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January 18, 2023

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

**Re: Nomination of Michael E. Farbiarz to the
United States District Court of the
District of New Jersey**

Dear Chairman Durbin and Ranking Member Grassley:

Michael E. Farbiarz would be an extraordinary United States District Judge and I write to respectfully urge the United States Senate to confirm him with bipartisan support.

I first met Mr. Farbiarz roughly 14 years ago, when we found ourselves as adversaries in the case of *United States v. Oussama Kassir*, Southern District of New York Indictment Number 04 Cr. 356 (JFK). At the time, I was representing Mr. Kassir, who was charged with providing material support to al-Qaeda, and Mr. Farbiarz was prosecuting Mr. Kassir as an Assistant United States Attorney.

While litigation often brings out the worst in adversaries, Mr. Farbiarz and I avoided falling prey to that trap primarily because of the manner and ethics by which Michael prosecuted his case. Indeed, during heated pretrial proceedings, extensive plea negotiations, a combative four-week trial, a contentious sentencing hearing and direct appeal, Mr. Farbiarz proved himself to be an incredibly talented trial attorney and oral advocate, with a seasoned courtroom presence and demeanor, and an unrivaled knowledge and understanding of the law.

Most importantly, however, during all stages of the proceedings, Mr. Farbiarz established himself to be the most decent and ethical prosecutor against whom I have practiced in my thirty plus years as a prosecutor and defense attorney. He possesses an innate sense of fairness and civility that has governed his relationships with allies and adversaries equally.

As a result of his integrity, we became friends despite any differences. And as an attorney who has practiced in New York City for more than 30 years, I can attest to the high esteem in which the criminal defense bar in this city holds him.

Accordingly, Michael Farbiarz is perfectly suited for the federal bench and is one of the most qualified people that any President could possibly have nominated. It is an honor to provide this letter on his behalf and I am available to further discuss his qualifications, if needed.

Thank you for the opportunity to write on his behalf.

Respectfully submitted,

Mark S. DeMarco

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cc: Honorable U.S. Senator Cory A. Booker