Superintendent of Hampshire County for requiring every person who was to be admitted into the Hampshire Jail to submit to a strip and visual body cavity search.

Plaintiffs alleged that this practice was an unconstitutional blanket policy of strip-searching indiscriminately, without individualized suspicion, all pre-arraignment detainees, and arrestees for civil contempt of court for failure to pay child or spousal support, a judgment, or a fine. Once the class was defined, discovery regarding the size and makeup yielded a class of approximately 90 people. On July 14, 2006, U.S. District Court Judge Michael Ponsor certified the case as a class action. After a series of settlement negotiations, on January 8, 2007, Judge Ponsor granted preliminary approval of the settlement. Settlement negotiations were complicated by the fact that Hampshire County had been abolished in 1999 and the Commonwealth of Massachusetts assumed responsibility of the County, meaning that the settlement would be paid from the State Treasury. In order to resolve all of the issues needed to come to an agreement, the parties therefore had to negotiate with both the State Comptroller's Office and the Office of the Treasurer. Ultimately, Judge Ponsor granted final approval of the settlement.

Co-counsel for Plaintiff:

Howard Friedman  
Law Offices of Howard Friedman, PC  
1309 Beacon Street, 3rd Floor  
Brookline, MA 02446  
(617) 742-4100

Counsel for Defendants:

Timothy M. Jones (formerly with the Attorney General's Office, Western Division)  
Massachusetts Department of Environmental Protection  
436 Dwight Street, Fifth Floor  
Springfield, MA 01103  
(413) 755-2258

Rosemary Tarantino (Retired)

8. *Poore v. Town of Harwich et al.*, 2004 WL 2997699, 26 MDLR 270, MCAD Docket No. 98-BEM-1091 (Nov. 12, 2004) (Grooms, H.O.); 2006 WL 1388759 (MCAD)

From 1999 to 2007, as associate counsel, I represented Plaintiff in this gender discrimination action before the Massachusetts Commission Against Discrimination. Plaintiff was a female high school varsity coach with extensive coaching experience. Defendants hired a male industrial arts shop teacher with no experience coaching a varsity sports team over Plaintiff. After extensive discovery, the matter was tried before Hearing Officer Kenneth Grooms at the Massachusetts Commission Against Discrimination in December 2002. In addition to lost wages, plaintiff was awarded emotional distress damages in the amount of \$100,000. Further, the Town was ordered to pay a civil penalty and to provide comprehensive training addressing gender discrimination to all Town employees. The Town and the individual respondents appealed the decision to the full Commission. In May 2006, the Commission affirmed the Hearing Officer's decision in its entirety and awarded attorneys' fees. I was associate counsel handling all aspects of the case. I drafted pleadings, discovery requests, and

motions. I conducted and defended depositions. I prepared for and examined witnesses at trial. I drafted proposed findings of fact and rulings of law and prepared the petition for attorneys' fees.

Co-counsel for Plaintiff:

Howard Friedman  
Law Offices of Howard Friedman, PC  
1309 Beacon Street, 3rd Floor  
Brookline, MA 02446  
(617) 742-4100

Counsel for Respondents:

Douglas I. Louison  
Louison Costello Condon & Pfaff LLP  
101 Summer Street, 4th Floor  
Boston, MA 02110  
(617) 439-0305

9. *Mack v. Suffolk County*, 191 F.R.D. 16 (D. Mass. 2000); *Ford v. Suffolk County*, 154 F. Supp. 2d 131 (D. Mass. 2001), Docket No.: 98-12511-NG (Mack) merged with 98-11346-NG (Ford) (D. Mass.) (Gertner, J.)

From 1999 to 2005, as associate counsel, I helped represent a class of approximately 5,400 women who were strip-searched while being held pre-arraignment at the Suffolk County Jail pursuant to a blanket strip-search policy. While male arrestees were held in police holding cells until their first court appearance, and therefore not strip-searched, the City of Boston had no facility to hold women and transported them to the county jail where they were strip-searched without cause. I assisted in drafting the motion for class certification, successfully certifying Plaintiffs as a class in February 2000. In April 2000, The *Mack* case was consolidated with the *Ford* case and the Court designated Attorney Howard Friedman as lead class counsel. I assisted in drafting the motion for summary judgment. Defendants filed cross-motions for summary judgment, and I assisted in drafting the opposition to the cross-motions. In July 2001, Judge Gertner granted in part Plaintiff's motion for summary judgment, finding partial liability for damages for violations of the Fourth Amendment and Equal Protection Clause of the Fourteenth Amendment. The class was divided into defined sub-classes in order to facilitate the first jury trials to determine individual damages. I assisted in preparing for trial. Days before the first individual class member trial, the case settled for \$10 million with the City of Boston and Suffolk County paying \$5 million each. The City also designated one of its police district stations to be a holding facility for female arrestees. I assisted in drafting the motion for final approval of class settlement which was granted by Judge Gertner in October 2002. In March 2005, I assisted in drafting the motion for final orders after the class settlement was successfully administered. Throughout, I served as associate counsel, handling every aspect of the case with Attorney Friedman. In addition, I was responsible for analyzing the class data, creating class notices during the litigation, and after settlement, leading the class administration tasks from notice to final distribution.

Co-counsel for Plaintiffs:

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Law Offices of Howard Friedman, PC  
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Counsel for Defendant City of Boston:

Eve A. Piemonte (formerly with the City of Boston Law Department)  
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Michael A. Goldsmith (formerly with the City of Boston Law Department)  
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Counsel for Defendant Suffolk County:

Rose E. King (formerly with the Suffolk County Sheriff's Department)  
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Melissa J. Garand  
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Boston, MA 02114  
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Kathleen M. Cawley (formerly with the Suffolk County Sheriff's Department)  
Law Offices of Kathleen M. Cawley  
1 Adams Street, Unit 201  
Quincy, MA 02169  
(617) 472-3787

10. *Shedlock v. Dep't of Corr.*, SUCV1998-03631 (Gants, J.), 2003-P-371 (Appeals Court), SJC-09135 (Supreme Judicial Court), 442 Mass. 844 (2004)

From 1999 to 2006, I represented a disabled prisoner who sought reasonable accommodation under the Americans with Disabilities Act, the Rehabilitation Act and

Article 114 of the Massachusetts Constitution. He was unable to walk without a cane and had unsuccessfully requested a first-floor cell assignment. When he filed a grievance, the prison retaliated against him by moving him from the second-floor cell to a third-floor cell despite the prison's own doctor's orders that he be given a cell on the first floor. After completing discovery, in May 2001, defendants moved for summary judgment which was granted in October 2002. After appeal to the Appeals Court, the Supreme Judicial Court selected the case for direct appellate review. In September 2004, I argued the case to the Supreme Judicial Court. On December 8, 2004, the Supreme Judicial Court reversed the judgment of the Superior Court and remanded the case for trial. In December 2005, shortly before the planned trial, the matter settled with Plaintiff receiving monetary compensation and being moved to a first-floor cell. I was lead counsel and handled all aspects of the litigation, including the drafting and filing of all pleadings in the trial court, the drafting, filing, and argument of motions for summary judgment, and the drafting and filing of appellate briefs, and argument before the Supreme Judicial Court.

Co-counsel for Plaintiff:

Howard Friedman  
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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.)

From 1999 to 2014, I was a litigation attorney although most of my cases did not result in a trial. In my civil cases, the majority resolved by settlement while some resolved by

summary judgment. In my criminal cases, most resolved by either a dismissal or a plea. I filed and argued approximately 100 evidentiary motions. I also handled scores of probation violation evidentiary hearings. Often, I also represented clients in a collateral proceeding such as a hearing before an administrative agency, a licensing agency, a school disciplinary body, or a court for a civil abuse prevention order proceeding.

During my years in practice, I also engaged in a wide range of other legal activities, such as working with police administrators to address public records issues and improve internal rules and policies. I have also volunteered my time and expertise at “Know Your Rights” clinics at various community training centers, juvenile correctional facilities, shelters, and temporary homes. In addition, I was active in numerous bar committees and on boards of legal organizations.

As a judge, I have served on various court committees on subjects ranging from court administration to diversity to education programming to technology.

Throughout my career, both as a lawyer and as a judge, I have contributed to the legal community by teaching and regularly participating in presentations, panels, and other activities for judges, lawyers, and law students. I have also been committed to being a mentor to scores of lawyers and law students.

I have not engaged in any lobbying activities and I have never 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.

I have not taught any courses.

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

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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

The only person who is likely to present a potential conflict of interest is my former employer, Howard Friedman. While it has been more than fifteen years since I was employed by him, I consider Mr. Friedman to be a close friend. I would recuse myself from all cases where attorneys from the Law Offices of Howard Friedman have filed an appearance. No other persons, parties, categories of litigation, or financial arrangements are likely to present potential conflicts of interest.

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

I would address any potential conflict of interest by consulting and following 28 U.S.C. § 455 and the Code of Conduct for United States Judges, as well as any other applicable statutes, rules, and canons. Where appropriate, I would also notify and consult with the parties.

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

As a lawyer, the nature of my practice was public interest work as I represented indigent criminal defendants and prosecuted civil rights cases. I have served on a number of boards of public interest organizations through which I have represented many clients on a pro bono basis as a volunteer cooperating attorney. I also regularly volunteered my time and expertise at "Know Your Rights" clinics at various community training centers,

Department of Youth Services facilities, shelters, and temporary homes. Since taking the bench, I have volunteered to speak at numerous local schools regarding the rule of law, typically in February/March of each year as part of the American Bar Association's Judicial Outreach program and in May of each year for National Law Day as well as serving on various court committees.

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 March 30, 2022, I submitted an application to the Advisory Committee on Massachusetts Judicial Nominations, and I interviewed with the Committee on April 11, 2022. On April 25, 2022, I was interviewed by Senators Elizabeth Warren and Edward J. Markey. On April 28, 2022, I was contacted by the White House Counsel's Office regarding my availability for an interview. On May 2, 2022, I was interviewed by attorneys from the White House Counsel's Office. Since May 10, 2022, I have been in contact with officials at the Office of Legal Policy of the U.S. Department of Justice. On August 1, 2022, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.