

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Charles Bernard Day
Charles Bradley Hubbard
Charles Hubbard Day

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

United States District Judge for the District of Maryland

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.

United States District Court, District of Maryland, Southern Division
U.S. Courthouse
6500 Cherrywood Lane, Suite 235A
Greenbelt, Maryland 20770

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

1957 – Dothan, Alabama

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.

1980-1984 – University of Maryland School of Law, J.D. (1984)
1978-1980 – American University, M.S. Judicial Administration (1980)
1974-1978 – University of Maryland, B.A. Criminal Justice (1978)

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.

1997-Present
United States District Court
District of Maryland
6500 Cherrywood Lane
Greenbelt, Maryland 20770
United States Magistrate Judge for the District of Maryland

1989-1997
Sherman, Meehan, Curtin & Ain, PC
1900 M Street, NW, 6th Floor
Washington, D.C. 20036
Trial attorney

1985-1989
Montgomery County State's Attorney's Office
50 Courthouse Square
Rockville, Maryland 20850
Assistant State's Attorney

1979-1985
Montgomery County State's Attorney's Office
50 Courthouse Square
Rockville, Maryland 20850

(1981-1985) Program Manager - I designed, implemented, and managed a sentencing alternative for juvenile offenders called Operation: LAST-CHANCE.

(1979-1981) Victim-Witness Coordinator.

1978-1979
Private investigator for indigent defendants.
Work was assigned through the Superior Court of the District of Columbia, but I do not recall either the names of the people in charge of the program or the building where the office was housed.

Uncompensated Positions

Redland Baptist Church
6922 Muncaster Mill Road
Rockville, Maryland 20855
Board Member
(2002-present)

Habitat for Humanity - Montgomery County Chapter
9110 Gaither Road
Gaithersburg, Maryland 20877
Board Member and member of the Executive Committee
(2003-2005)

University of Maryland School of Law Alumni Association
500 W. Baltimore Street
Baltimore, Maryland 21201-1786
Board Member
(1998-1999)

Montrose Christian School
5100 Randolph Road
Rockville, Maryland 20852
Board Member and one time Vice-Chair
(1995-1997)

Central Union Mission
1350 R Street NW
Washington D.C. 20009
Board Member
(1994-1996)

Montrose Baptist Church
5100 Randolph Road
Rockville, Maryland 20852
Board Member
(1990-1992)

Federal Magistrate Judges Association

Chambers of U.S. Magistrate Judge Thomas C. Mummert, III
c/o United States Courthouse
111 S. 10th Street, Room 13N
St. Louis, Missouri 63102-1116
Immediate Past President, 2008-2009
President, 2007-2008

President-Elect, 2006-2007
Vice President, 2005-2006
Treasurer, 2004-2005
Secretary, 2002-2004
Fourth Circuit Director, 2000-2002

Bar Association of Montgomery County, Maryland ("BAMC")
27 West Jefferson Street
Rockville, Maryland 20850
Member of the Executive Committee, 1993-1995

Montgomery County, Maryland Bar Foundation
27 West Jefferson Street
Rockville, Maryland 20850
Board of Directors, 1995-Present

J. Franklyn Bourne Bar Association, Inc. ("JFB")
P.O. Box 1121
Upper Marlboro, Maryland 20773
Board of Directors, 1995-1996

Federal Bar Association, Maryland Chapter
c/o Geoffrey Genth, President
Kramon and Graham, PA
1 South Street, Suite 2600
Baltimore, Maryland 21202
Board of Governors, 1996-1999

Alan J. Goldstein Inns of Court, 1996-2002
Now defunct; my chambers address was used as a point of contact during my term as
President
President, 1999-2000

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

I have never served in the US Military. In light of my year of birth, registration for Selective Service was not required.

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.

2009 – Outstanding Jurist Award – Bar Association of Montgomery County, Maryland

2006 – Excellence in Diversity Outreach Award – Montgomery County, Maryland, Bar Foundation, Inc.

2004 – Local Community Award – Black Faculty & Staff Association of the University of Maryland

2001 – Leadership in Law Award (Inaugural class) – The Daily Record
Presented to the lawyers and judges from across the state “whose dedication to their occupation and to their communities deserves particular recognition.”

1999 - Century of Service Award – Montgomery County, Maryland Bar Foundation, Inc. and the Bar Association of Montgomery County, Maryland

Presented to the 25 “exemplary judges and lawyers for outstanding service to the legal profession and the community” over the last 100 years in Montgomery County.

1998 - Outstanding Service to the Bar Award - Bar Association of Montgomery County, MD

1995 - President’s Citation for Outstanding Service to the Bar Award - Bar Association of Montgomery County, Maryland

1994 - President’s Award - J. Franklyn Bourne Bar Association, Inc.

1980 - Graduate Service Award - American University, School of Justice

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.

Federal Magistrate Judges Association

Immediate Past President, 2008-2009

President, 2007-2008

President-Elect, 2006-2007

Vice President, 2005-2006

Treasurer, 2004-2005

Secretary, 2002-2004

Fourth Circuit Director, 2000-2002

U.S. District Court for Maryland

Disciplinary & Admissions Committee

Attorney Admissions Fund

Local Rules & Forms Committee

Automation, Computers & Technology Committee

Administrative Office of the U.S. Courts
Magistrate Judges Advisory Group

Fourth Circuit Judicial Council

The Magistrate Judge Representative (non-voting), 2008-Present

The Judicial Council is the governing body of the Circuit. Magistrate Judges have been allowed a non-voting representative for the last 7 years. The 42 Magistrate Judges of the Circuit nominate a representative, and if the Judicial Council approves, the judge serves for a period of 3 years. I am the third Magistrate Judge having the privilege of this honor.

Business & Technology Division Task Force

Created by the Maryland State Legislature. This project led to the creation of the Business & Technology Courts in the State Courts of Maryland.

Maryland Commission on Racial & Ethnic Fairness in the Judicial Process

Vice-Chair, 2002-2004

The Commission was tasked with undertaking a “critical examination of court-related equality issues” regarding the delivery of justice to persons of diverse racial and ethnic backgrounds. The findings were presented to the judges of the Maryland Court of Appeals and various groups throughout the state concerned about fairness in the Maryland state courts.

Bar Association of Montgomery County, Maryland (“BAMC”)

Member, Executive Committee, 1993-1995

Chair, Outreach Committee, 1994-1995

Chair, New Practitioners Section, 1988-1989

Chair, Social Committee, 1987-1988

Committees:

Administration of Justice

Federal Court Task Force

Long Range Planning

Criminal Law

Judicial Selections

Nominating

Outreach

Campaign 2000

Ad Hoc Committee on Judicial Selections

Ad Hoc Committee on Sections and Committees

Ad Hoc Committee on Civility

Ad Hoc Transition Committee

Montgomery County, Maryland Bar Foundation

Board of Directors, 1995-Present

Co-Chair, Diversity Committee, 2008-Present

Committees:

Diversity Committee

Bar Leaders

J. Franklyn Bourne Bar Association, Inc. ("JFB")

P.O. Box 1121

Upper Marlboro, Maryland 20773

Board of Directors, 1995-1996

Chair, Nominations & Elections, 1998-2004

Chair, Montgomery County Committee, 1994-1995

Committees:

Judicial Selections

Banquet

Scholarship Selection

Montgomery County Committee

National Bar Association (1994-Present)

Maryland State Bar Association ("MSBA")

Chair, Leadership Academy, 1999-2002

Committees:

Leadership Academy

Special Committee on Lawyer Professional Conduct

Committee on Minorities in the Legal Profession

Membership Committee

Criminal Law and Practice Section Council

Maryland Pattern Criminal Jury Instructions

Federal Bar Association, Maryland Chapter

Board of Governors, 1996-1999

American Bar Association

Criminal Justice Section Council, 2001-2004

Co-Chair, Race & Racism in the Criminal Justice System Committee, 1998-2000

Project Advisory Board, "The State of Criminal Justice," 2000.

Joint Bar Association Advisory Committee for the Southern Division, 1995-1997

Montgomery County Inns of Court, 1989-1992, 2004-Present (Emeritus member)

Alan J. Goldstein Inns of Court, 1996-2002
President, 1999-2000

10. **Bar and Court Admission:**

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

Maryland June 1985
District of Columbia December 1989
There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

U.S. District Court for the District of Columbia December 1989
U.S. District Court for the District of Maryland January 1991
U.S. Court of Appeals for the Fourth Circuit June 17, 1996
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.

Phi Beta Sigma Fraternity, Inc. (1975-present)

University of Maryland Alumni Association (1978-Present)

University of Maryland Black Alumni Association (1980-Present)

American University Alumni Association (1980-Present)

Maryland State's Attorney's Association (1985-1989)

National Black Prosecutors Association (1987-1989)

Montgomery County Democratic Lawyers Club (1991-1994)
Co-Chair, Judicial Selections Committee

Trial Lawyers Association of Metropolitan Washington, D.C. (1992-1996)

Christian Legal Society (1994-1997)

Montrose Christian School, Inc. (1995-1997)
Member, School Board

National Association for the Advancement of Colored People (1995-Present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

None of the listed organizations have engaged in invidious discrimination in any form.

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.

2007-2008 – Articles written for the “President’s Column” in the Federal Magistrate Judges Association Bulletin.

“U.S. Health Privacy Act and Ex Parte Communications.” J. Franklyn Bourne Bar Association Newsletter (J. Franklyn Bourne Bar Association, Upper Marlboro, M.D.), May 2004, Vol. 14, No. 5, at 3.

- 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.

American Bar Association, Criminal Justice Section, Project Advisory Board, “The State of Criminal Justice,” 2000. I do not have a copy of this report.

Montgomery County Bar Association Code of Civility (adopted March 19, 2001).
<http://www.montbar.org/AboutUs/CodeofCivility.aspx>

Report of the Commission on Racial and Ethnic Fairness in the Judicial Process
<http://www.courts.state.md.us/publications/raciaethnicfairness04.pdf>

June 2004

Maryland Court of Appeals

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

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

I frequently speak to educational, legal, and civic groups about issues relative to the administration of justice. I have made a diligent search of my paper and electronic files for all dates of presentations and the substance of each, but, I cannot locate information regarding every presentation. I have provided the most complete listing available.

March 8, 2010 Maryland State Bar Leadership Academy
Leaders in the Law Discussion Panel
Joseph Greenwald & Laake
6404 Ivy Lane, Suite 400
Greenbelt, Maryland
No notes

October 13, 2009 Bar Association of Montgomery County Luncheon
Rockville, Maryland
“Looking for Love in Greenbelt”
Text enclosed

May 1, 2009 Ardmore Elementary School
9301 Ardwick-Ardmore Road
Springdale, Maryland

“Career Day Culminating Activity”
No notes

March 13, 2009 Investiture of Rick Jordan
Circuit Court for Montgomery County, Maryland
Rockville, Maryland
Text enclosed

February 23, 2009 Bar Association of Montgomery County Juvenile Section
Red Brick Courthouse - Rockville, Maryland
“Maryland’s Mockingbird Case” – The Giles Johnson Case
Text enclosed

October 15-17, 2008 FOR-JVS International Forum of Justice
Campo Grande, MS, Brazil
“A View from the Bench”
Text enclosed

July 26, 2008 J. Franklyn Bourne Bar Association
Bowie, Maryland
Remarks to New Admittees
No notes

April 29, 2008 University of Maryland Peer Mediation Institute
University of Maryland, College Park
“Peer Mediation”
Text enclosed

March 19, 2008 Montgomery County Public Defenders Service
Rockville, Maryland
“Arguments to the Court”
Text enclosed

January 24, 2008 Bar Association of Montgomery County
Commercial Litigation Section
Lerch Early, Bethesda, Maryland
“New Issues for 2008 in Federal Court”
Text enclosed

January 16, 2008 Montgomery County State Attorney’s Office
Rockville, Maryland
“Arguments to the Court”
Text enclosed (same as March 19, 2008 text)

May 5, 2007 Phi Beta Sigma 35 Year Reunion
Riggs Alumni Center, University of Maryland

“PBS – 1975 to 1980”

- October 21, 2006 ABA Young Lawyers Division
Baltimore Marriott Waterfront
“Anatomy of a Trial – Voir Dire” Panel Presentation
No notes
- September 29, 2006 US Attorney Agency Counsel Defensive Training
US District Court, District of Maryland
Ceremonial Courtroom
Baltimore, Maryland
Presentation enclosed
- September 21, 2006 J. Franklyn Bourne Bar Association
Greenbelt, Maryland
“Tips from the Bench”
Text enclosed
- September 16, 2006 J. Franklyn Bourne Bar Association
Greenbelt, Maryland
“Guardianship and the Elderly” Panel Presentation
No notes
- June 21, 2006 Justice At Stake 6th Annual Summer Workshop
Hyatt Regency, Washington, D.C.
“Public Education: Working with the Courts and Bars to
Maximize Impact” Panel Presentation
Text enclosed
- June 16, 2006 Maryland State Bar Association Annual Meeting
Young Lawyers Section
Ocean City, Maryland
“Judicial Independence”
Text enclosed
- May 30, 2006 Investiture of Gary L. Crawford
Circuit Court for Montgomery County, Maryland
Rockville, Maryland
“Investiture of Gary Crawford”
Text enclosed
- April 4, 2006 Bar Association of Montgomery County
Rockville, Maryland
“Professionalism & Quality of Life”
Text and presentation enclosed

December 28, 2005 Investiture of Ron Rubin
Circuit Court for Montgomery County, Maryland
Rockville, Maryland
“Investiture of Ron Rubin”
Text enclosed

November 4, 2005 Georgetown Law School CLE Litigating and Resolving
Employment Cases Panel Presentation
Washington, D.C.
“60-90 Days before Trial”
Text enclosed

October 18, 2005 Maryland State Bar Association
Young Lawyers Section Panel Presentation
Westminster Hall - Baltimore, Maryland
“Judicial Independence”
Text enclosed

September 30, 2005 Maryland Employment Lawyers Association
1st Annual Training Conference Panel Presentation
Columbia Sheraton, Columbia, Maryland
“Settlement Strategies in Employment Cases”
Text enclosed

September 19, 2005 Women’s Bar Association, Montgomery County Chapter
Annual Dinner – Guest Speaker
Normandie Farms - Potomac, Maryland
“Gender and Racial Bias in the Courts”
Text enclosed

May 19, 2005 Women’s Bar Association Annual Meeting
St. Michael’s, Maryland
“Gender and Racial Bias in the Courts”
Text enclosed

May 19, 2005 Federal Bar Association Panel Presentation
United States District Court, District of Maryland
Greenbelt, Maryland
“Electronic Discovery – Insights from the Bench”
Text enclosed

April 28, 2005 Bar Association of Montgomery County
Rockville, Maryland
“Mediation”
No notes

April 15, 2005	Federal Bar Association Introduction to Courthouse United States District Court, District of Maryland Greenbelt, Maryland “Presentation on Behalf of Magistrate Judges” Text enclosed
March 29, 2005	University of Maryland School of Law Baltimore, Maryland “Breaking New Ground – Trends in Jury Service” Text enclosed
February 12, 2005	American Law Institute-American Bar Association Georgetown University Law Center Washington, D.C. “Evidence Issues in Employment Cases” Text enclosed
January 11, 2005	Bar Association of Montgomery County Rockville, Maryland “Fairness Commission Report” Text enclosed
October 15, 2004	Retirement of Linwood Brooks Cherry Hill Conference Center 9800 Cherry Hill Road College Park, Maryland Text enclosed
October 15, 2004	Maryland State Bar Association Conference of Bar Presidents Hagerstown, Maryland “Fairness Commission Report” Text enclosed
May 14, 2004	Magistrate Judges on Mediation Program United States District Court, District of Maryland Greenbelt, Maryland “The Magnificent Seven” Text enclosed
April 21, 2004	University of Maryland Office of Human Relations Peer Mediation Presentation Nyumburu Cultural Center - College Park, Maryland “Shopping for Justice” Text enclosed

March 31, 2004	University of Maryland College Park, Maryland Peer Mediation Presentation Text enclosed
March 26, 2004	Maryland State Bar Association University of Baltimore School of Law 1415 Maryland Avenue Baltimore, Maryland “Advice From the Experts” No notes
October 17, 2003	Bench Bar Conference on Social Security Law United States District Court, District of Maryland Baltimore, Maryland Panel Presentation Text enclosed
October 2-3, 2003	Georgetown Law School CLE Litigating and Resolving Employment Cases Panel Presentation Washington, D.C. “Views From The Bench” No notes
June 19, 2003	Center for Alternative Dispute Resolution Conference Martin’s Crosswinds – Greenbelt, Maryland “Managing Conflict and Remaining Barriers to Collaborative Decision Making” No notes
December 14, 2002	18 th Annual Alan Goldstein Criminal Law Seminar Circuit Court for Prince George’s County, Maryland Upper Marlboro, Maryland “Arguments to the Court” Text enclosed
November 14, 2002	Bar Foundation of Montgomery County Federal Practice Section Rockville, Maryland “Advice for the Federal Practitioner” Text enclosed
April 13, 2002	National Bar Association 22 nd Mid-Year Conference Wyndham Hotel – Baltimore, Maryland “Advanced ADR Strategies for Resolving Conflicts”

	Text enclosed
February 5, 2002	Presidential Classroom Judicial Branch Seminar Georgetown University Conference Center Washington, D.C. “Foundations” Text enclosed
January 17, 2002	Intellectual Property Rights Enforcement Seminar for Judges, Prosecutors and Investigators of Thailand, Malaysia and the United States Bankok, Thailand “The Courts and IP Cases” Text enclosed
July 20, 2001	Investiture of John Debelius Circuit Court for Montgomery County, Maryland “Investiture of John Debelius” Text enclosed
June 12, 2001	Presidential Classroom, Judicial Branch Seminar Georgetown University Conference Center Washington, D.C. “Don’t Go Too Fast” Text enclosed
May 23, 2001	Maryland Trial Lawyers Association Hyatt Regency Inner Harbor – Baltimore, Maryland “Dealing With Trial Surprises Perspectives from the Bench” No notes
April 19, 2001	Maryland State Bar Association Litigation Section Circuit Court for Montgomery County, Maryland Rockville, Maryland “Discovery Disputes – The Courts’ View” Text enclosed
March 14, 2001	31 st Annual Morris Brown Myerowitz Moot Court Competition United States District Court, District of Maryland 101 West Lombard Street Baltimore, Maryland No notes
May 8, 2001	Law School for the Public

	<p>The Federal Court System in Maryland Montgomery Community Television 7548 Standish Place Rockville, Maryland Video enclosed</p>
December 19, 2000	<p>Bar Association of Montgomery County Rockville, Maryland "Employment Law" Text enclosed</p>
December 2-9, 2000	<p>Anti-Corruption Assistance to the Thai Criminal Court Project Bangkok, Thailand No notes</p>
November 16, 2000	<p>Johns Hopkins University 3400 North Charles Street Baltimore, Maryland "Zero Tolerance v. Community Style Policing: Effects on Justice in Baltimore" Panel Presentation No notes</p>
August 9, 2000	<p>National Bar Association CLE Presentation Marriott Wardman Park Hotel Washington, D.C. "Nuts & Bolts of Federal Civil Practice" Text enclosed</p>
June 13, 2000	<p>Presidential Classroom, Judicial Branch Seminar Georgetown University Conference Center 3800 Reservoir Road, NW Washington, D.C. "Questions and Answers" No notes</p>
April 14, 2000	<p>Federal Bar Association Introduction to Courthouse United States District Court, District of Maryland Greenbelt, Maryland "Presentation on Behalf of Magistrate Judges" Text enclosed</p>
February 8, 2000	<p>Bar Foundation of Montgomery County 27 W. Jefferson Street Rockville, Maryland "How to be a Great Lawyer"</p>

	Video enclosed
December 4, 1999	J. Franklyn Bourne Bar Association Banquet Martin's Crosswinds – Greenbelt, Maryland “Introduction of Juan Williams” Text enclosed
June 1999	National Institute of Trial Advocacy Georgetown University Law Center 50 F Street, NW Washington, D.C. No notes
April 21, 1999	Bar Foundation of Montgomery County Indian Springs Country Club 1750 Rockville Pike Rockville, Maryland “Remarks at Receipt of Century of Service Award” Video enclosed
April 6, 1999	Trial Lawyers Association – D.C. The University Club – Washington, D.C. “Persuasive Jury Arguments” No notes
February 27, 1999	24 th Annual BLSA Awards Banquet University of Maryland School of Law The Baltimore Grand Baltimore, Maryland “Keynote Speaker” Text enclosed
January 5, 1999	Bar Association of Montgomery County Rockville, Maryland “Luncheon Presentation” Text enclosed
April 3, 1998	Maryland Trial Lawyers Association Workhorse Seminar Pooks Hill Marriott Bethesda, Maryland “All I Ever Needed to Know About the Practice of Law I Learned in Law School” Text enclosed
February 11, 1998	Prince George's County Bar Association

	<p>Labor and Employment Law Section Presentation Text enclosed</p>
April 25, 1997	<p>Investiture of Charles B. Day United States District Court, District of Maryland Greenbelt, Maryland “Remarks” Video enclosed</p>
April 24, 1997	<p>Bar Association of Montgomery County Federal Practice Section Rockville, Maryland “A View from the Bench” Text enclosed</p>
November 21, 1996	<p>District of Columbia Legal Secretaries Association Akin Gump Strauss Hauer & Feld, LLP 1333 New Hampshire Ave, NW – Suite 400 Washington, D.C. “Litigation/Torts” No notes</p>
March 13, 1996	<p>Montgomery County, Maryland, Bar Foundation Continuing Legal Education Litigation Skills – Part II “Opening Statement” No notes</p>
November 8, 1995	<p>Maryland Trial Lawyers “Low Cost Demonstrative Evidence” No notes</p>
June 1995	<p>National Institute of Trial Advocacy Georgetown University Law Center 50 F Street, NW Washington, D.C. No notes</p>
May 1995	<p>Owens Road Elementary School 1616 Owens Road Oxon Hill, Maryland “Career Day” No notes</p>
May 1995	<p>Bar Association of Montgomery County Law Day “Diversity Awareness Panel Presentation”</p>

No notes

April 6, 1995 Bar Association of Montgomery County
Rockville, Maryland
"Diversity in the Law: Moving into the 21st Century"
Video enclosed

April 1995 Gaithersburg High School
314 South Frederick Avenue
Gaithersburg, Maryland
"Maryland's Tomorrow – Career Expo"
No notes

May 1980 American University Commencement Exercises
DAR Constitution Hall – Washington, D.C.
Text enclosed

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have been interviewed by various news organizations about issues relative to the administration of justice. I have made a diligent search of my paper and electronic files for all dates of interviews and the substance of each. I have provided the most complete listing available.

Caryn Tamber, "For Busy Magistrate Judge, 'No Slack Time Left,'" Md. Daily Rec., Aug. 31, 2009, at 9B.

Brendan Kearney, "*Maryland Lawyers and Judges Show They Still Have the Beat*," Md. Daily Rec., July 21, 2008.

Matthew Dolan, *Driving Through a Gap in the Law*, Baltimore Sun, May 21, 2006.

Daniel Ostrovsky, "*Linda Springrose, 37, Maryland Attorney Dies*," Md. Daily Rec., January 19, 2006.

Eric Rich, "*Panel Finds Perceptions of Bias in Md. Courts*," The Washington Post, June 24, 2004.

Smith, Mark, *Hon. Charles B. Day, District Court of Maryland*, Md. Daily Rec., October 27, 2001, Supplement at 9.

Earl Kelly, Md. Daily Rec., October 16, 2000.

Hamil R. Harris, *"Officials Seeking Help From a Higher Power,"* The Washington Post, Nov. 24, 1998.

Frederick Quinn, *The Courthouse at Indian Creek: The First Five Years of the Greenbelt Maryland Federal Courthouse* (Seven Locks Press)
Pages 235-240 – Interview conducted by author. Excerpt attached.

Rachel Schowalter, *"Cable, Truck Firms Liable in Accident,"* Warfield's Business Record, September 25, 1995.

"\$3.9 Million Awarded," The Washington Post, Sept. 22, 1995.

August 28, 1996	Afternoon Edition, News Talk Television
April 19, 1996	Daytime Edition, News Talk Television
March 21, 1996	"CNN & Company," Cable News Network (CNN)
October 27, 1995	"Talk Back Live," Cable News Network (CNN)
October 3, 1995	"News," Cable News Network (CNN)
October 1, 1995	"The Late Edition," Cable News Network (CNN)
September 21, 1995	"News," Cable News Network (CNN)
September 11, 1995	"News," Cable News Network (CNN)
September 3, 1995	"News," Cable News Network (CNN)
August 20, 1995	"News," Cable News Network (CNN)
July 8, 1995	"News," Cable News Network (CNN)
July 7, 1995	"News," Cable News Network (CNN)
July 1, 1995	Afternoon Edition, News Talk Television
June 4, 1995	"News," Cable News Network (CNN)
April 13, 1995	"News," Cable News Network (CNN)
April 9, 1995	"News," Cable News Network (CNN)

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.

(1997-Present) United States Magistrate Judge for the United States District Court for the District of Maryland. This is an appointed position for a term of 8 years. I was re-appointed in 2005. My jurisdiction extends to the entire district of Maryland.

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

I have presided over approximately 2500 completed trials.

- i. Of these, approximately what percent were:

jury trials? 1%; bench trials 99% [total 100%]

civil proceedings? 6%; criminal proceedings? 94% [total 100%]

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

As a routine part of my duties, I issue letter orders relating to issues such as discovery disputes and scheduling. A handful of these orders are available on Lexis or Westlaw and are included in the list below. Most are unpublished and only available through the records system of the United States District Court of the District of Maryland. Most of my opinions are also unpublished and are similarly available.

Yoon v. Sebelius, No. CBD-08-3173, 2010 WL 2730620 (D. Md., July 09, 2010).

Lee-Thomas v. Board of Educ. of Prince George's County, No. CBD-08-3327, 2010 WL 2365673 (D. Md., June 08, 2010).

Tillery v. Borden, No. CBD-07-1092, 2010 WL 2132226 (D. Md., May 25, 2010).

Sheppard v. U.S., No. CBD-07-923, 2010 WL 1713740 (D. Md., April 27, 2010).

In re Beyond Systems, Inc. v. Kraft Foods, Inc., No. PJM-08-409, 2010 WL 1711502 (D. Md., April 23, 2010).

Beyond Systems, Inc. v. Kraft Foods, Inc., No. PJM-08-409, 2010 WL 1568480 (D. Md. Apr. 19, 2010).

EEOC v. Bardon, Inc., No. RWT-08-1883, 2010 WL 989051 (D. Md. Mar. 12, 2010).

Robertson v. Cartinhour, No. AW-09-3436, 2010 WL 716221 (D. Md. Feb. 23, 2010).

Trustees of the Nat'l Automatic Sprinkler Indus. Welfare Fund v. Fire Sprinkler Specialties, Inc., No. RWT-08-1890, 2010 WL 723803 (D. Md. Feb. 23, 2010).

Lu v. Johnson, No. CBD-06-1105, 2010 WL 672935 (D. Md. Feb. 19, 2010).

Lee-Thomas v. Prince George's County Public Schools, No. CBD-08-3327, 2010 WL 481333 (D. Md. Feb. 5, 2010).

Taylor v. United States, No. CBD-08-2244, 2010 WL 436932, (D. Md. Feb. 1, 2010).

Trustees of the Ironworkers Local Union No. 5 v. Highland Ornamental Ironworks, Inc., No. CBD-08-2095, 2010 WL 415283 (D. Md. Jan. 28, 2010).

Hobby Works, Inc. v. Protus IP Solutions, Inc., No. DKC-08-1618, 2010 WL 234968 (D. Md. Jan. 15, 2010).

Technology Patents LLC v. Deutsche Telekom AG, No. AW-07-3012, 2009 U.S. Dist. LEXIS 95602 (D. Md. Oct. 13, 2009).

Marcas, L.L.C. v. Bd. of County Comm'rs of St. Mary's County, No. CBD-07-0196, 2009 WL 3247298 (D.Md. Oct. 2, 2009).

Fornah v. Univ. of Md., No. CBD 08-1951, 2009 WL 3247423 (D.Md. Sept. 30, 2009).

Eichelberger v. Astrue, No. CBD 08-1621, 2009 WL 2602360 (D.Md. Aug. 21, 2009).

Merrill Lynch Bus. Fin. Servs., Inc. v. Targan, No. AW-05-1251, 2008 WL 2858921 (D.Md. July 22, 2008).

Seton v. United Gold Network, LLC, No. DKC-06-1246, 2008 WL 1925180 (D.Md. Apr. 30, 2008).

Willard v. Bauer Corp., No. DKC-06-cv-167, 2007 WL 7046891 (D. Md. Nov. 28, 2007).

Daughety v. Harvey, No. CBD 04-2114, 2006 WL 5668245 (D.Md. June 14, 2006).

Newsome v. Penske Truck Leasing Corp., 437 F. Supp. 2d 431 (D.Md. 2006).

Shaffer v. ACS Gov't Servs., Inc., No. AW-03-2138, 2005 WL 3695766 (D.Md. Dec. 13, 2005).

Shaffer v. ACS Gov't Servs., Inc., No. AW-03-2138, 2005 WL 3695767 (D.Md. Dec. 13, 2005).

United States v. Robson, 391 F. Supp. 2d 383 (D.Md. 2005).

Lasher v. Roche Bros., No. CBD-03-2991, 2005 WL 6277212 (D.Md. Oct. 3, 2005).

Muslim v. United States, No. CBD 02-1038, 2005 WL 2291623 (D.Md. Mar. 23, 2005).

Law v. Zuckerman, 307 F. Supp. 2d 705 (D.Md. 2004).

Shtein v. Bank of Am., No. CBD-03-1159, 2003 WL 23573441 (D.Md. Nov. 13, 2003).

Shipley v. ABF Freight Sys., Inc., No. CBD-02-1430, 2003 WL 25838751 (D.Md. Sept. 26, 2003).

Agwumezie v. Allstate Ins. Co., No. DKC-02-493, 2003 WL 23274273 (D.Md. June 6, 2003).

United States v. Davis, 261 F. Supp. 2d 343 (D.Md. 2003).

United States v. Wheeler, Nos. CR-02-3087M & CR-02-3084M, 2003 WL 1562100 (D.Md. Mar. 7, 2003).

United States v. Santosdedios, 240 F. Supp. 2d 414 (D.Md. 2002).

Sherlock v. Lockheed Martin Corp., No. AW-01-254, 2002 U.S. Dist. LEXIS 27753 (D. Md. Dec. 18, 2002).

Marshall v. Barnhart, No. DKC 01-2211, 2002 WL 32488432 (D.Md. Sept. 27, 2002).

United States v. Wal-Mart Stores, Inc., No. PJM-01-152, 2002 WL 562301 (D.Md. Mar. 29, 2002).

Lancaster v. Apfel, No. PJM-00-1030, 2001 WL 214206 (D.Md. Jan. 22, 2001).

Ngo v. Standard Tools & Equip., Co., 197 F.R.D. 263 (D.Md. 2000).

Taylor v. Mount Oak Manor Homeowners Ass'n, Inc., 11 F. Supp. 2d 753 (D.Md. 1998).

Ruth v. Apfel, No. AW-97-1766, 1998 U.S. Dist. LEXIS 22278 (D. Md. May 22, 1998).

Cong. Air, Ltd. v. Beech Aircraft Corp., 176 F.R.D. 513 (D.Md. 1997).

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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 (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. Law v. Zuckerman, 307 F. Supp. 2d 705 (D. Md. 2004)

This was a case of first impression in Maryland, finding that the state statute providing mandatory disclosure of medical records in a medical malpractice action was preempted by the federal Health Insurance and Portability Accountability Act ("HIPAA") which allowed such disclosures only by consent or court order. Plaintiff sought damages in this medical malpractice action for complications during pregnancy. The jury found in favor of the defense.

This case has been extensively cited in various reported decisions, commentaries and other legal materials dealing with the impact of federal legislation on discovery procedures in state courts. Legal practitioners have frequently referred to this decision when either seeking to prevent unfettered disclosure of a party's medical records, or when trying to obtain necessary discovery of medical information in a permissible fashion. Law has been of particular interest to advocates in the Maryland state court system. Prior to this decision, state law required a health care provider to disclose a medical record without the consent of the patient whenever the patient's treatment formed the basis of a civil action.

The HIPAA statute as interpreted in Law, requires either the consent of the patient or a circumscribed order from the court regulating the method and scope of the disclosure of medical records. This spelled the end of the long-standing practice in Maryland of ex parte communications and "informal discovery" occurring between a patient's health care providers and adverse counsel.

Plaintiff's Counsel: Allen Eaton, III & LaVern Wiley
Eaton and McClellan
1111 14th Street, NW – Suite 777
Washington, D.C. 20005
(202) 789-0088

Defendant's Counsel: Benjamin S. Vaughan & Karen Ferretti
Armstrong, Donohue, Ceppos & Vaughn, Chtd.
204 Monroe Street – Suite 101
Rockville, Maryland 20850
(301) 251-0440

2. United States v. Robson, 391 F. Supp. 2d 383 (D. Md. 2005)

This was a case of first impression in Maryland. Recent Fourth Circuit law indicated that roadways on restricted access federal facilities were private roads not subject to state motor vehicle codes. This case applied those principles, and parallel decisions from the Maryland Court of Special Appeals, and reached the conclusion that significant portions of the state transportation code was inapplicable to Andrews Air Force Base. This had the unpleasant effect of eliminating the enforcement of most motor vehicle laws on the Base. Law enforcement officers could no longer issue traffic citations to those exceeding the speed limit, those refusing to obey traffic control devices and others who violated less serious driving infractions. (Drunk driving offenses remained enforceable.) Within 2 years, the Maryland legislature amended the statute to make the transportation code applicable once again. Due to a split of written decisions by various United States Magistrate Judges, a United States District Judge certified several questions to the Maryland Court of Appeals. The high court rejected the reasoning of earlier decisions of the Court of Special Appeals and greatly limited the significance of the Robson decision. See U.S. v. Ambrose, 403 Md. 425, 942 A.2d 755 (2008).

Government: Capt. Jennifer Kramme, SAUSA
Andrews Air Force Base
1535 Command Drive
315 WG/JAC
Andrews Air Force Base, Maryland 20762-7002
(301) 981-6638

Defendant's Counsel: Carrie Corcoran, Esquire
Office of the Federal Public Defender
Tower II, Suite 1100
100 South Charles Street
Baltimore, Maryland 21201
(410) 962-3962

3. Carson v. Can. Life Assur. Co., DKC-99-1079
(opinion entered Feb. 23, 2001 – copy attached)

This is the first widely known, substantial verdict for a then mysterious illness called “fibromyalgia.” Ms. Carson sought insurance benefits as a result of being

“disabled” under the terms of her policy with Defendant. The policy only provided benefits in the event that she was unable to perform with reasonable continuity the substantial and material duties of her own occupation in the usual and customary manner. While Ms. Carson provided medical support for her condition, the defendant repeatedly refused to accept the diagnosis, misrepresented the basis for its refusal to pay benefits under the policy, and did not make a reasonable investigation into the basis for her claim prior to the denial of benefits.

Ms. Carson testified that her position required a high degree of accuracy and she lost her ability to concentrate which was critical to the position. In providing evidentiary support for the extremely painful difficulties of her condition, she also admitted to working part-time in order to support herself. The jury found that under the terms of the policy, the plaintiff was entitled to recover.

This case is significant in that it lent judicial legitimacy to the little known illness which caused catastrophic changes in her lifestyle, quality of life and standard of living. The strict construction of the policy language resulting in a recovery for a person who was “totally disabled,” yet made every effort to “work through” her difficulties. I refused to grant the defendant’s request to rule, that as a matter of law, that the plaintiff was disqualified from receiving benefits under the policy.

The jury award compensatory and punitive damages, which were affirmed on appeal. The appellate court also upheld my ruling striking the punitive damages award of \$750,000.00.

Plaintiff’s Counsel: Patrick M. Donahue, Esquire
The Donahue Law Firm
18 West Street
Annapolis, Maryland 21401
(410) 280-2023

Defendant’s Counsel: Michael Sean DeBaugh, Esquire
St. Paul Travelers
111 Schilling Road
Hunt Valley, Maryland 21031
(443) 353-1870

4. Newsome v. Penske Truck Leasing Corp.,
437 F. Supp. 2d. 431 (D. Md. 2006)

This employment discrimination opinion discussed what is “impeachment evidence” and when it is discoverable. There was no controlling law in the Fourth Circuit Court of Appeals and other federal authority on this subject was split. I determined that when evidence is to be used “solely for impeachment” it

must be produced; (1) whenever it also has a substantive purpose; and (2) if it would be responsive to a specific discovery request.

Under the Federal Rules of Civil Procedure and District of Maryland Local Rule 106(h), counsel are required to list in their pretrial materials all documents and exhibits “other than those expected to be used solely for impeachment.” Defense counsel proffered the intent to use audio taped statements made by the plaintiff which the defense refused to produce in discovery. I ruled against the defense while explaining the evidentiary distinction between substantive and impeachment evidence.

Plaintiff’s Counsel: Alan Lescht, Esquire
Alan Lescht and Associates, PC
1050 17th Street, NW – Suite 220
Washington, D.C. 20036
(202) 463-6036

Justin Steven Dross, Esquire
Justin S. Dross, LLC
438 North Frederick Avenue, Suite 316
Gaithersburg, Maryland 20877
(301) 552-3330

Defendant’s Counsel: James A. Rothschild, Esquire
Michael J. Carlson, Esquire
Anderson Coe and King, LLP
201 North Charles Street – Suite 2000
Baltimore, Maryland 21201-4135
(410) 752-1630

5. United States v. Santosdedios, 240 F. Supp. 2d 414 (D. Md. 2002)

In the absence of controlling federal case law in Maryland, I determined that the government could charge suspected shoplifters a flat administrative fee related to its annual security costs under a federal civil statute, and still proceed with criminal prosecutions. At issue was whether the double jeopardy clause of the US Constitution was violated when individuals were prosecuted for theft of government property after having paid a statutory penalty for the same conduct. I ruled that the civil recovery program was implemented as a civil statute and not for the purpose of punishment, nor was it so punitive in form as to constitute a criminal penalty. This was the first known ruling on this subject in Maryland.

Government: Capt. Albert T. Gombis, SAUSA
Andrews Air Force Base
1535 Command Drive
315 WG/JAC

Andrews Air Force Base, Maryland 20762-7002
(301) 981-6638

Defendant's Counsel: Carrie Corcoran, Esquire
Office of the Federal Public Defender
Tower II, Suite 1100
100 South Charles Street
Baltimore, Maryland 21201
(410) 962-3962

6. Congressional Air, Ltd. v. Beech Aircraft Corp.,
176 F.R.D. 513 (D. Md. 1997)

This was the first reported case in Maryland to deal with the timely production of rebuttal expert reports under the federal rules. The original report of Plaintiff's expert alleged a negligent design. The report was later modified to suggest that the cause of the damages in the case was negligence in manufacturing. It was clear that the sole basis for the modification was to rebut the report prepared by the defense expert. As such, Plaintiff was required to make the necessary disclosure within 30 days, or at least before the defense was prejudiced by the untimely disclosure which occurred six months earlier. In this products liability action, I granted Defendant's motion to strike Plaintiff's new rebuttal expert report given the unreasonable delay in its production. The report offered a new theory of liability on the eve of a jury trial. The jury found in favor of Defendant.

Plaintiff's Counsel: Kathryn A. Ledig, Esquire
Tigert & Ledig
3859 Plaza Drive
Fairfax, Virginia 22030
(703) 691-3565

Defendant's Counsel: Elizabeth Carroll Honeywell, Esquire
Venable Baetjer and Howard, LLP
Two Hopkins Plaza – Suite 1800
Baltimore, Maryland 21201
(410) 244-7400

Larry B. Spikes, Esquire
Martin Pringle Oliver Wallace and Swartz, LLP
220 West Douglas
300 Page Court
Wichita, Kansas 57202

Paul D. Barker, Jr., Esquire
US Department of Justice
Environment and Natural Resource Division

Ben Franklin Station, P.O. Box 663
Washington, D.C. 20044-0663
(202) 305-0434

7. Ngo v. Standard Toole & Equipment Co., Inc.,
197 F.R.D. 263 (D. Md. 2000)

This opinion was written and is significant because of the lack of case law in the District of Maryland on this precise issue. This was a products liability trial against the manufacturer of an automobile lift for an injury which occurred during the operation of the lift. Plaintiff found himself in the unusual position of trying to silence his own physician. As a result of the defense obtaining Plaintiff's treatment records directly from the health care provider, it was learned that Plaintiff had seen his physician on an additional occasion wherein the physician's view of Plaintiff's damages was critical. Plaintiff used a variety of procedural arguments to prevent the expected testimony regarding this final examination. I found that the defense had presented "good cause" for the modification of the scheduling order and that fairness required permitting the physician's factual observations to be presented. The jury did not return a verdict, and the parties subsequently settled the matter.

Plaintiff's Counsel: Louise Bouscaren McKnew, Esquire (deceased)
Law Office of Louise McKnew
100 Watkins Pond Boulevard, Suite 307
Rockville, Maryland 20850
(301) 963-3699

David Jason Kaminow, Esquire
Meiselman, Salzer, Inman & Kaminow, PC
611 Rockville Pike, Suite 225
Rockville, Maryland 20852
(301) 315-9400

Defendant's Counsel: Daniel Karp, Esquire
Kevin Bock Karpinski, Esquire
Karpinski Colaresi and Karp, PA
120 East Baltimore Street, Suite 1850
Baltimore, Maryland 21202
(410) 727-5000

8. United States v. Davis
261 F. Supp. 2d 343 (D. Md. 2003)

This criminal defendant was charged with various motor vehicle offenses in a bench trial. I opined that the Government had failed to establish that Defendant's bad driving was caused by his use of alcohol or drugs. Under the Code of Federal

Regulations the Government was required to prove that Defendant was under the control of alcohol or drugs to such an extent that he was incapable of safely operating his vehicle. Despite bad driving and bizarre behavior by Defendant, his blood tests were exculpatory and the Government lacked sufficient evidence to explain his behavior. Defendant was found guilty of driving while suspended and other motor vehicle infractions.

Government: Hollis Weisman, Esquire
Office of the U.S. Attorney
6500 Cherrywood Lane
Greenbelt, Maryland 20770
(301) 344-4029

Defendant's Counsel: Elizabeth Pearl Raman, Esquire
906 North Fillmore Street
Arlington, Virginia 13124
(703) 841-0914

9. Taylor v. Mount Oak Manor Homeowner's Ass'n, Inc.
11 F. Supp. 2d 753 (D. Md. 1998)

Homeowners brought action against homeowners association and law firm, alleging that their efforts to collect unpaid fees violated Fair Debt Collection Practices Act. Defendants moved to dismiss. I determined that the fees were "debts" under the Act, and that a law firm could be liable if it qualified as a "debt collector."

Plaintiff's Counsel: Roy Robert Morris, Esquire
Carr Morris and Graeff, PC
8300 Boone Boulevard, Suite 250
Vienna, Virginia 22182
(703) 288-2900

Defendant's Counsel: Allan Ames Noble, Esquire
James Allen Kaffenbarger, Jr., Esquire
Budow and Noble PC
7315 Wisconsin Avenue, Suite 500
Bethesda, Maryland 20814
(301) 654-0896

Sidney Todd Willson, Esquire
Jeffrey W. Bredeck, Esquire
Eccleston and Wolf, PC
729 East Pratt Street
Baltimore, Maryland 21202
(410) 752-7474

10. United States v. Mark Wheeler, 2003 WL 1562100 (D. Md. 2003)

Defendants were charged by criminal complaint, and moved to dismiss the charges by contending the charging document was Constitutionally defective. I ruled against Defendants, indicating they were properly placed on notice of the allegations for purposes of the double jeopardy clause. This bench trial resulted in a finding of guilty.

Government: Information unavailable.

Defendant's Counsel: Mark Wheeler, pro se
5628 W. Gate Road
Lanham, Maryland 20706

- 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. Law v. Zuckerman, 307 F. Supp. 2d 705 (D. Md. 2004)

Plaintiff's Counsel: Allen Eaton, III & LaVern Wiley
Eaton and McClellan
1111 14th Street, NW – Suite 777
Washington, D.C. 20005
(202) 789-0088

Defendant's Counsel: Benjamin S. Vaughan & Karen Ferretti
Armstrong, Donohue, Ceppos & Vaughn, Chtd.
204 Monroe Street – Suite 101
Rockville, Maryland 20850
(301) 251-0440

2. United States v. Robson, 391 F. Supp. 2d 383 (D. Md. 2005)

Government: Capt. Jennifer Kramme, SAUSA
Andrews Air Force Base
1535 Command Drive
315 WG/JAC
Andrews Air Force Base, Maryland 20762-7002
(301) 981-6638

Defendant's Counsel: Carrie Corcoran, Esquire
Office of the Federal Public Defender
Tower II, Suite 1100

100 South Charles Street
Baltimore, Maryland 21201
(410) 962-3962

3. Carson v. Can. Life Assur. Co., DKC-99-1079
(opinion entered Feb. 23, 2001 – copy attached)

Plaintiff's Counsel: Patrick M. Donahue, Esquire
The Donahue Law Firm
18 West Street
Annapolis, Maryland 21401
(410) 280-2023

Defendant's Counsel: Michael Sean DeBaugh, Esquire
St. Paul Travelers
111 Schilling Road
Hunt Valley, Maryland 21031
(443) 353-1870

4. Newsome v. Penske Truck Leasing Corp.,
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Plaintiff's Counsel: Alan Lescht, Esquire
Alan Lescht and Associates, PC
1050 17th Street, NW – Suite 220
Washington, D.C. 20036
(202) 463-6036

Justin Steven Dross, Esquire
Justin S. Dross, LLC
438 North Frederick Avenue, Suite 316
Gaithersburg, Maryland 20877
(301) 552-3330

Defendant's Counsel: James A. Rothschild, Esquire
Michael J. Carlson, Esquire
Anderson Coe and King, LLP
201 North Charles Street – Suite 2000
Baltimore, Maryland 21201-4135
(410) 752-1630

5. United States v. Santosdedios, 240 F. Supp. 2d 414 (D. Md. 2002)

Government: Capt. Albert T. Gombis, SAUSA
Andrews Air Force Base
1535 Command Drive

315 WG/JAC
Andrews Air Force Base, Maryland 20762-7002
(301) 981-6638

Defendant's Counsel: Carrie Corcoran, Esquire
Office of the Federal Public Defender
Tower II, Suite 1100
100 South Charles Street
Baltimore, Maryland 21201
(410) 962-3962

6. Congressional Air, Ltd. v. Beech Aircraft Corp.,
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Plaintiff's Counsel: Kathryn A. Ledig, Esquire
Tigert & Ledig
3859 Plaza Drive
Fairfax, Virginia 22030
(703) 691-3565

Defendant's Counsel: Elizabeth Carroll Honeywell, Esquire
Venable Baetjer and Howard, LLP
Two Hopkins Plaza – Suite 1800
Baltimore, Maryland 21201
(410) 244-7400

Larry B. Spikes, Esquire
Martin Pringle Oliver Wallace and Swartz, LLP
220 West Douglas
300 Page Court
Wichita, Kansas 57202

Paul D. Barker, Jr., Esquire
US Department of Justice
Environment and Natural Resource Division
NRS
Ben Franklin Station, P.O. Box 663
Washington, D.C. 20044-0663
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7. Ngo v. Standard Toole & Equipment Co., Inc.,
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Plaintiff's Counsel: Louise Bouscaren McKnew, Esquire (deceased)
Law Office of Louise McKnew
100 Watkins Pond Boulevard, Suite 307

Rockville, Maryland 20850
(301) 963-3699

David Jason Kaminow, Esquire
Meiselman, Salzer, Inman & Kaminow, PC
611 Rockville Pike, Suite 225
Rockville, Maryland 20852
(301) 315-9400

Defendant's Counsel: Daniel Karp, Esquire
Kevin Bock Karpinski, Esquire
Karpinski Colaresi and Karp, PA
120 East Baltimore Street, Suite 1850
Baltimore, Maryland 21202
(410) 727-5000

8. United States v. Davis
261 F. Supp. 2d 343 (D. Md. 2003)

Government: Hollis Weisman, Esquire
Office of the U.S. Attorney
6500 Cherrywood Lane
Greenbelt, Maryland 20770
(301) 344-4029

Defendant's Counsel: Elizabeth Pearl Raman, Esquire
906 North Fillmore Street
Arlington, Virginia 13124
(703) 841-0914

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11 F. Supp. 2d 753 (D. Md. 1998)

Plaintiff's Counsel: Roy Robert Morris, Esquire
Carr Morris and Graeff, PC
8300 Boone Boulevard, Suite 250
Vienna, Virginia 22182
(703) 288-2900

Defendant's Counsel: Allan Ames Noble, Esquire
James Allen Kaffenbarger, Jr., Esquire
Budow and Noble PC
7315 Wisconsin Avenue, Suite 500
Bethesda, Maryland 20814
(301) 654-0896

Sidney Todd Willson, Esquire
Jeffrey W. Bredeck, Esquire
Eccleston and Wolf, PC
729 East Pratt Street
Baltimore, Maryland 21202
(410) 752-7474

10. United States v. Mark Wheeler
2003 WL 1562100 (D. Md. 2003)

Government: Information unavailable.

Defendant's Counsel: Mark Wheeler, pro se
5628 W. Gate Road
Lanham, Maryland 20706

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

None.

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.

1. Merrill Lynch Bus. Fin. Servs., Inc. v. Targan, 276 Fed. Appx. 309 (4th Cir. 2008).

Reversed and Remanded. Held that I lacked jurisdiction to render order releasing to Merrill Lynch funds in Charles Schwab account. This was a final order and the case had only been referred to me for discovery. My orders were vacated and case was remanded.

2. Int'l Ass'n of Machinists & Aerospace Workers v. Werner-Masuda, 390 F. Supp. 2d 479 (D.Md. 2005).

Reversed. District Judge Chasanow reversed my award of sanctions. Judge Chasanow ruled that my award was too large and she ordered a new sanction award amount.

3. United States v. Jegede, 294 F. Supp. 2d 704 (D.Md. 2003).

Affirmed with critique. I granted Defendant's motion to suppress. District Judge Chasanow affirmed. However, I analyzed the case as if it included an anonymous tip and Judge Chasanow found that it did not include an anonymous tip. The

police could identify the tipster, and therefore my reliance on *Florida v. J.L.*, 529 U.S. 266, 120 S.Ct. 1375, 146 L.Ed.2d 254 (2000) was incorrect, and instead, *United States v. Quarles*, 330 F.3d 650, 655-56 (4th Cir.2003) was proper authority.

4. Ward v. Damico, 80 Fed. Appx. 877 (4th Cir. 2003).

Affirmed with critique. At trial, the jury found that both the motorcyclist and the automobile driver were negligent, proximately causing an accident. I entered judgment for automobile driver. The Fourth Circuit affirmed “because there was sufficient evidence from which the jury could conclude that [the motorcyclist] acted negligently and that his negligence was a proximate cause of the accident.” However, I erred “in failing to give the standard boulevard rule jury instructions.” This was a harmless error because “the jury ultimately found [the automobile driver] negligent.”

5. Sec. Workers Health & Welfare Fund v. Mid-Atlantic Sec. Servs., Inc., 11 Fed. Appx. 51 (4th Cir. 2001).

Reversed and remanded. I denied fees for employees' benefit fund's auditor as he interpreted a provision in ERISA's trust agreement to exclude fees of an auditor. The Fourth Circuit held that the “contract unambiguously resolve[d] this issue in favor of the Fund” and that it was unnecessary to determine whether “ERISA itself provides for the award of audit fees.” Reversed and remanded for consideration of audit fees consistent with the Fourth Circuit ruling.

- 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.

The majority of my decisions are not issued by written opinion.

Over the past ten years, I have issued approximately 180 unpublished written opinions. This represents approximately 95% of my written opinions. Approximately 5% of my written opinions are published. The opinions are stored electronically and available through CM/ECF. Those opinions that pre-date the implementation of CM/ECF have been archived by the Clerk's Office.

- 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.

Law v. Zuckerman, 307 F. Supp. 2d 705 (D. Md. 2004)

- 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 never sat by designation on a 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.

I can recall being asked to recuse myself due to a conflict of interest in only one instance:

Jarvis v. Enterprise Fleet Servs. & Leasing Co., No. DKC-07-3385. The plaintiff in an employment discrimination case had filed four concurrent actions on other issues in this court, as well as matters in other courts. He believed that I was biased against him because of his other actions and filed recusal motions against me and the district court judge. Both the motion and the appeal were denied. The plaintiff also sent an *ex parte* letter to the chief judge of the District Court accusing me of "personal vendetta" against him. There is no merit to his claim. His attempts to attack the judges in this case were addressed by Judge Chasanow in Jarvis v. Enterprise Fleet Servs. & Leasing Co., No. DKC-07-3385, 2010 U.S. Dist. Lexis 25031 at *29-30 n.7 (Mar. 17, 2010).

The only cases in which I am aware of actual recusals are as follows:

U.S. v. Dominique Hollingsworth, No. 08-399M. On May 31, 2008, a former employee of the Base Exchange (a major department store on the grounds of Andrews Air Force Base) entered a guilty plea to misdemeanor theft. This employee was the teller who failed to "ring up" twenty one items totaling over

\$900 in merchandise for her accomplice. Upon accepting her plea and voicing my dissatisfaction with her conduct and her complicity, the next defendant called for trial was Ms. Hollingsworth, the accomplice. Counsel felt that my expressed disappointment would not provide Ms. Hollingsworth with a fair trial. The oral motion for recusal was granted. Ms. Hollingsworth's case was continued to another date for presentation before another trial judge. Ms. Hollingsworth pled guilty to the charge.

Allmed Financial v Community Radiology Associates, Inc., No. AW 97-3008. In April 1998, this matter was referred to me for the resolution of discovery disputes. After the referral, the trial judge allowed Plaintiff to file an Amended Complaint, wherein claims were brought against individual members of the Defendant corporation. I shared with the parties that one of the individual Defendants was a member of the church that I had recently joined, and that I felt it best to recuse myself.

I regularly review the name of the parties and counsel in each case assigned to me to ensure that I do not have a close relationship to any of the parties, counsel or identified witnesses that would interfere with my neutrality or compromise the appearance of justice. The Case Management/Electronic Filing program utilized by the United District Court for the District of Maryland also provides a list of potential conflicts for each judge on a weekly basis.

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.

(1985-1989) I was an appointed Assistant State's Attorney for Montgomery County, Maryland. I was appointed by then State's Attorney Andrew L. Sonner. I have never been an unsuccessful candidate for office.

- 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.

I assisted in the re-election efforts of Andrew L. Sonner for State's Attorney on at least one occasion during the period of my employment in that office. I held no title, and have no present recollection of participating in any campaign activities. I probably distributed campaign literature.

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

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

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

I did not serve as a law clerk to a judge.

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

I have never practiced law alone.

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

1985-1989

Montgomery County State's Attorney's Office
50 Courthouse Square
Rockville, Maryland 20850

Assistant State's Attorney.

1989-1997

Sherman, Meehan, Curtin & Ain, PC
1900 M Street, NW, 6th Floor
Washington, D.C. 20036

Trial attorney.

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

I have never served as a mediator or arbitrator in private practice, however, one of my duties as a Magistrate Judge is to conduct settlement conferences (mediation).

1. EEOC v Hugh O'Kane Electric Co., L 02-2503

Complex discrimination negotiation involving two cases and many individuals with claims. Multiple full day mediation sessions were held. Assistance was obtained from a local discrimination attorney, who was needed to advise each claimant about his individual prospects regarding

additional claims to which the EEOC could not provide guidance. Without the consent of every claimant, as to the present and potential claims, there would be no settlement. The case was settled.

2. Washington-Baltimore Newspaper Guild, Local 32035 v. The Baltimore Sun, L 04-1252

Suit was filed under a collective bargaining agreement to compel arbitration in connection with a reduction in force affecting many journalists and staffers. A settlement was reached.

3. U.S. Postal Service v. Haselrig Construction Co., AW 02-170

This case involved an alleged breach of contract for the construction of a post office. Settlement was complicated by the need to resolve related fee disbursements to prior counsel in the matter, trustees for one of the parties, and liens which would apply to any settlement. A settlement was reached.

4. Gillespie v. Dimensions Health, DKC 05-73

Plaintiff sued Defendant hospital for failing to have equipment and/or procedures for communicating with deaf patients. Multiple mediations were held. A consent decree was entered by way of settlement.

5. Feldman v. Pro Football, Inc., AW 06-2266

Plaintiff filed suit seeking modifications at Defendant's football stadium which would allow for better communications with the deaf patrons. The parties eventually litigated the matter.

6. Trustees of the National Asbestos Workers Medical Fund v. E&B Insulation, Inc., PJM 04-3516

Plaintiffs filed suit alleging a breach of a collective bargaining agreement for a failure of Defendant to make contribution to an ERISA fund. A settlement was reached.

7. Wimbish v Sunflower Carriers, DKC 02-2639

Plaintiff filed this negligence action for injuries incurred from a motor vehicle accident. Part of her damages flowed from surgical procedures which occurred four years after the collision and issues of permanency. Multiple mediations were held. A settlement was reached.

8. Goode v Lind Godfrey, DKC 08-1350

ERISA claims brought by employees to recover for payments not made to their retirement plans. Multiple mediations were held. A settlement was reached.

9. Sarkissian v. Vaticor, Inc., AW 04-995

Plaintiff filed suit claiming violations of the state wage and hour laws, fraud and a breach of contract in his employment regarding various expenses incurred in the performance of his duties. Multiple mediation sessions were held. A settlement was reached.

10. Montoya v. SCCP Painting Contractors, Inc., CCB 07-455

Plaintiffs were employees of Defendant and filed suit for alleged failures to pay proper wages. Over time, the number of people participating as plaintiffs increased. Multiple mediations were held. A consent decree was entered.

b. Describe:

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

As an Assistant State's Attorney, I began prosecuting misdemeanor offenses in the District Court. After approximately one year, I was promoted to a felony trial team. At that time my caseload consisted of a number of complex embezzlement and fraud cases, as well as other serious crimes. In my final role, I was serving on a specially created felony Drug Prosecution Unit, where we made extensive use of the investigatory powers of the grand jury.

In private practice, I was a trial attorney with a substantial portion of my practice focusing on plaintiff's personal injury, medical malpractice and wrongful death claims. I periodically represented plaintiffs or defendants in estate litigation. I became an equity partner of the firm in 1995.

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

As a criminal prosecutor, I always represented the interests of the citizens of the State of Maryland.

In my civil practice, I typically represented individuals who suffered from personal injuries. I periodically represented corporate entities.

- 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.

The entirety of my public and private practice has been based in litigation. As a prosecutor, I appeared in court on a near daily basis. As a private attorney, it was less frequently, but still on a regular basis.

- i. Indicate the percentage of your practice in:

1. federal courts;
(As a prosecutor -0%)(As a private attorney -10%)
2. state courts of record;
(As a prosecutor-100%)(As a private attorney-90%)
3. other courts; None
4. administrative agencies None

- ii. Indicate the percentage of your practice in:

1. civil proceedings;
(As a prosecutor-0%)(As a private attorney-95%)
2. criminal proceedings.
(As a prosecutor-100%)(As a private attorney-5%)

- 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.

As a prosecutor in the District Court, I was usually assigned to criminal and traffic dockets that resulted in my trying approximately 15 to 25 cases per week. Upon my promotion to the Circuit Court, I probably tried one to three jury trials per month. In all but a handful of cases, I was the sole counsel.

During the last five years of private practice, I handled 16 cases to conclusion on the merits. In 12 cases, I was sole counsel; in three cases, I was associate counsel; and in one case, I was chief counsel. (I have no present recollection or means of determining a response which covers my first three years of private practice.)

As a private practitioner, eleven cases were decided by trial in the five year period before I received a position on the bench

i. What percentage of these trials were:

1. jury;
1%
2. non-jury.
99%

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.

I have not practiced before the Supreme Court of the United States.

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. Joel Felrice v. Service Employees Int'l. Union AFL-CIO, No. 94-CA006241 (D.C. Sup. Ct. 1996).

This was a jury trial presenting civil claims between employees of a corporation employing janitors and a union organizing janitorial workers in an effort to obtain better wages and working conditions.

I represented Plaintiffs (Joel Felrice, Michele Kiah and Robin Allen). The trial was held in the Superior Court for the District of Columbia before the Honorable Ellen Huvelle.

Defendants (the local union and its leaders), were engaged in a heated and long standing battle against one of the largest employers of janitors in the greater Washington D.C. area, United States Service Industries, Inc. ("USSI"). The union was trying to improve the wages and working conditions for janitors under a campaign titled "Justice for Janitors." While the nobility of this cause could not be criticized, the methods of

Defendants on this occasion were unlawful. Defendants motivated hundreds of supporters to block and obstruct all means of pedestrian and vehicular travel on “K” Street in Washington D.C. This road is a main thoroughfare in the city which remained blocked for hours. The location was chosen in part to assist Defendants in their attempt invade the business offices of USSI.

Through planning and deception, Defendants stormed the premises and offices of USSI and Plaintiffs during regular business hours, preventing nearly all of the occupants from leaving or engaging in work. Their stated purpose was to disrupt the business operations and to intimidate the employees. Unfortunately, a by-product was violence and physical injury. The jury awarded compensatory and punitive damages to Plaintiffs.

This case is significant in proving the usefulness of the legal process. Despite the negative public perception of Plaintiffs’ employer, the jurors understood the unlawfulness of Defendants’ actions. The punitive damages award placed Defendants on notice that similar activities would more than likely result in more significant punitive damage awards. The verdict had the desired “chilling effect” for the benefit of employees and other citizens not involved in the historical conflict.

Opposing Counsel:
Page Kennedy, Esquire
Bredhoff & Kaiser
805 15th St., N.W., Suite 1000
Washington, D.C. 20005-2207
(202) 842-2600

2. State of Maryland v. Anne M. Selee, case number unknown (Montgomery County Dist. Ct. 1996).

I represented Ms. Selee in this misdemeanor theft case in the District Court of Maryland sitting in Montgomery County. Ms. Selee was accused of making a false claim to her insurance carrier regarding losses from a burglary. The owner of the house resided on the premises. Ms. Selee was one of several tenants who rented. Years before, this home had been burglarized under suspicious circumstances also involving an allegation of false claims to insurers by the homeowner.

Ms. Selee had been romantically involved with a number of men over the years. At least four of her former suitors asked for her hand in marriage and provided her with very expensive engagement rings. It was Ms. Selee’s claim for reimbursement of one of these engagement rings that was problematic. Following payment on her claim, her insurer learned that Ms. Selee had possession of her “engagement ring.” This was not “the”

engagement ring which was the subject of her claim. At trial, it was demonstrated that Ms. Selee's explanations were legitimate. It was learned the owner of the premises was Ms. Selee's principal accuser. He also was a jilted suitor, and the principal suspect in both burglaries. Ms. Selee was found not guilty by the Honorable Thomas Craven.

The identity of the Assistant State's Attorney is unknown.

3. Julia Beynon v. James Kirkland, CA 74658 and 107011 (Montgomery County Cir. Ct. 1995).

This was a wrongful death and survival action in which Plaintiffs prevailed at the trial court and after published decisions by the Maryland Court of Special Appeals and Maryland Court of Appeals.

I was counsel for Plaintiffs (Julia Beynon, Douglas Beynon, and the late Douglas Beynon, Jr.). A jury trial was held in the Circuit Court for Montgomery County, Maryland, before the Honorable J. James McKenna (now retired). The final reported decision is Beynon v Montgomery Cablevision Ltd. P'ship, 351 Md. 460, 718 A.2d 1161 (1998). I was sole counsel at trial and during the initial appeal. I was appointed to the bench before argument in the Maryland Court of Appeals.

Doug Beynon, Jr. was operating his motor vehicle on the outer loop of the Washington Beltway during the early morning hours when he crashed into the rear of a tractor trailer resulting in his death. The tractor trailer was not moving due to the complete and unlawful blockage of all traffic at the direction of employees of Montgomery Cablevision. Human factors experts were able to opine that Mr. Beynon was operating his vehicle in full compliance with all motor vehicle regulations. Unfortunately, the tractor trailer had no (or incomplete) rear illumination. In conjunction with other traffic on the roadway, the constellation of lights gave the appearance of an open lane until it was too late from Mr. Beynon to avoid a collision.

This case is significant as it created new law. As a result of the appellate decisions upholding the trial court rulings, Maryland now recognizes the claim of "pre-impact fright," allowing damages for emotional distress and mental anguish in the face of imminent death.

Opposing Counsel:
Jean Betz, Esquire
Budow and Noble
7201 Wisconsin Ave, Suite 600
Bethesda, Maryland, 20814
Counsel's Current Address:
21 Johnson Place,

Rye, NV 10580
Phone number unavailable

Nancy L. Harrison, Esquire
100 S. Charles St., Suite 1101
Baltimore, Maryland 21201
(410) 752-0575

John Packard, Esquire
600 Washington Avenue, Suite 300
Towson, Maryland 21204
(410) 823-1881

Post Verdict:
Hugh Donovan, Esquire
10801 Lockwood Drive, Suite 130
Silver Spring, Maryland 20901
(301) 681-1500

4. Wayne Beyer, M.D. v. Union Central Life Insurance Co., No. 92-cv-379 CRR (D. D.C.1992).

This was a jury trial involving disability benefits claimed under a policy for professional services.

Our firm represented Plaintiff, Dr. Wayne Beyer, regarding claims filed in the US District Court for the District of Columbia. The trial was held before Magistrate Judge Patrick Attridge. Lead counsel for Plaintiff was Randell Ogg, 1150 Connecticut Ave., Suite 900, Washington, D.C. 20036 (202-862-4323). I was brought in shortly before trial. (My appearance is not presently reflected on the docket entries for the court.)

Dr. Beyer was a very successful eye surgeon who developed a psychological medical condition making it extremely dangerous for him to continue his surgical practice. He claimed disability and discontinued his medical practice. Dr. Beyer's insurance carrier challenged his claim for disability and eventually learned in discovery that he enjoyed "cross dressing," a sexual aspect of Dr. Beyer's married life that he chose to keep private. By the time of trial, Defendant claimed that Dr. Beyer's cross dressing was a pre-existing, undisclosed mental disorder which invalidated his claim under the policy.

Mr. Ogg handled all pre-trial matters. As the junior attorney on the case, my role was limited. Nonetheless, I actively assisted in the development of our trial strategy and presentation. Most importantly, I conducted the successful cross examination of the most critical and highly respected

defense expert witness and the closing argument. The jurors found in favor of Plaintiff.

This case is significant given the defense disclosures of Dr. Beyer's private sexual behavior and the defense strategy of identifying cross dressing as a mental disorder. As counsel, we demonstrated that Dr. Beyer's sexual behavior was not a mental disorder within the meaning of the policy. Given the subject matter and juror sensitivities this case presented a very challenging parsing of the facts, the medicine, and the law.

Co-counsel:
Randell C. Ogg
1150 Connecticut Ave. NW, 9th Fl
Washington, D.C.
(202)862-4323

Opposing Counsel:
Bryan Bolton, Esquire
Funk and Bolton, P.A.
36 S. Charles Street, Suite 1200
Baltimore, Maryland 21201
(410) 659-7700

5. Dianne Gregg v. Roberta Urso, No. 92881V (Montgomery County Cir. Ct. 1992)

I represented Ms. Gregg in her claim against a jeweler regarding a setting for her family heirloom. Ms. Gregg inherited her grandmother's very large diamond. Ms. Gregg had the stone reset, and within weeks, the stone fell out of its setting. The only evidence available regarding the size, shape, and clarity of the stone, was a photograph Plaintiff possessed of her grandmother wearing a ring with the diamond. We were able to locate an expert who opined on the likely value of the stone, as well as the defective setting. This expert was the author of many of the standards used by gemologists today, and was once hired by the Smithsonian to examine the famous Hope diamond. A settlement was reached on the day of jury selection, with a twist. The trial judge, the Honorable J. James McKenna, initiated settlement discussions with counsel. He then sought to speak with our clients without counsel present. I refused to agree to this given that my client was terrified. She also felt that the playing field was not level and that the business owner would "out-negotiate" her. Eventually, Judge McKenna yielded and conducted settlement with the assistance of counsel.

Opposing Counsel:
Stanton Gildenhorn
12508 Circle Drive

Rockville, Maryland 20850
(301)254-5500

Monroe Mizel
3717 Decatur Avenue
Kensington, Maryland 20895
(301)946-2900

6. Ernesto S. Clarke v. Stone Ridge County Day School, case number unknown (D.C. Sup. Ct. approx. 1991).

I was junior counsel. Mr. Clarke's daughter attended Stone Ridge County Day School, a prominent private school in Maryland. Our firm represented the school. One of the teachers observed bruises on Mr. Clarke's daughter and after speaking with her learned that the marks were the result of corporal discipline by her father. Pursuant to Maryland law, the school officials notified law enforcement officials. Mr. Clarke, an attorney, filed suit for defamation and other claims. On behalf of the school, we asserted various defenses including qualified immunity. Litigation was lengthy but eventually the case settled. I believe the suit was pending in the Superior Court for the District of Columbia before the Honorable Gladys Kessler.

Co-counsel:
Claudia Pott
(retired from the practice of law)

Opposing Counsel:
Ernesto S. Clarke
I do not recall the names of his co-counsel

7. European Associates v. Catherine Baron, case number unknown (D.C. Sup. Ct. 1991).

Our firm represented Ms. Baron in this business litigation matter, involving a non-compete agreement, non-solicitation agreement. I was junior counsel in this matter. Ms. Baron left her employment with Plaintiff, and many of her clients joined her at her new firm. The legitimacy and scope of the non-compete agreement was extensively litigated, as this was in reality a battle between two industry leaders. After many months of discovery, a settlement was reached. Pretrial management of the case was handled by the Honorable Herbert Dixon of the Superior Court for the District of Columbia.

Co-counsel:
David Barmak
(now of Mintz, Levin)

701 Pennsylvania Ave., NW –Suite 900
Washington, D.C. 20004
(202)585-3507

Opposing Counsel:

I do not recall the identity of opposing counsel.

8. Longus Corley v. Dr. Stuart Tattar, No. CAL90-15332 (Prince George’s County Cir. Ct. 1990).

I was junior counsel in this medical malpractice action against a podiatrist. Mr. Corley suffered from undergoing multiple medical procedures contrary to the standard of care. In addition to assisting in obtaining and deposing experts and fact witnesses, I participated in the ordinary rigors of discovery. A settlement was reached following various discovery rulings by the court. The trial judge was the Honorable Jacob Levin of the Circuit Court of Prince George’s County, Maryland.

Co-counsel:

Randell C. Ogg
1150 Connecticut Ave. NW, 9th Fl
Washington, D.C.
(202)862-4323

Opposing Counsel:

I do not recall the name of counsel

9. State v. Lemuel McGlone, Jr., No. 51490C (Montgomery County Dist. Ct. 1989).

This was a criminal prosecution for the possession with the intent to distribute phencyclidine (“PCP”).

I was the co-prosecutor of this case with the former Deputy State’s Attorney, Matthew Campbell. I believe the trial judge was the Honorable Richard Latham.

Mr. McGlone and his co-conspirators developed a drug organization which brought PCP to Montgomery County and stored the drugs in an apartment. Due to a water leak which flooded the apartment, maintenance personnel discovered a residence with no furniture, no signs of occupancy, and large canisters of PCP placed throughout the premises which was part of a multi-story apartment complex. The substance was so volatile, that serious thought was given to evacuating the building of over 400 units.

The discovery and apprehension of Defendants involved stake outs, a shoot out, high speed chases, man-hunts, and “a Cinderella ending.” Near the scene of the shootout, Mr. McGlone ran out of his shoe. He escaped arrest for nearly a day. A law enforcement officer observed Mr. McGlone the following morning walking along the tree line near a major roadway. He was wearing only one shoe. While being detained, Mr. McGlone was given the shoe from the crime scene, which was a perfect match.

During the trial, Mr. McGlone boasted of his lack of fear from the witness stand. He claimed his innocence, his lack of fear of the prosecution, and of his confidence in a quick acquittal. Surprisingly, he failed to appear for court the following morning before his cross examination could be completed. The trial continued in his absence, and he was convicted. He was later found in New York City hiding in a church.

This case is significant given the on-going coordination with the police, the Montgomery County Crime Lab, and the Drug Prosecution Unit in the management of a dangerous environment. It was the largest known seizure of PCP on the East Coast.

Co-counsel:
Matthew Campbell, Esquire
Current address:
Financial Industry Regulatory Authority
1735 K Street, Nw
Washington, D.C. 20006
(202)728-8106

Opposing Counsel:
Victor Crawford, Esquire (deceased).

10. State of Maryland v. Samuel Greenlaw, case number unknown (Montgomery County Dist. Ct. approx. 1986).

This was a theft case which I prosecuted several times. After Mr. Greenlaw was convicted in the District Court, he obtained a trial de novo in the Circuit Court for Montgomery County, Maryland. Mr. Greenlaw was accused of making unlawful withdrawals from a bank account by way of an automated teller machine. Several photographs of the transaction depicted Mr. Greenlaw, however the photographs were not very clear. The account belonged to Mr. Greenlaw’s girlfriend, and it was demonstrated that Mr. Greenlaw was the only person who had access to her ATM card and personal information number.

I recall that at times Mr. Greenlaw represented himself, and at other times he was represented by esteemed members of the criminal defense bar. In

the Circuit Court, one mistrial was declared after jury selection, when Mr. Greenlaw claimed to have sudden chest pains requiring emergency treatment in the well of the court. Medical personnel examined Mr. Greenlaw in the courtroom, but no unusual medical condition was found. Mr. Greenlaw's claim was highly suspicious because his desperate plea for another postponement of the case was denied on the morning of trial. A subsequent hearing resulted in a hung jury. The trial judge conversed with the jurors following the verdict and learned that one juror was clearly suffering from a mental condition which made it impossible for the jurors to reach a consensus. Eventually, Mr. Greenlaw pled guilty to the offense during the presentation of evidence during yet another jury trial. He was given a probationary disposition which allowed him to keep the conviction off of his criminal record.

This case was difficult in that I had to repeatedly counsel the victim of the offense through the numerous delays over several years. She was very afraid of Mr. Greenlaw. There was also an interesting alibi defense as Mr. Greenlaw claimed he was attending a meeting at the World Bank at the time of the withdrawals. We were able to secure the testimony of a necessary World Bank employee, even though said employee was immune from process under international law.

One of the trial judges in the Circuit Court was the Honorable Leonard Ruben (deceased). I do not recall the names of the other trial judges.

Opposing Counsel:
Barry Helfand
101 N. Washington Street
Suite 502
Rockville, Maryland 20852
301 521-9001

James Savage
(No longer in private practice and his whereabouts are unknown.)

I do not recall the names of other trial counsel for the defendant.

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.)

None aside from litigation.

I have never been involved in lobbying activities.

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.

Pretrial Civil Litigation (2007-Present)

Washington College of Law
American University
4801 Massachusetts Avenue, NW – Suite 300
Washington, D.C. 20016-8181

This course focuses on developing essential written and oral pretrial civil litigation skills, including: Drafting complaints, answers, interrogatories, requests for production of documents, requests for admissions and motions for summary judgment. Students have the opportunity to conduct and defend depositions of fact and expert witnesses, and present and defend motions for summary judgment. (See attached syllabus.)

Introduction to Law (1986-1995)

Montgomery College
7600 Takoma Avenue
Takoma Park, Maryland 20912

This course presented a general perspective of the legal system and specific information about the potential role of the legal assistant within that system. Topics included the operation and structures of the federal and Maryland criminal and civil systems. (No syllabus is available.)

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.

With permission of the Chief Judge of the Fourth Circuit, I would like to continue to teach at the Washington College of Law.

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 financial 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.

I would recuse myself from cases involving the following: entities for which I have served as a director, trustee or officer; close friends and relatives; and other instances as directed by the Code of Conduct for United States Judges and the Published Advisory Opinions issued by the Committee on Codes of Conduct.

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

In resolving potential conflicts of interest, I would consult the Code of Conduct for United States Judges and the Published Advisory Opinions issued by the Committee on Codes of Conduct.

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.

For the past year, I have been a periodic volunteer for the Montgomery County Teen Court. This is a program for juveniles who are willing to admit their involvement in delinquent activities, and then participate in a judicial like setting while being examined and "judged" by their peers. Depending upon their culpability, prior history and nature of the offense, other teenagers will impose a broad range of sanctions ranging from community service to more traditional rehabilitative programs. The program is

sponsored by the Montgomery County State's Attorney's Office and staffed by lawyers, judges and other volunteers from the legal community.

As a member of the Bar Foundation of Montgomery County, Maryland, I am presently involved in developing summer internships for law students of diverse backgrounds to work in law firms of the county. The county has a reputation of not being open to diverse practitioners in the law firms. This collaborative effort - - between the law firms, the Bar Foundation and local and specialty bars - - is an attempt to develop relationships and opportunities to change this public perception.

The "Just The Beginning Foundation" has bi-annual conferences in different cities of the U.S. In September 2008, the conference was held in the Washington area. As part of the conference, the judges developed and implemented the "Robes In Schools" program. The program reaches out to students from local high schools, colleges and law schools to expose them to the law, the judiciary and the impact of the rule of law in America. I participated in one of the panel presentations held at the federal courthouse in Maryland. I have committed to do so at the upcoming conference in Atlanta in the Fall of 2010.

The Montgomery County Committee of the J. Franklyn Bourne Bar Association has been involved with a local "alternative" school for troubled youth. We committed to giving volunteer lectures in a classroom for pre-teens focusing on the Street Law curriculum. I delivered lectures approximately 5 years ago.

As the Program Manager of Operation: Last-Chance, I voluntarily participated in a host of theft awareness presentations in the local elementary schools of Montgomery County. For several years, I would join with a loss prevention officer from a local department store and an ex-offender, to make day long presentations to students of different grade levels about the perils of being involved in shoplifting.

As many firms do, there were instances where we elected not to pursue the collection of fees and expenses at the end of the representation. My firm allowed me to provide substantial free legal services (exceeding \$100,000 in billable hours) to the church I attended at the time, regarding a bond issuance and funding for the construction of a Family Life Center. These services were expected to be provided without charge. These services were provided solely due to my membership in the church.

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.

In July 2008, the Honorable Peter J. Messitte wrote then President George W. Bush to advise of his intention to elect "senior status" upon the appointment of his successor. This created a vacancy in the U.S. District Court of Maryland.

In early June 2009, Senator Mikulski posted a notice for applications on her office website. A deadline for the submission of applications was set at July 1, 2009. I made a timely application.

On June 3, 2009, I was interviewed by the Maryland Hispanic Bar Association. I receive a copy of the June 15, 2009 letter of endorsement.

On June 9, 2009, I was interviewed by the Asian Pacific American Bar Association of Maryland by telephone. In mid-July 2009, I was advised that I had received an endorsement.

On June 9, 2009, I was interviewed by the Montgomery County, Maryland Branch of the National Association for the Advancement of Colored People. In late June 2009, I received a copy of a letter of endorsement.

On July 11, 2009, I met with six attorneys appointed by Senators Mikulski and Cardin to interview applicants.

On November 3, 2009, I interviewed with Senators Mikulski and Cardin in Washington, D.C.. On December 10, 2009, Senator Mikulski advised that she would recommend me for the vacancy.

The District of Maryland does not have a selection commission which recommends candidates for nomination to federal courts. I was contacted by staff from the Department of Justice on December 18, 2009 regarding nomination paperwork and the process.

- 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.

AFFIDAVIT

I, Charles B. Day, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

July 22, 2010
(DATE)

Charles B. Day
(NAME)

Leena Antar
(NOTARY)

LEENA ANTAR
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
My Commission Expires 01-23-2012