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# NOMINATIONS OF MICHAEL A. HUGHES, NANCY M. WARE, DANYA A. DAYSON, PETER A. KRAUTHAMER, AND JOHN F. MCCABE

## HEARING

BEFORE THE

## COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

NOMINATIONS OF MICHAEL A. HUGHES TO BE U.S. MARSHAL, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA; NANCY M. WARE TO BE DIRECTOR, COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA; DANYA A. DAYSON, PETER A. KRAUTHAMER, AND JOHN F. MCCABE TO BE ASSOCIATE JUDGES, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

NOVEMBER 8, 2011

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# NOMINATIONS OF MICHAEL A. HUGHES, NANCY M. WARE, DANYA A. DAYSON, PETER A. KRAUTHAMER, AND JOHN F. MCCABE

**TUESDAY, NOVEMBER 8, 2011**

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
*Washington, DC.*

The Committee met, pursuant to notice, at 2:10 p.m., in room SD–628, Dirksen Senate Office Building, Hon. Daniel K. Akaka, presiding.

Present: Senator Akaka.

## OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. This hearing will come to order.

Good afternoon and welcome, everyone. Today, the Committee on Homeland Security and Governmental Affairs meets to consider the nominations of Michael Hughes to be U.S. Marshal for the District of Columbia Superior Court and Nancy Ware to be Director of the Court Services and Offender Supervision Agency (CSOSA). On the second panel of today's hearing, we will consider the nominations of Danya Dayson, Peter Krauthamer, and John McCabe to be Associate Judges of the Superior Court of the District of Columbia.

We are happy to have Congresswoman Eleanor Holmes Norton here. I would like to welcome you, Congresswoman Norton, to the Committee and yield to you for the introduction of the nominees. Will you please proceed.

## INTRODUCTION OF NOMINEES BY HON. ELEANOR HOLMES NORTON, A DELEGATE IN CONGRESS FROM THE DISTRICT OF COLUMBIA

Ms. NORTON. Thank you very much, Mr. Chairman. I always appreciate your work and help with matters affecting the District of Columbia, especially today, where it looks like you have a full agenda of only District of Columbia nominees.

We begin with two unusual posts. Both of these nominees head Federal agencies, but their jurisdiction involves exclusively District of Columbia matters. I was pleased to recommend both Michael Hughes and Nancy Ware to President Obama after both were recommended by the Judicial Nomination Commission.

First, I strongly recommend Mr. Hughes for U.S. Marshal for the D.C. Superior Court. Now, the D.C. Superior Court is an Article I



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court responsible for D.C. Code offenders, not Federal offenders. Mr. Hughes is very familiar with local matters, having served with multi-agency task forces involving, among others, District of Columbia officials. This agency, the Superior Court Marshals Service, has been without leadership for a very long time. In my judgment and in the judgment of the President, Mr. Hughes is particularly well suited to fill this position. He has had 20 years of career service with the U.S. Marshals Service. He began right out of college. All who have had any association with him agree that he would bring the kind of strong and patient and problem-solving experience that the Marshals Service for the Superior Court needs.

Mr. Chairman, Mr. Hughes has the broadest spectrum of experience at the U.S. Marshals Service, where he now serves. He has served in management, in investigations, in human resources, in tactical operations, and in crisis services. He brings the full load of what it will take at the Marshals Service for the Superior Court, in our judgment.

I am also very pleased to recommend Nancy Ware for the post of Director of the Court Services and Offender Supervision Agency. This post, too, has long been without leadership. I am convinced that Nancy Ware is uniquely qualified to fill this post after an exhaustive search. It is a very critical law enforcement post because it involves leadership of returning D.C. residents from the Federal Bureau of Prisons who are under supervision.

Ms. Ware's experience, particularly at the Criminal Justice Coordinating Council, gives her just the kind of experience the CSOSA needs because CSOSA, like the Criminal Justice Coordinating Council, is a Federal agency that has a foot in the Federal system as well as the District of Columbia system. We believe that Ms. Ware has precisely the qualifications to deal with this very important agency to the District of Columbia. When she headed the Criminal Justice Coordinating Council, its membership included the U.S. Attorney for the District of Columbia, the D.C. Police Chief, other city law enforcement officials, the Director of the Federal Bureau of Prisons, and the Chairman of the U.S. Parole Commission.

I am favorably impressed with her myself. I seldom know from personal experience nominees that I have brought to you, but as it turns out, the Criminal Justice Coordinating Council was one that often had to come to see me. I was very impressed with the kind of leadership that Ms. Ware brought and so apparently was everyone we spoke with about her, including D.C. Superior Court Judge Lee Satterfield, the Federal Bureau of Prisons Director Harley Lappin, and U.S. Parole Commission Chairman Isaac Fulwood.

Mr. Chairman, I would also like to recommend three very qualified attorneys for Associate Judge of the District of Columbia Superior Court. They come to you, of course, from the President, but on the recommendation of the District of Columbia Judicial Nomination Commission. I will just quickly go through their names. You have their full qualifications.

Danya Dayson is an attorney in private practice with O'Toole, Rothwell, Nassau, and Steinbach. She has engaged in matters involving criminal defense and family law in particular, as well as having been counsel for small business and nonprofits with respect

to employment law and corporate compliance. Ms. Dayson is a graduate of Appalachian State University in North Carolina and Georgetown University Law Center.

Peter Krauthamer—also for the Superior Court—has very extensive criminal law experience, having spent most of his career with the Public Defender Service (PDS) of the District of Columbia, where he is now Deputy Director with management and supervision of 220 employees, including 120 attorneys. Mr. Krauthamer received his Bachelor's degree from Brandeis University and his law degree from Boston University College of Law.

Finally, Mr. Chairman, I am pleased to recommend, again for Associate Judge of the Superior Court, John McCabe, now a Magistrate Judge on the District of Columbia Family Court. Mr. McCabe has also served as a U.S. Attorney in the District of Columbia, as an Assistant Corporation Counsel, and his undergraduate work was done at Duke University with a cum laude law degree from Tulane University Law School.

All three of these nominees from the President are, in my judgment, Mr. Chairman, very highly qualified for the Superior Court bench in our city.

Senator AKAKA. Let me thank you again for your support of these nominees. I want you to know that your support does make a difference to this Committee, so we really appreciate your being here today to introduce the nominees despite your busy schedule.

Ms. NORTON. Thank you very much, Mr. Chairman. I will excuse myself, then.

Senator AKAKA. Yes. Thank you very much.

The U.S. Marshal for the D.C. Superior Court has unique responsibilities. In addition to traditional Marshal functions like judicial security and prisoner transport, the U.S. Marshal for the D.C. Superior Court must perform local duties, such as evictions, that are typically associated with a Sheriff's Office. Mr. Hughes has spent his entire career with the Marshals Service, beginning in 1991 as a Deputy Marshal and working his way up to his current position as Chief of the Tactical Operations Division.

The Court Services and Offender Supervision Agency is a Federal agency that monitors probationers and parolees in the District of Columbia. Ms. Ware has spent a number of years working in the criminal justice system. Before assuming her current role as a Management Analyst at CSOSA, Ms. Ware was the Executive Director of the D.C. Criminal Justice Coordinating Council.

I believe you are both well qualified and well supported, and I want to congratulate you on your nominations. I understand that you have some family and friends in the audience today, and I wanted to give you the opportunity to acknowledge them at this time. Mr. Hughes, please introduce your guests.

Mr. HUGHES. Thank you, Senator. I have my mother and father here, and my sister, Tomianne. I see my brother and his wife are here. Jarl Jonas is here. I see Laura Kelso and many colleagues and friends who have joined me, and Mike Prout and my little godchild, Zoey, and I thank them all for their support today.

Senator AKAKA. Thank you very much. I welcome your family and friends and thank them for the support that they are giving you, Mr. Hughes.

Ms. Ware, will you please introduce your guests.

Ms. WARE. Thank you, Chairman Akaka. I would like to introduce the members of my family: My daughter, Dalila; my son, Omari; my oldest son, Diallo; his wife, Muriel; my sister-in-law, Giselle; and my brother, St. Elmo Crawford. I want to thank them all for their support in being here.

I also want to thank the members of the staff of CSOSA who have taken time out of their busy schedules to join me here today. They are scattered throughout the room, and I am really pleased to have them here. Also I have former members of the Criminal Justice Coordinating Council who are here today to support this nomination, and I am really pleased that they all took time out of their busy schedules. I do not know if I can name enough people, but I see a lot of friends and family here, so I want to thank them all for coming.

I also want to take a moment to thank my mother and father, who are no longer here, but they provided me with a lot of nurturing for any aspirations that I chose to pursue. Thank you, Senator.

Senator AKAKA. Thank you very much. It is good to have your supporters here with you today. So, again, let me say aloha and welcome to you. Your loved ones and friends must be very proud of your accomplishments.

Our nominees have filed responses to biographical and financial questionnaires and answered pre-hearing questions submitted by the Committee. Without objection, this information will be made part of the hearing record, with the exception of the financial information, which will be on file and available for public inspection at the Committee office.

Our Committee rules require that witnesses at nomination hearings give their testimony under oath. Therefore, I ask you both to please stand and raise your right hands.

Do you solemnly swear that the testimony you are about to give this Committee is the truth, the whole truth, and nothing but the truth, so help you, God?

Ms. WARE. I do.

Mr. HUGHES. I do.

Senator AKAKA. Thank you very much. Let it be noted for the record that the witnesses answered in the affirmative.

Mr. Hughes, please proceed with your statement.

## TESTIMONY OF MICHAEL A. HUGHES[1] TO BE U.S. MARSHAL, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. HUGHES. Thank you, Chairman Akaka, and thanks to Chairman Lieberman, Ranking Member Collins, and all the Members of the Committee for the opportunity to appear before you today. I am grateful and honored by the opportunity to be here and for your consideration of my qualifications to be the U.S. Marshal for the Superior Court of the District of Columbia.

I want to thank Congresswoman Eleanor Holmes Norton for recommending me to the White House as well as her Federal Law Enforcement Nominating Commission for their endorsement of my

[1] The prepared statement of Mr. Hughes appears in the Appendix on page 20.

qualifications. I am thankful to President Barack Obama for nominating me.

My thanks, as well, to the Senate Committee staff for the professionalism and guidance that they provided throughout this process.

I am delighted to have many family, friends, and colleagues here today. I would like to recognize and express my sincere gratitude to my family who are here with me today as well as those who could not make it: John and Thomasina Hughes, John and Kathleen Hughes, Linda and John Hadginikitas, Tomianne and Scott Pagano, and all my nieces, nephews, aunts, uncles, and cousins. I am very grateful to my family for their wisdom, wonderful humor, and unconditional love throughout my life.

I would like to thank Jarl Jonas, who provided me with unwavering encouragement and guidance throughout this process.

Finally, I would like to thank all my friends, colleagues, and mentors for their encouragement and support.

I am honored to have spent my last 20-plus years as a career U.S. Marshals Service employee. I have had the opportunity to serve in a vast array of areas, both in the field and at the headquarters level, including court security, fugitive investigations, asset forfeiture, protective operations, human resources, tactical operations, and on various multi-agency task forces. I have served in positions, including Deputy U.S. Marshal, Supervisory Inspector in our Witness Security Division, Supervisor of the Deputy Attorney General's Protection Detail, Chief of our Organized Crime and Drug Enforcement Task Force (OCDETF) at the OCDETF Fusion Center, Chief of our Office of Operational Staffing and Recruitment as well as Acting Deputy Assistant Director in our Human Resources Division, and Chief of our Office of Crisis Services in our Tactical Operations Division. I have also had the privilege to serve as a Legislative Fellow from 2003 to 2004 here in the U.S. Senate.

I am very honored to be associated with the brave and dedicated men and women of the U.S. Marshals Service. As a proud resident of the District of Columbia for more than 10 years, I am moved to be before you today as a nominee to be the U.S. Marshal for the Superior Court of the District of Columbia. If confirmed for this position, I look forward to the opportunity to utilize my knowledge and practical skills acquired over the course of my career to lead this office with honor and integrity while serving the residents of my community.

Thank you very much for your time and consideration of my nomination, and I look forward to answering your questions.

Senator AKAKA. Thank you very much.

Ms. Ware, will you please proceed with your statement.

## TESTIMONY OF NANCY M. WARE[1] TO BE DIRECTOR, COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

Ms. WARE. Thank you, Chairman Akaka and distinguished Members of the Committee and staff. Thank you for the opportunity to appear before you today. It is an honor to be the nominee to serve as Director of the Court Services and the Offender Supervision

[1] The prepared statement of Ms. Ware appears in the Appendix on page 40.

Agency for the District of Columbia. I want to thank President Obama for the confidence he has shown in me by nominating me and Congresswoman Eleanor Holmes Norton for recommending me to serve in this position.

I would like to introduce the members of my family today, my children, my daughter-in-law, my brother and sister-in-law, and all my friends who supported me and provided me with love and support throughout my aspirations and endeavors. I am profoundly grateful to them, and I really have a lot of respect and support from the staff at CSOSA Pretrial Services, and I want to thank them all for being here, as well as those from the Criminal Justice Coordinating Council.

As the former Director of the Criminal Justice Coordinating Council for 8 years and currently serving as a Management Analyst with CSOSA, I am keenly aware of the tremendous responsibilities of the Director of CSOSA as well as the pivotal role that this agency plays daily in support of public safety in the Nation's Capital and the surrounding jurisdictions. As a native Washingtonian, I have maintained a lifelong love for the District of Columbia, its rich and vibrant culture, history, and people. I understand the needs of D.C. citizens and the particular public safety challenges of the District of Columbia.

Throughout my career, I have been fortunate to work for both District and Federal agencies whose missions put me in direct contact with persons who have been wards of the city, incarcerated, or directly impacted by the criminal justice system. Consequently, I am acutely aware of the needs and challenges that confront the law enforcement community and the men and women who are responsible for supervising at-risk and repeat criminal offenders.

If confirmed as the Director of CSOSA, I want to assure you, the employees of CSOSA, and D.C. citizens that I will do my utmost to ensure that the agency upholds its mandate to effectively supervise its probation, parole, and supervised release population, with particular emphasis on high-risk and repeat offenders.

I am also motivated and committed to helping CSOSA clients obtain the knowledge and skills necessary to function as law-abiding and contributing members of the community. I understand that this is a difficult challenge, but it is one we are committed to at CSOSA. Additionally, I recognize it is essential to build a sense of confidence and enthusiasm among our core employees who are seeking management direction, stability, and accountability from its Director.

Chairman Akaka and Members of the Committee, I welcome the opportunity to tackle the challenges that are ahead at CSOSA and thank you for affording me the opportunity to offer my testimony today.

In closing, I want to thank the Committee for the attention it has given to my nomination. If confirmed, I intend to work closely with you, Mr. Chairman, and the other Members of this Committee and your staff to pursue our shared objective of promoting the safety of the public and the successful reintegration of men and women returning from prison. I am deeply committed to maintaining the very productive and close relationship that exists between this Committee and the agency that I have been nominated to lead.

Mr. Chairman, I would be pleased to respond to any questions that you or Members of the Committee have. Thank you.

Senator AKAKA. Thank you very much, Ms. Ware, for your statement.

I will begin with the standard questions that this Committee asks of all nominees. Is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. HUGHES. No, Senator.

Ms. WARE. No, Senator.

Senator AKAKA. Do you know of anything, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Mr. HUGHES. No, Senator.

Ms. WARE. No, Senator.

Senator AKAKA. Finally, do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Mr. HUGHES. Yes, Senator.

Ms. WARE. Yes, Senator.

Senator AKAKA. Thank you very much for your responses.

Mr. Hughes, you have spent your entire career with the Marshals Service, leaving only for a temporary detail with Senator Lautenberg's office. Please describe how your experience has prepared you to be the U.S. Marshal for the D.C. Superior Court.

Mr. HUGHES. Thank you, Mr. Chairman. I spent over 20 years in the U.S. Marshals Service in various duty locations and served in many different mission areas. I have worked my way up from a GS–5 Deputy U.S. Marshal through my present position as a GS–15 Chief in our Tactical Operations Division, and I also served as the Acting Deputy Assistant Director. I have worked on many multi-agency task forces where I led the Marshals Service initiatives in those task forces in collaborating with various other agencies. I have also spent time up here as a Legislative Fellow on the Hill and learned about many of the different areas in the Legislative Branch, which was extremely advantageous to my learning. Following that, I completed my Masters in Public Administration at the American University's Key Executive Leadership Program.

I believe that a culmination of all of my knowledge and experience that I have acquired has fully prepared me to lead the U.S. Marshals Service for the Superior Court in the District of Columbia.

Senator AKAKA. Thank you very much for your response.

Ms. Ware, I see that you have extensive experience in the criminal justice system, both at the District and Federal levels. Why are you seeking appointment to be the Director of CSOSA at this point in your career, and what do you hope to contribute to the agency?

Ms. WARE. Thank you, Senator. I am seeking this appointment because I have had the luxury and the advantage of working with CSOSA for almost 2 years now, and I have had the opportunity to observe the agency and the tremendous milestones that the agency has been able to accomplish in the decade that the agency has been in existence officially. It was certified in 2002, and it is an agency

that has committed itself to using best practices, to using new technologies, and to advancing the tools of the trade in the areas of reentry, and I think it is a wonderful agency to work for and to lead.

In addition, I bring with me the experience of working, as the Congresswoman noted, for 8 years as the Executive Director of the Criminal Justice Coordinating Council. Not only was I the Director, but I developed the infrastructure for that agency so that it is now a bona fide criminal justice agency in the District of Columbia that brings together the Federal, local, and judicial branches of government to work in public safety initiatives that are important to the District.

In that capacity, I worked very closely with members of CSOSA staff and the Director of CSOSA as well as the other criminal and law enforcement agencies in the District, and I had the opportunity to observe the needs of the reentry community, those citizens who are coming back from prison as well as those who are supervised in the community. As the Director of Training and Technical Assistance with the Office of Justice Programs, I was responsible for developing a curriculum for over 300 sites across all 50 States in the United States to help them to develop initiatives that focused on community sustainability as well as law enforcement initiatives so that they could work together to clean up at-risk communities across our country.

In addition to that, I worked with the Bureau of Justice Assistance with the Office of Justice Programs as the Director of National Programs, where I was responsible for granting agencies and State and local governments funds to help them implement law enforcement activities, everything from adjudication to incarceration.

So I think I bring a wealth of experience, but I also bring a very focused respect for the mission of this agency. I think it is an important mission that contributes greatly to public safety in the District of Columbia and I look forward to continuing to work with CSOSA as the Director, if confirmed. Thank you.

Senator AKAKA. Thank you very much for your response.

This question is to both of you. I understand there have been workforce challenges at both the CSOSA and the D.C. Superior Court Marshal's Office. If confirmed, what steps will you take to evaluate the workforce and identify areas in need of improvement? Mr. Hughes, will you begin first, and after that, Ms. Ware.

Mr. HUGHES. Thank you, Senator. If confirmed, it would be my intent to do a workforce analysis. We are all facing financial and workforce challenges, and doing a workforce assessment would aid me in establishing some sort of baseline and prioritizing what our mission needs are. We have many different job series performing many different duties within the Superior Court. I would be looking at that assessment to make sure that the jobs are commensurate with the work that they should be performing and doing a prioritization of the work itself to ensure that we are working in the most efficient manner possible.

Senator AKAKA. Ms. Ware.

Ms. WARE. Yes, thank you. I think that it is important within CSOSA to encourage staff to participate actively in the decisions around the focus and mission, goals and objectives of the agency. So as such, I intend to continue to build on the Labor-Management

Forum, which was established by Executive Order of the President, to use that as a forum to engage staff on all levels of the agency in decision making and to encourage their participation as a part of our focus on the future. I think it is critical within CSOSA to constantly reevaluate the needs of the clients that we serve and to remain flexible in meeting those needs and in training the workforce in constantly being able to meet the challenges of the clients that we serve.

So it is my intention to actively engage staff through all ranks of the agency in those decisions and to constantly ensure their participation through surveys, meetings, and, of course, the Labor-Management Forum.

Senator AKAKA. Thank you for your response.

Mr. Hughes, in the past, there have been issues with insufficient training of Court Security Officers (CSOs). As U.S. Marshal, what steps would you take to make sure CSOs are current in their training and security plans?

Mr. HUGHES. Thank you, Senator. If confirmed, I would work closely and make sure that our Contracting Officer Technical Representative (COTR), who is responsible for maintaining the CSO contracts, works closely with the court security supervisors to ensure that those Court Security Officers are getting the proper training and maintaining that training. So it would become a contracting issue to ensure that the oversight of that contract is being maintained and kept up to date.

Senator AKAKA. Thank you. This is my final question for both of you. If confirmed, what are your top three priorities? Mr. Hughes.

Mr. HUGHES. The top priority would be to provide the safety and security for the judiciary, the prosecutors, the court family, and the public, and to ensure the protection of the judicial process. I would be looking at doing an overall assessment of the office itself to then further look at the priorities that come out of that assessment. It would be a collaborative effort through consultation with various stakeholders within the court community.

Senator AKAKA. Ms. Ware.

Ms. WARE. Yes. Well, as you know, CSOSA is composed of the Community Supervision component and the Pretrial Services component. For the Community Supervision component, my priorities would be to fully implement the strategic plan, goals and objectives, and performance measures, and to put in place performance evaluations for those performance measures so that we meet the needs of the agency and the mission of the agency.

In addition to that, I think it would be important to continue to evaluate the interventions that we provide to our clients so that we can be sure that those interventions are maximizing public safety in the District of Columbia and ensuring that our clients are meeting the conditions of the supervision and providing them with graduated sanctions, which include an increase in the incentives component of our graduated sanctions matrix so that we can have a balanced approach to supervision.

For our Pretrial Services component, I would think it would be important to maximize our vendors' cost so that we can be sure that across our two components of the agency, we are maximizing our tax dollars across vendors. Co-training would be important to

me so that our agency can maximize our training dollars and potential as well as research to make sure that we prioritize research initiatives.

Senator AKAKA. Thank you very much. I want to thank you for your statements, and I want to wish you well in your quest, and we will certainly work toward your confirmation. So thank you both for being here today.

Mr. HUGHES. Thank you, Mr. Chairman.

Ms. WARE. Thank you, Mr. Chairman.

Senator AKAKA. So at this time, there are no further questions, and I would like to ask the second panel come to the table.

[Pause.]

Welcome to the second part of today's hearing as we consider the nominations of Danya Dayson, Peter Krauthamer, and John McCabe to be Associate Judges of the District of Columbia Superior Court.

The Committee consistently receives excellent D.C. judicial candidates nominated by the President from those recommended by the nonpartisan Judicial Nomination Commission. I am confident that, if confirmed, these nominees will join the others who have appeared before us in making valuable contributions to the District.

Ms. Dayson currently is an attorney with the firm of O'Toole, Rothwell, Nassau, and Steinbach. Before that, she held a number of positions, practicing both civil and criminal law.

Mr. Krauthamer is the Deputy Director of the D.C. Public Defender Service, where he has a distinguished career in public service, both at the local and Federal levels.

Judge McCabe currently is a Magistrate at the D.C. Superior Court. Before that, he was an Assistant U.S. Attorney and also worked at the D.C. Corporation Counsel.

I believe these nominees have much to offer the D.C. Superior Court, and I hope we can act quickly to confirm them.

I understand you have loved ones here with you today, and I would like to give you an opportunity to introduce them at this time. Ms. Dayson, please introduce your family and friends who are here.

Ms. DAYSON. Thank you, Mr. Chairman. My parents, Don and Claudia Dayson, are here with me today, as are my husband, Michael Murphy, my daughter, Wallace Murphy—I am not sure if she will be with us for the duration, but she is here now—my boss, Jeffrey O'Toole, various friends and colleagues, including Jennifer Parton, also Nicholas and William Pohlman, my godsons from North Carolina who have come up to witness a live Senate hearing, and they are with us with their families, as well. I would like to thank them all for their support.

Senator AKAKA. Thank you very much. Mr. Krauthamer.

Mr. KRAUTHAMER. Thank you, Mr. Chairman. My wife, Tanya Chutkan, is right behind me to my left. Next to her, on her right, is my sister, Michele Krauthamer. And to the left of my wife are my two young sons, Max and Nicholas Krauthamer. My mother, Eleanor Krauthamer, is also here, and my niece, Sarah Bohannon, is also in the audience. A number of friends and colleagues are also here, and I wish to acknowledge them and thank them all for being here and supporting me. Thank you.

Senator AKAKA. Thank you.

Judge McCabe, please introduce your guests.

Mr. MCCABE. Thank you, Mr. Chairman. Most of my family lives out of State in Florida, so they were not able to be here, but I am sure they will be watching on a webcam if my sisters can show my mother how to operate a computer. [Laughter.]

I am very fortunate to be joined by many friends and colleagues from the Superior Court, and I would like to acknowledge Chief Judge Lee Satterfield of the Superior Court, and I appreciate him and other members of the court for being here. Thank you.

Senator AKAKA. Thank you for introducing your guests and families. I welcome all of you to this hearing today and am grateful for your support of our nominees. I am sure your family and friends are proud of your accomplishments and look forward to the new chapter in your life here in D.C.

Each nominee has filed responses to biographical and financial questionnaires submitted by the Committee. Without objection, this information will be made a part of the hearing record, with the exception of financial data, which will be kept on file and made available for public inspection in the Committee office.

Our Committee rules require that all witnesses at nomination hearings give their testimony under oath, so therefore I ask you to please stand and raise your right hand.

Do you solemnly swear that the testimony you are about to give this Committee is the truth, the whole truth, and nothing but the truth, so help you, God?

Ms. DAYSON. I do.

Mr. KRAUTHAMER. I do.

Mr. MCCABE. I do.

Senator AKAKA. Thank you. Let the record note that the witnesses answered in the affirmative.

Ms. Dayson, will you please proceed with your statement.

## TESTIMONY OF DANYA A. DAYSON[1] TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Ms. DAYSON. Thank you, Mr. Chairman. Mr. Chairman and Members of the Committee, it is an honor and a privilege to appear before you today as a nominee to the bench of the Superior Court for the District of Columbia. I want to thank the Judicial Nomination Commission, in particular its chairman, the Hon. Emmet Sullivan, for recommending me to the White House and President Barack Obama for nominating me. I would also like to thank the Committee Members and staff for their courtesy and professionalism during this process.

As I noted, my family is here today. My grandmother, Marjorie Anderson, I believe, is tuning in via website. I am grateful to have had their example, inspiration, and support throughout the years.

In addition, I would like to thank my friends, colleagues, and mentors who have attended today for their continued guidance and support, including my sister-in-law, who I neglected to introduce, and I am sorry, Janine Morris.

[1] The prepared statement of Ms. Dayson appears in the Appendix on page 70.

While I was growing up, my parents always stressed the importance of education, not only for its own sake, but so that one could be of service to others. Their examples of service through my father's work with low-income patients and my mother's literacy and housing volunteer work, using their abilities to serve others in need, led me to my ultimate path during law school. I have been fortunate to have colleagues, bosses, and mentors who have exemplified the best of the ideals of service.

In my legal career, through my work as a law clerk to the Hon. Judge Robert Morin in the District of Columbia Superior Court, in private practice as a partner to Jennifer Wicks, and as an associate at O'Toole, Rothwell, Nassau and Steinbach, I have sought to be of use to others and to assist them in times of genuine crisis in their lives. If confirmed, I would be honored to work with another set of colleagues and mentors who will continue to challenge and inspire me to live out this commitment to service.

I have lived, attended school, and worked in the District since 1994. In my time as an attorney, I have had the good fortune to work in organizations and environments that have allowed me to provide assistance to my clients in a variety of ways. I have been able to advocate in the criminal, abuse and neglect, and domestic relations arenas and to advise my small business and nonprofit clients. In each of these roles, I learned the importance of using diligence, creativity, and pragmatism to address the needs of my clients. I came to fully appreciate the extent to which advocating for each client in whatever role is an important responsibility as well as a privilege and an honor.

I started my professional life in the D.C. Superior Court and have learned so many valuable lessons from the bench and the practitioners there. I am extraordinarily humbled and grateful to be considered for a judgeship on the Superior Court, and if confirmed, I hope to carry the values and lessons about the practice of law, justice, and service to the bench.

Thank you for considering my nomination, and I look forward to answering your questions.

Senator AKAKA. Thank you very much, Ms. Dayson.

Mr. Krauthamer, will you please proceed with your statement.

## TESTIMONY OF PETER A. KRAUTHAMER[1] TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. KRAUTHAMER. Thank you, Mr. Chairman. Mr. Chairman and Members of the Committee, I am grateful for the opportunity to appear before you today as a nominee to be an Associate Judge of the Superior Court of the District of Columbia. I want to thank President Obama and the District of Columbia Judicial Nomination Commission, in particular its chairman, the Hon. Emmet G. Sullivan, for this great honor.

I also want to thank you, Mr. Chairman, and this Committee for holding this hearing and the Committee staff for all of the work that goes into making these hearings possible.

[1] The prepared statement of Mr. Krauthamer appears in the Appendix on page 96.

I would like to acknowledge once again and thank my family and friends: My wife, Tanya Chutkan; my two sons, Nicholas and Max Krauthamer; my mother, Eleanor Krauthamer; my sister, Michele Krauthamer; and her daughter, Sarah Bohannon. I also want to thank my many friends, colleagues, and other family members, a number of whom are in attendance today or who are watching from their home or offices. I would like to thank them all for inspiring and supporting me over the years.

I have dedicated my career to working to promote fairness in our justice system, particularly for those least able to afford representation and advocate for themselves. After graduating from Boston University Law School, I worked for 11 years at the Public Defender Service for the District of Columbia. I joined the D.C. Federal Public Defender Office for a little under a year before being fortunate enough to teach at Howard University School of Law. When I left Howard University, I joined the District of Columbia Pretrial Services Agency and finally returned to the PDS. During the course of my career, I have primarily represented and supported indigent clients in the District of Columbia local and Federal courts.

Over my 28 years of practicing law in the District of Columbia, I have had the honor to appear before many thoughtful and talented judges for whom I have tremendous respect and admiration. I have a good understanding of the challenges and rewards that come with serving on the bench, and it would be an honor and a privilege to continue serving the city that has been my home for so many years. I will endeavor to be worthy of the trust that has been placed in me and to continue to uphold the high standards of judicial fairness and integrity.

Thank you for considering my nomination, and I look forward to answering your questions.

Senator AKAKA. Thank you very much, Mr. Krauthamer.

Judge McCabe, please proceed with your statement.

## TESTIMONY OF JOHN F. MCCABE[1] TO BE AN ASSOCIATE JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. MCCABE. Thank you, Mr. Chairman, and thank you to the Committee for the opportunity to appear before you as a candidate for a position as an Associate Judge on the Superior Court of the District of Columbia. I would also like to thank the Judicial Nomination Commission and its chairman, Judge Emmet Sullivan, who I believe is present today, for recommending me to the White House, and also, obviously, I am grateful to President Obama for nominating me for this position.

I have been very fortunate to have many friends, colleagues, and family members who have provided a lot of support and encouragement to me throughout my legal career.

I began my career as an attorney as an associate in private practice at a law firm in Atlanta, but after a couple of years realized that I felt a real pull to work in public service, and so in 1989, I moved to the District of Columbia and over the next 13 years had a wonderful opportunity to work exclusively in the District of Co-

[1] The prepared statement of Mr. McCabe appears in the Appendix on page 114.

lumbia Superior Court and to work as an attorney in each of the busiest divisions of the court, in the Family Court and in the Civil and Criminal Divisions, and it really gave me a unique opportunity to see the work of the court as a practicing attorney.

As a staff attorney at the Legal Aid Society, I worked on family court matters representing indigent clients. During 8 years at the Office of the Attorney General, I worked on cases involving children in foster care who had been abused and neglected. I also represented the District of Columbia and its employees in civil litigation in both the Superior Court and the U.S. District Court. And as the first Chief of the Domestic Violence Section of the Office of the Attorney General, I represented victims of domestic violence and was also active in helping to reform and improve the way that victims of domestic violence were treated in their cases in this community.

From 1998 until 2002, I worked as a criminal prosecutor for the U.S. Attorney's Office, and over the past 9 years, I have been a Magistrate Judge in the Superior Court. For the first 8 of those years, I worked in the Family Court in one of the positions where I was exclusively handling cases involving children in foster care. As you can imagine, those are some of the most challenging and emotionally charged matters in the courthouse, and I think it really helped give me a lot of good training and experience in how to manage a courtroom and manage litigants who had been through enormously difficult circumstances in their lives.

I have also had the opportunity to work in the Criminal Division of the court, and over the past year, I have been the Alternate Chairperson of the Commission on Mental Health, in which capacity I have worked on cases involving those who are facing involuntary commitment because of mental illness.

And finally, as a Deputy Presiding Magistrate Judge, I have had the responsibility, along with the Presiding Magistrate Judge, to ensure that all of the 24 assignments that are handled by Magistrate Judges are handled on a daily basis.

So I feel that over the past 22 years, 13 years as an attorney and 9 years as a Magistrate Judge, I have really had a wonderful opportunity to become quite familiar with the work of the Superior Court, and I really look forward to the opportunity to continuing my career in public service if I am confirmed as an Associate Judge. Thank you.

Senator AKAKA. Thank you very much, Judge McCabe, for your statement.

I will begin with the standard questions this Committee asks of all nominees.

Is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. KRAUTHAMER. No.

Ms. DAYSON. No, Senator.

Mr. MCCABE. No.

Senator AKAKA. Thank you. Do you know of anything, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Mr. KRAUTHAMER. No, Mr. Chairman.

Ms. DAYSON. No, Mr. Chairman.

Mr. MCCABE. No, Mr. Chairman.

Senator AKAKA. Do you agree, without reservation, to respond to any reasonable summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Mr. KRAUTHAMER. Yes, Mr. Chairman.

Ms. DAYSON. Yes, Mr. Chairman.

Mr. MCCABE. Yes, Mr. Chairman.

Senator AKAKA. Thank you very much for your responses, and let the record note that the nominees have answered the questions properly.

I would like all three of you to elaborate on why you are seeking appointment to become an Associate Judge at this point in your career. Judge McCabe, I would like you to answer first, followed by Mr. Krauthamer and Ms. Dayson. Judge McCabe.

Mr. MCCABE. Yes. Thank you, Mr. Chairman. I think I first became interested in working at the court when the new Family Court was created back in 2001 and 2002. As you may know, Senator, there was a special Family Court created here in the District of Columbia Superior Court at that time, and I was one of the first 10 Magistrate Judges to take on responsibility for children in foster care. So I think I first was attracted to the idea of working at the Superior Court because of that particular assignment.

I had worked on cases involving children in foster care as an attorney with the Office of the Attorney General for a few years and felt very committed to that work, and so that really gave me a wonderful opportunity to continue that kind of work as a judicial officer. At this point in my career, after doing that work for several years, I am just really looking forward to the opportunity to have greater challenges and a greater variety in the types of cases that I can handle. As you may know, the Magistrate Judges have a much more limited jurisdiction in terms of which types of cases we can preside over, and I really think it would be a wonderful opportunity for me to get a little bit more variety in the type of matters that I can handle as an Associate Judge. I very much enjoyed the work as a Magistrate Judge.

Senator AKAKA. Thank you very much. Mr. Krauthamer.

Mr. KRAUTHAMER. Thank you, Mr. Chairman. My whole life as a lawyer has been dedicated to public service, and to public service in the District of Columbia, and I view the position of a judge along with holding public office as the highest form of public service that one can perform for his or her community.

That is why I am seeking to become a judge in the Superior Court. I believe in helping people. I believe in helping my community. I believe in serving the people who live in my community and setting a good example for them. And I hope that I can do all of those things that I have set out to do. That is why I want to be a judge, sir.

Senator AKAKA. Thank you. Ms. Dayson.

Ms. DAYSON. Thank you, Mr. Chairman. As I mentioned, my professional career has been focused on helping individuals in times of crisis, and although I am eager to seek a new professional challenge, I would like one that is grounded in the values of helping

litigants. And I believe that judges have a very important role to play by presiding over the matters that come before them fairly, efficiently, and respectfully, and in that way can help the community as well as the Bar of the District of Columbia, and that is why I am interested in becoming a judge.

Senator AKAKA. Thank you.

Mr. Krauthamer, a judge is often challenged to rule on complex issues both quickly and correctly. Please describe how your experience qualifies you to confront this challenge.

Mr. KRAUTHAMER. Thank you, Mr. Chairman. For approximately my whole legal career that spans 28 years, I have been a trial attorney. A trial attorney must think fast on his feet, must process information, must know the law, must know the procedures, and must act decisively for the client. I also have had the benefit of teaching evidence for 5 years when I was a professor at Howard University School of Law, and that has enabled me to master, as much as one can master, the Rules of Evidence as they apply in a courtroom. I believe that my thorough knowledge of how to litigate a case, how to prepare a case, the rules of evidence, and the court rules will enable me to make those decisions quickly, correctly, and, obviously, fairly.

Thank you, Mr. Chairman.

Senator AKAKA. Thank you.

Ms. Dayson, if confirmed, you may preside over cases arising under different areas of the law. How has your career prepared you to handle the wide range of legal issues you will confront?

Ms. DAYSON. Thank you, Mr. Chairman. I have been lucky enough to be a somewhat rare bird in the current legal field, which is somewhat of a general practitioner. I have worked on various aspects of the law, although I have obviously had concentrations mostly in criminal and family law. Especially in my role as outside counsel to small business and nonprofits, I have had to advise those clients on various issues in law, and I think that has given me a unique ability to recognize the holes in my knowledge. I think that is a very important skill to have for a judge entering a bench of general jurisdiction like the Superior Court, where you are obviously going to encounter many different areas of law over the course of your career. So I believe the ability to recognize those areas in which I need to educate myself has been a benefit to me and, if confirmed, would serve me well on the bench.

I have also had the opportunity while clerking some time ago to see firsthand the excellent training programs that the Superior Court has to offer and would certainly, if confirmed, take advantage of those training programs, as well as the wisdom of my colleagues on the bench.

Senator AKAKA. Thank you very much.

Judge McCabe, as an Associate Judge, you will be able to staff your own chamber and hire a law clerk. Please describe your management style and the type of chamber you hope to create.

Mr. MCCABE. Thank you, Mr. Chairman, and I will have to be careful in how I answer this question since a couple of my law clerks are present—former and present law clerks as well as administrative assistants, and they can feel free to correct me if I misstate what my style is. [Laughter.]

I certainly think that my style in supervising staff would be similar to that in a courtroom. I try to be considerate of and respectful to all those that I am dealing with. Obviously, I want to hire folks who are very competent and enthusiastic about the work and as committed to it as I feel that I am. But I do not feel that there is anything in particular other than making sure I hire very well qualified and committed staff and treating them with respect and courtesy and keeping in mind their own ambitions and their career paths when dealing with them on a day-to-day basis.

Senator AKAKA. Thank you very much for your responses.

This is my final question to the three of you. What do you think the biggest challenge will be in becoming an Associate Judge, and how do you plan to address that challenge? Ms. Dayson, I would like you to be first.

Ms. DAYSON. Thank you, Mr. Chairman. If confirmed, I believe that the biggest challenge I would face is simply to carry the values that I have had thus far to the bench, the values of service to the public, and to keep in mind that is what really underpins why we are on the bench. And I would hope to be able to meet that challenge by fairly and efficiently meeting the challenges that are brought before my court, if confirmed, being respectful of the litigants and the practitioners that appear before us, and as part of that respect, making sure that matters are handled in a timely manner. So that is how I would meet that challenge.

Senator AKAKA. Thank you. Mr. Krauthamer.

Mr. KRAUTHAMER. Thank you, Mr. Chairman. I believe probably the biggest challenge for me will be the shift from being an advocate to being a judge. All my life, I have been an advocate for a party. A judge is not an advocate for a particular party, must sit there and be impartial, and must balance that impartiality and that objectivity with compassion and with respect for the parties that appear before him, and that is a challenge that a good judge must face and must overcome. I believe that is my biggest challenge. I am confident in my abilities, and shifting the role from advocate to judge will be the greatest challenge that I believe I will face. Thank you.

Senator AKAKA. Thank you. Judge McCabe.

Mr. MCCABE. Mr. Chairman, I anticipate that, if confirmed, the challenges that I would face as an Associate Judge are similar to the ones that I have faced as a Magistrate Judge, and certainly there is always the opportunity to be a public servant and treat all the people in your courtroom with dignity and respect.

I think probably the greatest challenge that I have found over the past 9 years is drawing the balance between trying to make sure that you handle cases expeditiously so that litigants and counsel are not left waiting for long periods of time, balancing the need for moving things quickly with the need also to make sure that you give each case thoughtful enough consideration and making sure that all parties have their matters heard and feel when they leave the courtroom, even if their side did not prevail, that at least their view and their position was heard and considered thoughtfully by the court.

And that can sometimes be a challenge in the press of day-to-day business with heavy caseloads, but it is something that I hope my

experience over the last several years will serve me well in meeting that challenge if I am confirmed as an Associate Judge. Thank you.

Senator AKAKA. Thank you all for your testimony. There are no further questions at this time.

This Committee is scheduled to vote on your nominations tomorrow. As such, the hearing record will remain open until the close of business today for Members of this Committee to submit additional statements or questions. Any additional questions will be submitted to you in writing.

I want to note for the record that Paul Strauss is submitting a statement of support for all five nominations.[1]

I again want to thank Congresswoman Norton for taking the time to be with us today and supporting our nominees.

It is my hope that the Senate will act quickly to confirm all of the nominees who appeared before the Committee this afternoon. I want to wish you well in your future and your service to D.C. and our country. So thank you very much, all of you.

This hearing is adjourned.

[Whereupon, at 3:17 p.m., the Committee was adjourned.]

[1] The prepared statement of Paul Strauss appears in the Appendix on page 138.

# APPENDIX

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**Statement of Senator Daniel K. Akaka**
***Nominations of Michael Hughes to be U.S. Marshal for D.C. Superior Court; Nancy Ware to be Director of the Court Services and Offender Supervision Agency; and Danya Dayson, Peter Krauthamer, and John McCabe Jr. to be Associate Judges of the District of Columbia Superior Court***

**November 8, 2011**

Good afternoon and welcome. Today, the Committee on Homeland Security and Governmental Affairs meets to consider the nominations of Michael Hughes to be U.S. Marshal for the District of Columbia Superior Court and Nancy Ware to be Director of the Court Services and Offender Supervision Agency. On the second panel of today's hearing, we will consider the nominations of Danya Dayson, Peter Krauthamer, and John McCabe Jr. to be Associate Judges of the D.C. Superior Court.

The U.S. Marshal for D.C. Superior Court has unique responsibilities. In addition to traditional Marshal functions like judicial security and prisoner transport, the U.S. Marshal for D.C. Superior Court must perform local duties such as evictions that are typically associated with a Sheriff's Office. Mr. Hughes has spent his entire career with the Marshals Service, beginning in 1991 as a Deputy Marshal and working his way up to his current position as Chief of the Tactical Operations Division.

The Court Services and Offender Supervision Agency – or "CSOSA" – is a Federal agency that monitors probationers and parolees in the District of Columbia. Ms. Ware has spent a number of years working in the criminal justice system. Before assuming her current role as a Management Analyst at CSOSA, Ms. Ware was the Executive Director of the D.C. Criminal Justice Coordinating Council.

I believe you are both well qualified and want to congratulate you on your nominations. Additionally, the Committee consistently receives excellent D.C. judicial candidates, nominated by the President from those recommended by the non-partisan Judicial Nomination Commission.

All three of our nominees have solid legal backgrounds. Ms. Dayson currently is an attorney with the firm O'Toole, Rothwell, Nassau & Steinbach. Before that, she held a number of positions practicing both civil and criminal law. Mr. Krauthamer is the Deputy Director of the D.C. Public Defender Service. He has a distinguished career in public service both at the local and Federal levels. Judge McCabe currently is a magistrate at the D.C. Superior Court. Before that, he was an Assistant U.S. Attorney and also worked at the D.C. Corporation Counsel.

I am pleased that this Committee is scheduled to vote on these nominations tomorrow. I am confident that if confirmed, these nominees will have much to contribute to the District of Columbia.



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**Opening Statement of Michael A. Hughes**
**Nominee, U.S. Marshal, Superior Court of the District of Columbia**
**November 8, 2011**

Thank you Chairman Lieberman, Ranking Member Collins, and all the members of the committee, for the opportunity to appear before you today. I am grateful and honored by the opportunity to be here and for your consideration of my qualifications to be the United States Marshal for the Superior Court of the District of Columbia. I would like to thank Congresswoman Eleanor Holmes Norton for recommending me to the White House, as well as her Federal Law Enforcement Nominating Commission for their endorsement of my qualifications. I am thankful to President Barack Obama for nominating me. My thanks as well to the Senate Committee staff for their professionalism and guidance that they provided throughout this process.

I am delighted to have many family, friends and colleagues here today. I would like to recognize and express my sincere gratitude to my family who are here with me today as well as those who could not make it: John and Thomasina Hughes; John and Kathleen Hughes; Linda and John Hadginikitas; Tomianne and Scott Pagano; and all my nieces, nephews, aunts, uncles, and cousins. I am very grateful to my family for their wisdom, wonderful humor and unconditional love throughout my life. I would like to thank Jarl Jonas, who provided me with unwavering encouragement and guidance throughout this process. Finally, I would like to thank all my friends, colleagues and mentors for their encouragement and support.

I am honored to have spent my last 20 years as a career U.S. Marshals Service employee. I have had the opportunity to serve in a vast array of areas both in the field and at the headquarters level including court security, fugitive investigations, asset forfeiture, protective operations, human resources, tactical operations and on various multi-agency task forces. I have served in positions including Deputy U.S. Marshal, Supervisory Inspector in our Witness Security Division, Supervisor of the Deputy Attorney General's Protection Detail, Chief of our Organized Crime and Drug Enforcement Task Force (OCDETF) at the OCDETF Fusion Center, Chief of our Office of Operational Staffing and Recruitment in our Human Resources Division, Acting Deputy Assistant Director in our Human Resources Division, and Chief of our Office of Crisis Services in our Tactical Operations Division. I have also had the privilege to serve as a legislative fellow from 2003-2004 here in the U.S. Senate. I am very honored to be associated with the brave and dedicated men and women of the U.S. Marshals Service.

As a proud resident of the District of Columbia for more than 10 years, I am moved to be before you today as a nominee to be the U.S. Marshal for the Superior Court of the District of Columbia. If confirmed for this position, I look forward to the opportunity to utilize my knowledge and practical skills acquired over the course of my career to lead this office with honor and integrity while serving the residents of my community. Thank you very much for your time and consideration of my nomination and I look forward to answering your questions.

## BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

### A. BIOGRAPHICAL INFORMATION

1. **Name:** (Include any former names used.)

   Michael Anthony Hughes

2. **Position to which nominated:**

   United States Marshal for the District of Columbia (Superior Court)

3. **Date of nomination:**

   September 22, 2011

4. **Address:** (List current place of residence and office addresses.)

   Office: United States Marshals Service
   1750 Crystal Drive, CS-3, Room 826
   Arlington, VA 22215

   Residence: REDACTED

   Washington, DC 20001

5. **Date and place of birth:**

   1967; Jersey City, NJ

6. **Marital status:** (Include maiden name of wife or husband's name.)

   Single

7. **Names and ages of children:**

   None

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.

   American University, Washington DC; January 2006 – November 2007; Master of Public Administration; 2007



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Montclair State University, Upper Montclair, NJ; September 1985 – December 1989; Bachelor of Arts; 1990

9. **Employment record:** List all jobs held since college, and any relevant or significant jobs held prior to that time, including the title or description of job, name of employer, location of work, and dates of employment. (Please use separate attachment, if necessary.)

See Attachment

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with federal, State, or local governments, other than those listed above.

None

11. **Business relationships:** List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

Appointed Board Member, American University School of Public Affairs, Key Executive Leadership Advisory Board (2008 – Present)

12. **Memberships:** List all memberships, affiliations, or and offices currently or formerly held in professional, business, fraternal, scholarly, civic, public, charitable or other organizations.

Member, Federal Law Enforcement Officers Association (1993 – Present)
Member, National Sheriff's Association (2008 – Present)
Member, Fraternal Order of Police (2008 – Present)
Member, International Liaison Officers Association (2007 – Present)
Member, International Critical Incident Stress Foundation (2005 – Present)
Former Member, International Association of Chiefs of Police (2007 – 2010)
Appointed Board Member, American University School of Public Affairs, Key Executive Leadership Advisory Board (2008 – Present)
Volunteer, Concerns of Police Survivors (2004 – Present)

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None

(b) List all memberships and offices held in and services rendered to any political party or election committee during the last 10 years.
Volunteer, Obama Campaign for Change 2008
Volunteer, Election Protection 2004

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more during the past 5 years.

October, 2008; Act Blue (Obama for America); $250.00
October, 2008; Lautenberg for Senate; $250.00
October, 2010; Eleanor Holmes Norton; $50.00

14. **Honors and awards:** List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Outstanding Performance Award, U.S. Marshals Service; 1993, 1994, 1995, 2004, 2007, 2008, 2009, 2010
Special Act Award, U.S. Marshals Service; 1996, 2000, 2001, 2003, 2004, 2008, 2010
U.S. Marshals Service Legislative Fellowship, U.S. Senate; 2003 – 2004
Performance Award, U.S. Marshals Service; 2006, 2007, 2009, 2010
Donald Zauderer Scholarship Award, American University; 2006
U.S. Marshals Service Director's Distinguished Group Award, Federal Career Internship Program; 2007
Pi Alpha Alpha, National Honor Society for Public Affairs and Administration, American University Chapter; 2008
U.S. Marshals Service Director's Distinguished Group Award, Critical Incident Response Team; 2009

15. **Published writings:** Provide the Committee with a list and two copies of any books, articles, reports, or other published materials which you have written. These items can be provided electronically via e-mail or other digital format.

None

16. **Speeches:**

(a) Provide the Committee with a list and two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated. Provide a list and copies of any testimony to Congress, or to any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

None

(b) Provide a list of all speeches and testimony you have delivered in the past 10 years, except for those the text of which you are providing to the Committee. Please provide a short description of the speech or testimony, its date of delivery, and the audience to whom you delivered it.

None

17. **Selection:**

(a) Do you know why you were chosen for this nomination by the President?

I believe I was selected for this nomination due to my leadership abilities and years of experience as a career Marshals service operational employee. I am also a Washington, D.C. resident with a commitment to the city and the safety and well being of its residents.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

As a federal career employee with over twenty years of experience in the U.S. Marshals Service, I believe that I am fully qualified and prepared for this position. My past and current positions have afforded me the opportunity to work in a diverse array of U.S. Marshal areas including field offices, headquarter divisions, multi-agency task forces and other governmental and non-governmental entities. Along the way, I have acquired significant skills and knowledge in nearly every Marshal Service mission area by working directly in these programs, managing these programs or by participating in teams to accomplish agency goals. As well, I have held a variety of senior leadership roles and have been directly involved in many high level leadership decisions which have led to important positive changes and improvements to the agency and the constituencies we serve.

I have a passion for public service and believe in promoting effective public policies to better society. This passion was heightened while serving in the U.S. Senate as a Legislative Fellow for U.S. Senator Lautenberg working on law enforcement and criminal justice issues. Being directly involved in influencing district and nation-wide policy clarified for me the importance of exercising power and authority carefully, and always with an eye towards the good of society. The lessons learned while on the job, and also while enrolled in American University's Key Executive Leadership Program where I earned my Master of Public Administration, serve to inform my daily policy, practice, and management decisions.

As a resident of the District of Columbia, I have a vested interest in the protection of our citizens and the promotion of effective enforcement and prevention programs. As a career U.S. Marshal Service employee, I can leverage my experience and knowledge to sustain and enhance the services offered by the District of Columbia's Superior Court.

I am familiar with the qualifications of a U.S. Marshal. Given my extensive senior leadership roles and responsibilities, I can utilize my knowledge and experience to lead all the operations of the District of Columbia's Superior Court.

## B. EMPLOYMENT RELATIONSHIPS

18. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

As a current U.S. Marshals Service employee, I hope to continue my positive working relationship at the agency as U.S. Marshal.

19. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

No

20. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization, or to start employment with any other entity?

Upon completion of my tenure as U.S. Marshal, I hope to still maintain a positive working relationship with the U.S. Marshals Service.

21. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No

22. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

Yes

23. Have you ever been asked by an employer to leave a job or otherwise left a job on a non-voluntary basis? If so, please explain.

No

## C. POTENTIAL CONFLICTS OF INTEREST

24. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None

25. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

I worked as a Legislative Fellow in the Office of U.S. Senator Frank Lautenberg from January 2003 through April 2004. During that time, I was involved in researching legislation for the Senator involving law enforcement and judicial matters.

26. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

Yes

**D. LEGAL MATTERS**

27. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint, to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No

28. Have you ever been investigated, arrested, charged or convicted (including pleas of guilty or nolo contendere) by any federal, State, or other law enforcement authority for violation of any federal, State, county or municipal law, other than a minor traffic offense? If so, provide details.

No

29. Have you or any business of which you are or were an officer, director or owner ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

No

30. For responses to question 30, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

Lazaro Gonzalez, et al. v. Janet Reno, et al.
No. 00-03621 (CIV-MORENO), S.D. Fla
Florida relatives of Elian Gonzalez claimed that their constitutional rights were violatd during the removal of Elian from their Miami, Florida residence on April 22, 2000. Plaintiffs broadly allege that various Department of Justice officials violated their First, Fourth and Fifth Amendment rights during the removal of Elian from their residence.



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The lawsuit named an unknown number of Immigration and Naturalization Service, Border Patrol, and United States Marshals Service (USMS) personnel who were involved in the operation to remove Elian. According to Nina Pelletier, the Department of Justice attorney assigned to defend the is case, the court directed the Department of Justice to identify the "John Doe" Department of Justice defendants who were physically present in the Miami area and participated during the operation in any way, even if they were not involved at the residence and even if their conduct was tangential. As a result, myself and others from my division at the time were identified as individuals involved in the operation.
All were found to have acted properly at all times in our roles in this matter.
(See attachment)

31. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.
None

## E. FINANCIAL DATA - REDACTED

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)



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Attachment A:
Question #9
**Employment record:** List all jobs held since college, and any relevant or significant jobs held prior to that time, including the title or description of job, name of employer, location of work, and dates of employment.

| Title | Employer | Location | Dates |
|---|---|---|---|
| Floor Manager | Genovese Drug Store | 375 Patterson Ave Wallington, NJ 07057 | 2/85 – 2/91 |
| Deputy U.S. Marshal | U.S. Marshals Service | Eastern District of New York, 225 Cadman Plaza, Brooklyn, NY 11201 | 3/91 – 2/93 |
| Deputy U.S. Marshal | U.S. Marshals Service | District of New Jersey, 50 Walnut St, Newark, NJ 07102 | 2/93 – 10/95 |
| Inspector | U.S. Marshals Service | Witness Security Program, Northeast Region, New York, NY | 10/95 – 11/98 |
| Inspector | U.S. Marshals Service | Witness Security Program, Southeast Region, Miami, FL | 11/98 – 10/00 |
| Supervisory Inspector | U.S. Marshals Service | Witness Security Program, US Marshals Service Headquarters, Arlington, VA | 10/00 – 10/01 |
| Supervisory Inspector | U.S. Marshals Service | Investigative Operations Division, Protective Operations Program, U.S. Deputy Attorney General's Protection Detail, US Marshals Service Headquarters, Arlington, VA | 10/01 – 6/02 |
| Acting Chief of Field Operations | U.S. Marshals Service | Witness Security Program, U.S. Marshals Service Headquarters, Arlington, VA | 6/02 – 1/03 |
| Legislative Fellow | U.S. Marshals Service Detailee to the U.S. Senate | Office of Senator Frank Lautenberg, U.S. Senate, Washington, DC | 1/03 – 4/04 |
| Senior Inspector, Legislative Fellow | U.S. Marshals Service | Office of Congressional Affairs, U.S. Marshals Service Headquarters, Arlington, VA | 4/04 – 8/05 |
| Chief Inspector | U.S. Marshals Service | Investigative Operations | 8/05 – 6/07 |

| | | | |
|---|---|---|---|
| | | Division, Organized Crime and Drug Enforcement Task Force (OCDETF), OCDETF Fusion Center | |
| Chief | U.S. Marshals Service | Office of Operational Staffing and Recruitment, Human Resources Division, U.S. Marshals Service Headquarters, Arlington, VA | 6/07 – 8/09 |
| Acting Deputy Assistant Director | U.S. Marshals Service | Human Resources Division, U.S. Marshals Service Headquarters, Arlington, VA | 4/08 – 11/08 |
| Chief | U.S. Marshals Service | Tactical Operations Division, Office of Crisis Services, U.S. Marshals Service Headquarters, Arlington, VA | 8/09 - Present |

**AFFIDAVIT**

Michael A. Hughes being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Subscribed and sworn before me this 23 day of September, 2011

Notary Public

Ruth A. Price
Commonwealth of Virginia
Notary Public
Commission No. 267613
My Commission Expires 6/30/2016

**U.S. Senate Committee on Homeland Security and Governmental Affairs Pre-hearing Questionnaire For the Nomination of Michael Anthony Hughes to be United States Marshal for the Superior Court of the District of Columbia**

I. Nomination Process and Conflicts of Interest

1. Why do you believe the President nominated you to serve as U.S. Marshal for the Superior Court of the District of Columbia?

   I believe I was selected for this nomination due to my leadership abilities and years of experience as a career U.S. Marshals Service operational employee.

2. Were any conditions, expressed or implied, attached to your nomination? If so, please explain.

   No.

3. What specific background and experience affirmatively qualifies you to be U.S. Marshal?

   I have over twenty years experience working for the U.S. Marshals Service in positions ranging from Deputy U.S. Marshal to Chief Inspector. I have successfully served in a variety of positions both at the field and headquarters levels. Those positions demanded leadership and political savvy to collaborate with a variety of stakeholders to ensure the success of government missions.

4. Have you made any commitments with respect to the policies and principles you will attempt to implement as U.S. Marshal? If so, what are they and to whom have the commitments been made?

   No.

5. If confirmed, are there any issues from which you may have to recuse or disqualify yourself because of a conflict of interest or the appearance of a conflict of interest? If so, please explain what procedures you will use to carry out such a recusal or disqualification.

   I am not aware of any.

II. Role and Responsibilities of United States Marshal

6. What is your view of the role of U.S. Marshal for the Superior Court of the District of Columbia?



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I believe the role of U.S. Marshal for the Superior Court of the District of Columbia is to provide the maximum level of service to the Courts, the public and other governmental organizations while maintaining the vision and missions of the U.S. Marshals Service. The U.S. Marshal for the Superior Court of the District of Columbia has many security challenges, a large cadre of personnel to manage, and perpetual issues to address with the DC jail and local jurisdiction. I believe my leadership skills that have evolved through my extensive and varied operational roles both in the field and at the USMS headquarters have amply prepared me to assume this role.

7. How is your role as Marshal of the D.C. Superior Court different, if at all, from the role of other U.S. Marshals?

In my opinion, the U.S. Marshal for the Superior Court has unique responsibilities that differ from other U.S. Marshals. The U.S. Marshal of the D.C. Superior Court has similar responsibilities of the U.S. Marshals of other federal districts, in addition to serving related duties of a Sheriff for the District of Columbia as the D.C. Superior Court operates as the court of local jurisdiction.

Additional duties of the U.S. Marshal for the Superior Court include the execution of court orders and serving process such as evictions. In addition, D.C. Superior Court provides for the transportation and court production of local prisoners arrested by the Metropolitan Police Department and other D.C. agencies.

8. In your view, what are the major internal and external challenges facing the U.S. Marshal's office for the D.C. Superior Court? What do you plan to do, specifically, to address these challenges?

Historically, the internal and external challenges facing the U.S. Marshal's office for the D.C. Superior Court have included understaffing, insufficient resources, and maintaining workspace that is not owned and operated by the Federal government.

If confirmed and appointed, my intent is to conduct a full assessment of the current internal and external environment to determine the realistic needs of the office as well as meet with all major stakeholders to evaluate the expectations of the U.S. Marshals office.

9. How do you plan to communicate to the U.S. Marshal staff on efforts to address relevant issues?

If confirmed and appointed, I will have regular open forum meetings with all staff to address issues and answer questions in a candid environment. In addition, I would maintain my open door policy for individuals to express their comments and concerns. Regular email communication with staff is also crucial to ensure timely and necessary information is shared.



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10. What are your priorities for the U.S. Marshal's office for the D.C. Superior Court? During your tenure as U.S. Marshal, what key performance goals do you want to accomplish?

If confirmed and appointed, I would provide a safe and secure environment for the judiciary, prosecutors, other members of the court family, and the public while ensuring the protection of the judicial process. I would provide the utmost service according to the missions of the U.S. Marshals Service.

I would conduct a full needs assessment and organizational diagnosis of the office to identify strengths to build upon as well as weaknesses to concentrate on for improvement. Through consultation and collaboration with major stakeholders, I would develop and implement a plan to address these strengths and weaknesses to enhance the efficiency of operations within the office.

III. Policy Questions

*Coordination*

11. The District of Columbia criminal justice system is unique in that it involves a number of agencies, including the District of Columbia, federal agencies, and private organizations. How do you view the role of the U.S. Marshals Service in relation to those of other law enforcement within the District of Columbia? How will you, as U.S. Marshal for the D.C. Superior Court, ensure that you are coordinating with these other criminal justice components in multiagency local area task forces and initiatives, fugitive investigations, and the integration of information technology systems needed for case processing?

The U.S. Marshals Service plays a collaborative role in relation to other D.C. criminal justice agencies, other federal agencies, and private organizations. The U.S. Marshals Service is one of many parts within the system and works in cooperation with other agencies to ensure the safe and efficient operation of the judicial process.

If confirmed and appointed, I would coordinate with various agencies involved in the D.C. criminal justice system. I would ensure regular meetings with our local Capitol Area Regional Fugitive Task Force for coordination and deconfliction purposes. I would regularly attend the local Criminal Justice Coordinating Committee meetings with other D.C. agencies as well as attend other local coordinating group meetings.

Information technology can play a crucial role in efficiency of operations. I would evaluate the current integrated systems used for case processing and work in unison with other components to ensure an efficient system that meets the needs of all stakeholders.

12. The U.S Court of Appeals for the Armed Forces is also located in Judiciary Square, and representatives of that court have worked with the D.C. courts in coordinating their



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security needs in Judiciary Square. Are there ways in which this coordination can be improved? If so, how?

If confirmed and appointed, I would actively work in coordination with all entities responsible for security in and around the D.C. Superior Court complex including the security needs in Judiciary Square. I would make myself available and work closely with the D.C. Court's Executive Office to coordinate and address any security needs of the D.C. Superior Court complex. This would include any coordination with the U.S. Court of Appeals for the Armed Forces as it pertained to security issues within the purview of the U.S. Marshal for Superior Court.

*Personnel*

13. What do you see as the workforce needs for the Office of the U.S. Marshal for the D.C. Superior Court, considering such factors as age, attrition rates, diversity, and skills imbalance?

As I am not currently employed at the D.C. Superior Court, I cannot make an accurate assessment of the workforce needs at this time. However, staffing shortages have historically hampered the U.S. Marshals office at the D.C. Superior Court. These shortages were typically due to promotions, transfers and attrition.

If confirmed and appointed, I would conduct a workforce assessment to determine where we are lacking and develop a plan to address these shortfalls. However, the Department's current hiring freeze would most likely delay efforts to address hiring needs.

14. The United States Marshal Service (USMS) is charged with not only protecting judicial personnel, but also fugitive investigations, witness security, prisoner services, asset forfeiture, service of court processes, and special operations and programs. What approach will you take to ensure that these responsibilities are properly balanced?

In order to ensure that responsibilities are properly balanced, I would develop and implement an overall district assessment for the office. U.S. Marshals Sevice personnel responsibilities are based on job series. Operational personnel include Criminal Investigators, Deputy U.S. Marshals, and Detention Enforcement Officers. Distribution of responsibilities should be commensurate with the job series and position descriptions of assigned personnel. My assessment in this area would include examining the current distribution and making any necessary adjustments based on the workload and resource requirements of the respective operational areas.

15. The USMS uses contract workers as Court Services Officers (CSOs), who are deputized to have full law enforcement authority and who aid in courthouse security. How should the USMS ensure that the CSOs are properly trained and meet the performance expectations of the Superior Court?



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Court Security Officers (CSOs) aid in the physical security in and around the courthouse. If confirmed and appointed, I would ensure that the district Contracting Officer's Technical Representative (COTR) training is consistent with the expectations of the contract. I would ensure that the COTR and the CSO site supervisor meet regularly to address any contract issues and ensure that all of the performance expectations are being met. With the high visibility of the CSOs within the courthouse, I would also consult with other entities within the court to discuss any recommendations or concerns that they may have in relation to the CSOs performance.

*Judicial and Courthouse Security*

16. In November 2010, the Department of Justice Inspector General evaluated six USMS district offices and found a number of shortcomings in their efforts to secure federal court facilities. These included a failure to maintain current security plans as required; require CSOs to be fully trained on screening equipment and security procedures prior to assuming their duties; consistently test security procedures; and adequately analyze data on incidents and arrests. What steps would you take to ensure that the Superior Court of the District of Columbia does not face similar problems?

    In November 2010, the Department of Justice, Office of the Inspector General conducted Audit Report 11-02 titled "Audit of the United States Marshals Service's Oversight of its Judicial Facilities Security Program." This audit assessed the USMS's oversight of the Judicial Facilities Security Program to include USMS headquarters' Judicial Security Division and six district offices. There were various weaknesses found and 15 recommendations were made to improve the management of the program.

    The OIG attributed weakness to training and oversight of the district Judicial Security Inspectors and COTRs for the CSO contracts. In order to mitigate the likelihood that the Superior Court of the District of Columbia does not face similar problems, I would require that the Judicial Security Inspectors and COTRs who are assigned to the D.C. Superior Court are fully aware of and carry out their respective duties in a timely and complete manner in compliance with U.S. Marshals Service policy. As I am not currently assigned to the Superior Court at this time, I cannot make an accurate assessment of whether this is currently being done or not. However, it would be part of my overall district assessment upon my arrival at the D.C. Superior Court.

*Other Issues*

17. In your view, what role should technology play in supporting mission needs?



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Technology can play a crucial role in efficient operations and mission support. Recognition and proper utilization of technology can have a profound effect on supporting and enhancing our ability to fulfill our missions; including immediate response to real time events. I am a strong proponent of utilizing affordable technology in the most effective fashion to accomplish our missions and goals.

IV. Relations with Congress

18. Do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?

Yes.

19. Do you agree without reservation to reply to any reasonable request for information from any duly constituted committee of the Congress if you are confirmed?

Yes.



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**AFFIDAVIT**

I, Michael A. Hughes, being duly sworn, hereby state that I have read and signed the foregoing Statement on Pre-hearing Questions and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

Subscribed and sworn before me this 24th day of October, 2011.

Notary Public

JANICE M. TATE
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
REGISTRATION # 339858
MY COMMISSION EXPIRES ON 1/31/2012



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United States
**Office of Government Ethics**
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

OCT 12 2011

The Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Michael A. Hughes, who has been nominated by President Obama for the position of United States Marshal for the Superior Court of the District of Columbia, Department of Justice.

We have reviewed the report and have also obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Don W. Fox
Acting Director

Enclosures - REDACTED

**U.S. Department of Justice**

Washington, D.C. 20530

SEP 16 2011

Mr. Don W. Fox
Acting Director
Office of Government Ethics
Suite 500
1201 New York Avenue, NW
Washington, DC 20005-3919

Dear Mr. Fox:

In accordance with the provisions of Title I of the Ethics in Government Act of 1978 as amended, I am forwarding the financial disclosure report of Mr. Michael A. Hughes. President Obama has announced his intent to nominate Mr. Hughes to serve as the United States Marshal for the District of Columbia Superior Court. We have conducted a thorough review of the nominee's report and have counseled him on the government ethics rules.

As required by 18 U.S.C. § 208(a), Mr. Hughes will not participate personally and substantially in any particular matter that would have a direct and predictable effect on his financial interests or those of any other persons whose interests are imputed to him, unless he first obtains a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualifies for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). Mr. Hughes understands that the interests of the following persons are imputed to him: his spouse; minor children; any general partner of a partnership in which he is a limited or general partner; any organization in which he serves as officer, director, trustee, general partner or employee; and any person or organization with which he is negotiating or has an arrangement concerning prospective employment.

Upon confirmation, Mr. Hughes will resign from his position as a member of the American University Key Executive Leadership Program advisory board.

Mr. Hughes has been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with other ethics agreements of Presidential nominees who file public financial disclosure reports.

Finally, Mr. Hughes understands that as an appointee he is required to sign the Ethics Pledge (Exec. Order No. 13490) and that he will be bound by the requirements and restrictions therein in addition to the commitments he has made in this and any other ethics agreement.

In light of the above, I am satisfied that the enclosed report presents no conflicts of interest under applicable laws and regulations and that you may so certify to the Senate Judiciary Committee.

Sincerely,

Lee J. Lofthus
Assistant Attorney General
for Administration and
Designated Agency Ethics Official

Enclosure

**NOMINEE STATEMENT**

I have read the Ethics Agreement above signed by Lee J. Lofthus, Assistant Attorney General for Administration and Designated Agency Ethics Official on September 16, 2011, and I agree to comply with the conflict of interest statute and regulations, and to follow the procedures set forth in the agreement. In addition, I understand that as an appointee I am required to sign the Ethics Pledge (Exec. Order No. 13490) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this and any other ethics agreement. I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with other ethics agreements of Presidential nominees who file public financial disclosure reports.

Michael A. Hughes

Date: September 16, 2011

**Opening Statement of Nancy M. Ware**
**Nominee for Director of the Court Services and Offender Supervision Agency**
**For the District of Columbia**
**United States Senate Committee on Homeland Security and Government Affairs**
**November 8, 2011**

*Remarks as Prepared for Delivery*

Chairman Akaka, Ranking Member Johnson, and distinguished Members of this Committee: Thank you for the opportunity to appear before you today. It is an honor to be the nominee to serve as director of the Court Services and Offender Supervision Agency (CSOSA) for the District of Columbia. I want to thank President Obama for the confidence he has shown in me by nominating me, and Congresswoman Eleanor Holmes Norton for recommending me to serve in this position.

I would like to introduce the members of my family who are with me here today, my wonderful children and my daughter-in-law, my brother and sister-in-law. I am enormously indebted to them for their love and support. I also want to pay homage to my parents who are no longer with us but always nurtured my aspirations and supported my endeavors. I am profoundly grateful to all of them. Finally, I would like to thank all of my friends and co-workers who also took time out of their busy schedules to come and support me on this important day.

As the former director of the Criminal Justice Coordinating Council for eight years and currently serving as a Senior Management Analyst for CSOSA, I am keenly aware of the tremendous responsibilities of the director of CSOSA as well as the pivotal role that this agency plays daily in support of public safety in the nation's capital and the surrounding jurisdictions.



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As a native Washingtonian, I have maintained a life-long love for the District of Columbia, its rich and vibrant culture, history and its people. I understand the needs of DC citizens and the particular public safety challenges of the District of Columbia. Throughout my career, I have been fortunate to work for both District and federal agencies whose missions put me in direct contact with persons who have been wards of the city, have been incarcerated, and or directly impacted by the criminal justice system. Consequently, I am acutely aware of the needs and challenges that confront the law enforcement community and the men and women who are responsible for supervising at-risk and repeat criminal offenders.

If confirmed as the Director of CSOSA, I want to assure you, the employees of CSOSA, and DC citizens that I will do my utmost to ensure that the agency upholds its mandate to effectively supervise its probation, parole and supervised release population with particular emphasis on high-risk, and repeat offenders. I am also motivated and committed to helping CSOSA clients obtain the knowledge and skills necessary to function as law-abiding and contributing members of the community. I understand that this is a difficult challenge, but it is one we are committed to at CSOSA. Additionally, I recognize that it is essential to build a sense of confidence and enthusiasm among our core employees who are seeking management direction, stability and accountability from its director.

Chairman Akaka and Ranking Member Johnson, I welcome the opportunity to tackle the challenges that lie ahead at CSOSA and thank you for affording me the opportunity to offer my testimony today.

In closing, I want to thank the Committee for the attention it has given to my nomination. If confirmed, I intend to work closely with you, Mr. Chairman, the other Members of this



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Committee and your staff to pursue our shared objective of promoting the safety of the public and the successful reintegration of the men and women returning from prison. I am deeply committed to maintaining the very productive and close relationship that exists between this Committee and the agency that I have been nominated to lead.

Mr. Chairman, I would be pleased to respond to any questions that you or Members of the Committee may have.

## BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

### A. BIOGRAPHICAL INFORMATION

1. **Name:** (Include any former names used.)
   **Nancy Maria Ware (Crawford, Brooks)**

2. **Position to which nominated:**
   **Director, Court Services and Offender Supervision Agency**

3. **Date of nomination:**
   **August 2, 2011**

4. **Address:** (List current place of residence and office addresses.)
   **Residence:** REDACTED Washington, D.C. 20012
   **Office:** 633 Indiana Avenue, N.W. Room 1268, Washington, D.C. 20004

5. **Date and place of birth:**
   **September 7, 1949**
   **Washington, D.C.**

6. **Marital status:** (Include maiden name of wife or husband's name.)
   **Divorced**

7. **Names and ages of children:**
   **Diallo Brooks age: 39**
   **Dalila Brooks age: 37**
   **Omari Ware age: 30**

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.

| | | |
|---|---|---|
| **Calvin Coolidge High School** | **1963-1967** | **High School Diploma received June, 1967** |
| **Howard University** | **1967-1971** | **Bachelor's Degree received May, 1971** |
| **Howard University** | **1972-1974** | **Masters Degree received May, 1974** |

9. **Employment record:** List all jobs held since college, and any relevant or significant jobs held prior to that time, including the title or description of job, name of employer, location of work, and dates of employment. (Please use separate attachment, if necessary.)

   **Management Analyst, Court Services and Offender Supervision Agency for the District of Columbia, 633 Indiana Avenue NW Washington, D.C. 2010-present**

**Executive Director, District of Columbia Criminal Justice Coordinating Council, 441 4th St NW Suite 727N Washington, D.C. 2002-2010**

**Director Technical Assistance and Training, Department of Justice, Office of Justice Programs, Executive Office for Weed and Seed, 810 7th St NW, Washington, D.C. 2000-2002**

**Director of Program Development/National Programs, Department of Justice/Office of Justice Programs, Bureau of Justice Assistance, 810 7th St NW, Washington, D.C. 1998-2000**

**Executive Director, National Rainbow Coalition, 1700 K St., NW, Washington D.C. 1996-1998**

**Executive Director, Citizenship Education Fund, 1700 K St NW, Washington, D.C. 1994-1996**

**Executive Director, Mayor's Youth Initiatives Office, Executive Office of the Mayor for the District of Columbia, 441 4th St NW, Washington, D.C. 1993-1994**

**Bureau Chief of Access Division, District of Columbia Commission on Mental Health Services, Child and Youth Services Administration, St Elizabeth Hospital Campus, 3600 Martin Luther King Avenue SE, Washington, D.C. 1990-1993**

**Director, Paul Robeson School for Growth and Development, School for Seriously Emotionally Disturbed Children, District of Columbia Commission on Mental Health Services, Child and Youth Services Administration, Spring Road NW, Washington, D.C. 1988-1990**

**Director Cope and Hope Mobile Mental Health Unit for Homeless Families, District of Columbia Commission on Mental Health Services, Child and Youth Services Administration, 3600 Martin Luther King Avenue SE, Washington, DC 1987-1990**

**Special Assistant to the Administrator/Program Analyst, Child and Youth Services Administration, District of Columbia Commission on Mental Health Service, Washington, DC 1987-1988**

**Clinical Psychologist, Department of Special Education, District of Columbia Public School System, 10th and H St NW Webb Building, Washington, DC 1978-1987**

**Vocational Evaluator/Education Specialist, Career Assessment Center, District of Columbia Public School System, Penn Center, 1709 3rd St NE, Washington, DC 1975-1998**

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with federal, State, or local governments, other than those listed above.

**Comprehensive Homicide Elimination Task Force – Member (2007)**
**DC Mayor's Substance Abuse Task Force – Member (2004-2007)**

11. **Business relationships:** List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

**Momentum Strategies, LLC – President, October 2009 - present**

12. **Memberships:** List all memberships, affiliations, or and offices currently or formerly held in professional, business, fraternal, scholarly, civic, public, charitable or other organizations.

**Justice Research and Statistics Association – Member (2003-2010)**

**National Criminal Justice Association – Advisory Board Member and Northeast Regional Representative (2003-2010)**

**Partnership Council for the DC Department of Mental Health Services – Member (2003-2010)**

**DC Mayor's Substance Abuse Task Force – Member (2004-2007)**

**DC Public Defender Service Board of Trustees – Member (1997-2002)**

**International Women's Conference in Beijing China – US Delegate (1995)**

**DC Community Prevention Partnership – Board of Directors (1993-1994)**

**Minority Resource Committee for the National Institute of Mental Health Child and Adolescent Service System Program – Committee Member (1998-2000)**

**State Mental Health Representatives for Children and Youth – DC Representative (1987)**

**Washington Area Committee on HIV Youth – Member (1991-1994)**

**Links Inc. – Member (1998-2005)**

**Alliance of Concerned Men – Board Member (1996-1997)**

**Family Advocacy and Support Association – Member (1991-1993)**

**Comprehensive Homicide Elimination Task Force – Member (2007)**

13. **Political affiliations and activities:**

    (a) List all offices with a political party which you have held or any public office for which you have been a candidate. **N/A**

    (b) List all memberships and offices held in and services rendered to any political party or election committee during the last 10 years. **N/A**

    (c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more during the past 5 years. **Barack Obama - $100.00 (2008); Vincent Gray $100.00 (2009).**

14. **Honors and awards:** List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

    **Educational and Professional Development Fellowship Award**

    **National Association of Government Communicators Blue Pencil Award for the Most Improved Federal Publication**

    **TELLY Award for Best Government Training Broadcast**

    **American Council of Technology - Industry Advisory Council (ACT-IAC) Excellence.gov Award for the JUSTIS Information System for the District of Columbia Criminal Justice System.**

15. **Published writings:** Provide the Committee with a list and two copies of any books, articles, reports, or other published materials which you have written. These items can be provided electronically via e-mail or other digital format.

    **"Helping to Build Intentional Communities", *Family Resource Coalition Report*: p.27, v14. No 3&4, Fall-Winter, 1996.**

16. **Speeches:**

    (a) Provide the Committee with a list and two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics



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relevant to the position for which you have been nominated. Provide a list and copies of any testimony to Congress, or to any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

**Please see response to question 16(b) below.**

(b) Provide a list of all speeches and testimony you have delivered in the past 10 years, except for those the text of which you are providing to the Committee. Please provide a short description of the speech or testimony, its date of delivery, and the audience to whom you delivered it.

**District of Columbia City Council Testimony on behalf of the DC Criminal Justice Coordinating Council, 2002-2010.**

***The testimony was provided for annual Performance Oversight hearings and Budget hearings. For the Oversight hearings the testimony included: the mission of the CJCC office and the priorities established each fiscal year by the CJCC members. The citywide priorities over the years included: Interagency Information Sharing, Reentry, Juvenile Justice, Substance Abuse and Mental Health Support, Warrants, and Pretrial Options to name a few. Some of the initiatives that resulted included Fugitive Safe Surrender, Community and Mental Health Courts, the Justice Information System, GunStat, and the Juvenile Detention Alternatives Initiative. The testimony reported on progress on these and other priorities and initiatives. The Budget hearings testimony reported on the funding levels proposed for the agency each year and the priorities that the budget would support. They also included how funding was used in prior fiscal years, grant funding received and the federal payment for the office. I cannot locate copies of this testimony***

17. **Selection:**

(a) Do you know why you were chosen for this nomination by the President?

**My professional career includes thirty-six years of management, administration, policy development, program development, strategic planning, training, interagency and community coordination, research, and evaluation on the state, local and national level. I have extensive organizational/administrative experience in developing and implementing innovative programs and managing multi-million dollar budgets.**

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?



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**As the Executive Director of the Criminal Justice Coordinating Council for eight years, I developed the infrastructure to support a congressionally mandated office for the federal, executive and judicial branches of government in the District of Columbia to work collaboratively on behalf of public safety. This agency provided support to the mutual work of over sixteen agencies responsible for law enforcement and justice for juveniles and adults in the District. This position required me to work closely with the DC Council, Congress and the Office of Management and Budget on behalf of the city. In addition, my experience as executive director of the Mayor's Youth Initiative Office provided me with an intimate knowledge of the DC criminal and juvenile justice system. My positions with the Department of Justice, Office of Justice Programs required an understanding of government operations on the city, state and federal level. I have worked closely with Court Services and Offender Supervision Agency (CSOSA) for the past eleven years from the time I was at the Department of Justice, Office of Justice Programs, through my time as the Executive Director of the DC Criminal Justice Coordinating Council and now as a senior management analyst for CSOSA. Throughout my professional career I have maintained a working interest in reentry issues and I have worked on a variety of initiatives to support the successful reintegration of ex-offenders while sustaining public safety. As a native Washingtonian, I have a commitment to the safety of the Washington, D.C. community of residents and visitors.**

## B. EMPLOYMENT RELATIONSHIPS

18. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate? **Yes**

19. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain. **No**

20. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization, or to start employment with any other entity? **No**

21. Has anybody made a commitment to employ your services in any capacity after you leave government service? **No**

22. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? **Yes**

23. Have you ever been asked by an employer to leave a job or otherwise left a job on a non-voluntary basis? If so, please explain. **No**

## C. POTENTIAL CONFLICTS OF INTEREST

24. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

**In connection with the nomination process, I have consulted with the Office of Government Ethics and the District of Columbia Court Services and Offender Supervision Agency's (CSOSA) designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with CSOSA's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.**

25. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

**None, except for occasional visits with congressional staff regarding the DC Criminal Justice Coordinating Council and the Court Services and Offender Supervision Agency's budget, as part of my official duties.**

26. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position? **Yes**

## D. LEGAL MATTERS

27. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint, to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

**No. However, it has recently come to my attention that someone anonymously sent a letter to the Office of Special Counsel alleging improper employment decisions by former CSOSA Director Paul Quander, Jr. and Deputy Director Adrienne Poteat. There are no complaints against me personally, but the anonymous writer has apparently speculated that, if confirmed, I will continue to implement the decisions made by Mr. Quander and Ms. Poteat. It is my understanding that the Office of Special Counsel has declined to pursue the matter.**

28. Have you ever been investigated, arrested, charged or convicted (including pleas of guilty or nolo contendere) by any federal, State, or other law enforcement authority for violation of any federal, State, county or municipal law, other than a minor traffic offense? If so, provide details. **No**

29. Have you or any business of which you are or were an officer, director or owner ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

**I was involved in divorce proceedings in 1996 and 2001. Additionally, in 1989 I, along with other officials, and the D.C. Government, was named in an employment discrimination suit, which was dismissed before trial.**

30. For responses to question 30, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity. **N/A**

31. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination. **None**

## E. FINANCIAL DATA - REDACTED

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

**AFFIDAVIT**

I, NANCY WARE being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Nancy Ware

Subscribed and sworn before me this 13th day of September, 2011

Gregory Miles Smith

Notary Public

Gregory Miles Smith
Notary Public, District of Columbia
My Commission Expires 10/14/2013

**U.S. Senate Committee on Homeland Security and Governmental Affairs**
**Pre-hearing Questionnaire**
**For the Nomination of Nancy Maria Ware to be**
**Director, District of Columbia Court Services and Offender Supervision Agency**

## I. Nomination Process and Conflicts of Interest

1. Why do you believe the President nominated you to serve as Director of the District of Columbia Court Services and Offender Supervision Agency (CSOSA)?

   **My professional career includes 36 years of management, administration, policy development, program development, strategic planning, training, interagency and community coordination, research, and evaluation on the local, state, and national level. I have extensive organizational/administrative experience in developing and implementing innovative programs and managing multi-million dollar budgets. As the first Executive Director of the congressionally-mandated DC Criminal Justice Coordinating Council (CJCC), I developed the infrastructure to support collaboration between the executive and judicial branches of the federal government in the District of Columbia and the city's executive and legislative branches on critical public safety issues. The CJCC provided support to the mutual work of over 16 agencies responsible for law enforcement and justice for juveniles and adults in the District of Columbia. As Executive Director of the CJCC, I worked closely with the DC Council, Congress and the Office of Management and Budget on behalf of the city. In addition, my experience as Executive Director of the Mayor's Youth Initiative Office provided me with an intimate knowledge of the DC criminal and juvenile justice system. My positions with the Department of Justice, Office of Justice Programs required an understanding of government operations on the city, state and federal level.**

2. Were any conditions, express or implied, attached to your nomination? If so, please explain. **No**

3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Director? If so, what are they, and to whom were the commitments made? **No**

4. If confirmed, are there any issues from which you may have to recuse or disqualify yourself because of a conflict of interest or the appearance of a conflict of interest? If so, please explain what procedures and/or criteria that you will use to carry out such a recusal or disqualification. **None that I am aware of at this time.**



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5. Have you ever been asked by an employer to leave a job or otherwise left a job on a non-voluntary basis? If so, please explain. **No**

6. The Director of CSOSA is appointed for a six-year term. If confirmed, is it your intention to serve out your full term? **Yes**

## II. Role and Responsibilities of the Director of CSOSA

7. Why do you wish to serve as Director of CSOSA?

**I have had the pleasure of working for CSOSA the last year and a half. During this time I have had an intimate view of the tremendous accomplishments that the agency has made in little over a decade, since its establishment as an independent, federal Executive Branch agency in 2000. In that brief period, CSOSA has developed an impressive community supervision model that annually supports approximately 24,000 adult offenders on probation, parole or supervised release, including adults accepted for interstate supervision in the District of Columbia.**

**From its inception, CSOSA has incorporated cutting edge technologies and industry best practices. The 2002 launch of the Supervision Management Automated Record Tracking System (SMART), a state of the art, automated case management system, provided the foundation for CSOSA's ongoing commitment to evidence-based practices. CSOSA has also established an Enterprise Data Warehouse and Business Intelligence Portal, which allow the agency to use real time SMART data to measure Agency performance and guide its programs and operations. Other innovations have continued to strengthen both the Agency's community supervision model and the efficiency with which the Agency employs its resources. All of these advancements are the direct result of the creativity, dedication, and hard work of the line staff, supervisors and executive team who have committed their professional lives to furthering the Agency's mission.**

**It would be an extreme privilege, if confirmed, to now lead the agency forward in the next phase of its development which will include an increased focus on high risk offenders, specialized programming for women offenders, and instituting greater flexibility in the deployment of resources to more immediately respond to changes in offender demographics and fiscal realities, and more creative collaborations with our criminal justice and law enforcement partners.**

**My professional career spans over 30 years working on criminal and juvenile justice and public safety issues. Prior to joining CSOSA, I served for eight years as Executive Director of the DC Criminal Justice Coordinating Council. In that role I facilitated collaborations between the District of**



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**Columbia's local and federal criminal justice organizations, including CSOSA, in response to pressing or emerging public safety issues. Prior to that appointment, I served for three years with the Department of Justice, Office of Justice Programs. In my current position as a Senior Management Analyst at CSOSA, I have become intimately knowledgeable of Agency operations, including opportunities for refinement and expansion. I would like to apply my expertise and network of local and national resources to continue to strengthen the work of the agency and continue the partnerships that support a safe city.**

**Throughout my professional career I have maintained an active interest in reentry issues and I have worked on a variety of initiatives to support the successful reintegration of ex-offenders while sustaining public safety. As a native Washingtonian, I have a commitment to the safety of the Washington, DC community--its residents, visitors and workers. If confirmed as Director of CSOSA, I would have the opportunity to substantially impact public safety in my hometown and the city I have served for nearly 40 years.**

8. What do you consider to be the role of the Director of CSOSA?

**The CSOSA director's role is to manage the day-to-day operations of the agency, represent the agency before the community and Congress, and work directly with the agency's external partners and other stakeholders. The director is also responsible for overseeing the implementation of effective programs and ensuring that the agency fulfills its mission and meets its strategic objectives. In addition to advocating for sufficient resources, the director is responsible for ensuring that those resources are used effectively and efficiently. Where possible and appropriate, the director is also responsible for ensuring that proven innovations developed by CSOSA are shared in national forums so that other citizens may benefit from taxpayer investment in the agency.**

9. What do you see as the principal mission of CSOSA? What do you see as its principal responsibilities?

**CSOSA's mission is to increase public safety, prevent crime, reduce recidivism and support the fair administration of justice in close collaboration with the community. To accomplish this, the primary responsibilities of the Agency are to prevent the population supervised by CSOSA from engaging in criminal activity by establishing strict accountability; to implement swift and certain sanctions for violations of release conditions; and to substantially increase the number of offenders who successfully reintegrate into society. At the same time, CSOSA is also responsible for supporting the fair administration of justice by providing accurate and timely**



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**information and meaningful recommendations to criminal justice decision-makers, namely the US Parole Commission and the DC Superior Court.**

10. What do you see as the main challenges facing CSOSA? If confirmed, what would you do to help meet those challenges?

**CHALLENGES: CSOSA supervises approximately 16,000 offenders each day and more than 24,000 offenders annually. While the total growth in the offender population has been small, most of the growth has been among segments requiring intensive supervision and behavioral health interventions. A large percent of CSOSA's daily offender caseload is assigned to a specialized supervision unit – mental health, drug/alcohol, domestic violence, and sex offender. The proportion of CSOSA offenders assigned to a mental health unit on any given day has grown nearly two-fold since 2003.**

**In addition to behavioral health needs, employment and housing challenges abound for CSOSA's offenders. Among offenders who are physically able to work, half are unemployed on any given day. A large percent of offenders returning to the District of Columbia after serving a period of incarceration in the Federal Bureau of Prisons will live in housing situations that are considered unstable. Many will be homeless upon arrival, living 'on the streets', in a homeless shelter, or in transitional housing. Older returning offenders, and those with long periods of incarceration are more likely to experience a homeless episode upon reentry.**

**Drug use continues to be a persistent challenge for certain groups of offenders. Positive drug tests for cocaine, amphetamines, PCP, and heroin have been consistently higher among offenders assigned to mental health teams. High risk offenders (those assessed and supervised as intensive or maximum) are more likely to be revoked to incarceration for a supervision violation; more than half tested positive within the fiscal year of revocation. Half of the offenders revoked to incarceration in FY 2010 had less than a high school education or GED and more than two-thirds were unemployed just prior to revocation Finally, offenders whose supervision term was revoked were nearly twice as likely to have unstable housing.**

**MEETING THE CHALLENGES: Screening offenders for risk to public safety and behavioral health and social needs is the centerpiece of CSOSA's efforts to develop effective community supervision strategies based on evidence-based best practices. As such, CSOSA developed a comprehensive screening instrument (Auto Screener) that identifies an offender's risk to the community and his/her behavioral health and social needs and matches them to appropriate interventions intended to reduce the likelihood of re-offending. The AUTO Screener is offender-centric and**



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**measures a mix of social, behavioral, and health characteristic across 12 domains. CSOSA will focus its primary risk mitigation efforts on reducing the prevalence of newly committed violent, weapon, and sex offenses among its offender population. Additional attention will focus on identifying offenders screened as being at risk of committing a violent, weapon, or sex offense who also have been screened as being at risk of being a persistent drug user. While offenders who screen high for risk of violent, weapon, or sex offense re-offending but low risk for persistent drug use will be targeted for smaller caseloads with officers trained in cognitive behavioral interventions (CBI) and behavioral modification (BM), those offenders who screen high on both risk outcomes will be streamlined for rapid placement with substance abuse treatment providers trained and certified in delivering CBI/BM.**

**CSOSA will need to conduct annual performance reviews of its screening instrument with particular attention given to ensuring that offenders classified as low risk have a significantly lower prevalence of re-arrest for violent, weapon, and sex offenses. These performance reviews will be conducted by the Agency's Performance Improvement Officer and will inform development of a continuous improvement risk management plan focusing on, among other things, the delivery of CBI/BM interventions. During the first year of my tenure, if confirmed, I would work closely with the USPC and the Superior Court of the District of Columbia to fully implement the graduated sanctions grid with particular attention to its application with the highest risk offenders.**

11. Generally, what contributions do you hope to make to CSOSA, if confirmed?

**Internally, if confirmed, I would like to stabilize attrition among the staff, and strengthen the Agency's training program to support our succession planning efforts. I would also like to fully implement the strategic plan over the next five years and incorporate quarterly performance management reviews from the bottom up in support of agency priorities and strategic goals. I would like to enhance diversity among staff and improve staff morale by providing focus and clarity of leadership. Externally, if confirmed, I would like to build on community and agency partnerships through formal letters of understanding, fully implement the graduated sanctions matrix with the USPC and DC Superior Court, and identify innovations in ex-offender training and education. Finally, I would like to implement an annual survey to measure client satisfaction in order to improve agency responsiveness.**

## III. Policy Questions

12. You have served as a Management Analyst at CSOSA since 2010. Please briefly describe your responsibilities in that role. What do you believe have been your most significant accomplishments during your service at CSOSA?



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My position is located in CSOSA's Office of Legislative, Intergovernmental and Public Affairs. My primary duties are to facilitate the Agency's strategic planning process by providing training, insight and strategies to assist managers in the development and implementation of strategic goals, objectives, and plans. I evaluate and analyze agency-wide programs, functions, and organizations to determine whether the management systems in current use efficiently accomplish the objectives sought, and whether they provide the controls necessary for sound management. I work with the Office of Financial Management to develop an agency budget that is consistent with CSOSA's strategic mission. I facilitate organizational self-assessments by CSOSA managers to determine strengths and weaknesses. I serve as a consultant and advisor in developing strategies focused on achieving results through various programmatic investments (i.e. technology, training, etc.). I work closely with the Office of Research and Evaluation to integrate trend forecasts into strategic plans. I conduct organizational planning studies designed to improve management systems and solve problems involving mission-critical policies, organization, workload, resources, procedures, and methods.

Upon assuming the position at CSOSA as Management Analyst, I scheduled a month of visits to all of the units of the agency, meeting with all of the Associate Directors and their management staff and their units to familiarize myself first hand with the agency procedures. I collected all of the historical files related to the work compiled on the agency's strategic planning process in the development of the new strategic plan. I also compiled and reviewed the agency's policies and procedures. Having thoroughly familiarized myself with agency operations, I then facilitated a series of strategic planning sessions with CSOSA executive staff, line staff and union representatives to review the mission, goals, performance measures and vision for the agency's new strategic plan. I have organized and facilitated ongoing executive level strategic planning sessions to incorporate their review and input. These activities represented the first time the agency has organized this level of input into the agency strategic planning process.

I also organized an interagency legal team and a team of practitioners to address the city's challenges in providing cross-agency supervision of juveniles. I drafted language used in the development of an interagency approach to information sharing and the creation of a Memorandum of Understanding and a DC Superior Court Judicial Order. I facilitated that process on behalf of the agency and drafted language for both documents. This involved consultation with the Office of the General Counsel and agency practitioners, as well as outside agencies (the Criminal Justice Coordinating Council, the Pretrial Services Agency, Court Social Services, and the Department of Youth Rehabilitation Services).



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**As part of CSOSA's re-prioritization, I facilitated executive sessions on the agency's high-risk offenders and PCP users to assist in the restructuring of the agency approach to offenders with a history of sex, violence and weapons offenses and mental health offenders. My other activities include: program planning for women and high risk offenders; coordinating CSOSA's participation in GUNSTAT (a multi-agency law enforcement initiative that monitors violent gun offenders); tracking Alleged Violation Reports (AVRs)) and NOAs (notice of action); planning sessions on employment and training; participation in video conferencing with offenders preparing to come home from prison; training on the Auto Screener; discussions on evaluation of the KIOSK (a tool used to monitor low-risk offenders); planning on juvenile issues; review of housing issues; reviews of information technology plans; and participation in planning meetings on information sharing across agencies.**

**I represent CSOSA in DC Sentencing and Code Revision Commission meetings, and coordinate CSOSA's activities related to the DC Superior Court Fathering Court. I also chair the DC Criminal Justice Coordinating Council's Reentry Workgroup on Health Care and I facilitated the DC Juvenile Detention Alternatives Initiative planning meeting. I wrote a proposal to develop the Performance Management Team to facilitate reporting on Agency internal and external performance measures.**

13. CSOSA is comprised of the Community Supervision Program (CSP) and the Pretrial Services Agency (PSA). Please list and describe your top three priorities each for CSP and PSA, if confirmed as Director of CSOSA.

**CSP Priorities: 1) Complete and fully implement the Agency Strategic Plan and Performance Measures (complete the Business Intelligence and Data Quality database as management tools to monitor agency progress); 2) Implement the proposed Graduated Sanctions and Incentives Matrix; 3) Continue to strengthen relationships that support employment, training, housing and treatment options for CSOSA clients.**
**PSA Priorities: 1) Maximize training resources so that staff can be co-trained as appropriate. 2) Develop joint research priorities that will serve both agencies effectively. 3) Work closely with PSA on standardizing treatment costs, quality assurance and vendor rates.**

14. CSOSA reported that 35 percent of supervised release offenders were arrested in Fiscal Year (FY) 2010, compared to 26 percent of probationers and 23 percent of parolees.

    a. If confirmed as Director of CSOSA, how will you work with your staff to reduce the re-arrest rate for supervised release offenders, which has historically been higher than other groups?



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**I am interested in working with the staff on a continuum of interventions based on the risk and needs assessment for each offender under supervision. Priority will be directed to intensive case management for those who are assessed as intensive and maximum risk, based on a history of weapons, violence and sex offenses as well as testing positive for drug use. The agency will fully implement the sanctions matrix, ensuring swift response to supervision violations, including the use of GPS surveillance. The agency will continue to prioritize accountability tours with the police department and provide increased contact with high risk offenders. Treatment, anger management, housing, educational remediation, job training and employment will be provided as needed based on available funding. To institute this level of supervision for high-risk offenders, it will be necessary to maintain low staff to client ratios. Internal performance reviews, regular evaluation of the effectiveness of our interventions and the continued use of proven best practices will ensure that we effectively manage our supervised release offenders as well as our parolees and probationers.**

**Externally, CSOSA must continue to work closely with other law enforcement agencies to provide maximum supervision and share information on arrests and or high-risk behaviors among the supervised population. CSOSA is currently reviewing the multi-agency initiative in the District, GUNSTAT, which has provided an opportunity to review high risk cases identified by all the agencies and to implement increased monitoring of those identified under CSOSA supervision. This provides another layer of accountability so that CSOSA staff can benefit from external intelligence in the supervision of these clients.**

b. What steps will you take to reduce the overall recidivism rate for those under CSOSA's jurisdiction?

**I would continue to analyze our client population to determine those subgroups that pose the greatest risk to recidivism (for example youthful offenders, those with mental disorders, domestic violence cases, etc.) As we have done with female offenders, this analysis would provide an opportunity to provide differential supervision strategies that meet the risk and needs of these groups. I would continue to redesign incentives and sanctioning strategies targeted at specific populations as needed. I would work with our law enforcement partners to continually share intelligence and strategies to reduce recidivism. Finally, I would continue to modify training and retool the personnel evaluation system to reinforce agency-wide recidivism reduction efforts.**



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15. In 2003, CSOSA began using the Global Positioning System (GPS) technology to monitor high-risk sex offenders, and it has increased the use of GPS to include domestic violence offenders and other categories of offenders with court orders restricting access to certain individuals or locations. If confirmed as Director of CSOSA, what changes would you make, if any, as to how CSOSA manages its GPS program?

**I would work with staff to design innovative approaches that maximize the use of GPS technology. CSOSA has instituted a GPS unit to monitor compliance and to provide another level of accountability for GPS activity. This unit was put in place to provide alerts to the staff if the offender is in a restricted area, out of contact or if the GPS unit is off for an extended period of time and to monitor battery operation. I would like to work closely with other law enforcement agencies to solicit input on additional roles for GPS monitoring. There are a number of uses for GPS. It is a valuable tool that has been incorporated into the agency's sanctions and incentives matrix.**

16. CSOSA reported that as of September 30, 2010, approximately 1,300 offenders under CSP's supervision lived in homeless shelters, halfway houses, or other unstable housing. If confirmed as Director of CSOSA, what steps will you take to ensure adequate supervision of offenders without permanent housing and provide them with the support services that they need?

**Housing remains a challenge for offenders trying to get back on their feet after incarceration. CSOSA has limited funding available for transitional housing. Because housing and employment are primary stabilizers, thereby decreasing criminal activity, it is important to provide ancillary supports immediately to assist homeless offenders in stabilization and successful reintegration. Consequently, if confirmed, I would meet with city agencies that provide the majority of shelter services to negotiate for potential bed space in one particular shelter. If a designated shelter could be acquired, this would make it possible to provide supervision and intervention strategies directly in the shelter. In addition, it would be useful to initiate discussions with the DC Housing Authority to determine whether there are vacant units in the District that could be used as transitional housing.**

**For the high-risk offenders GPS would be implemented to track their compliance with stay away orders and to monitor their movement. I would like to continue to explore innovations in case management for homeless clients that incorporates greater outreach and monitoring in nontraditional settings such as shelters, subways and other places frequented by homeless clients. For low risk offenders KIOSK reporting would be required. The key for the highest risk offenders is to provide an integrated intervention delivery system, based on the risk and needs assessment that is balanced with rapid responses to non-compliant behavior.**



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17. In FY2011, CSP re-organized its operations to provide specialized supervision services to meet the needs of female offenders.

a. In your current position as a Management Analyst at CSOSA, what has been your role, if any, in managing operations to supervise female offenders, especially those with mental health and substance abuse issues? Please explain.

**As a management analyst, I have not directly supervised female offenders. I did, however, participate in planning for the reorganization to create the female only supervision teams and to implement female-specific programming. I also participated in planning for programs that were put in place for women with mental health and substance abuse issues. Additionally, I worked with staff to implement an annual woman's forum designed to assist them in preparing for work, managing their finances, and techniques for performing well in job interviews.**

b. If confirmed as Director of CSOSA, how do you plan to provide effective supervision and support services for female offenders?

**In response to the growing number of female offenders with community supervision obligations, and the increasing rate of women offenders with co-occurring substance abuse and mental health disorders, the agency has significantly expanded the scope of women's programming.**

**First, one floor (15 beds) of the Reentry and Sanctions Center (RSC) has been dedicated to female offenders on probation, parole or supervised release. The RSC provides high-risk offenders with comprehensive clinical assessments and treatment readiness programming. At capacity, CSOSA can provide RSC programming to 180 women per year. When a female offender discharges from the RSC, she will have an individualized treatment plan that outlines her continuum of care with recommendations on how her Community Supervision Officer can best support her in treatment.**

**Second, the reorganization of the Mental Health Branch established two dedicated teams of mental health professionals who have specialized training in addressing the behavioral health challenges of female offenders.**

**The launching of a women-only Day Reporting Center (DRC) to provide gender-specific programming to women who are unemployed and in need of employment and human services represents the third aspect of our gender specific programming. The Women's DRC will operate weekdays with programming support from community-based service providers. Finally, the Women in Control Again (WICA) Program is being expanded to provide a more comprehensive package of gender-specific supervision services to women. The**



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**WICA Program is an integrated psycho-educational therapeutic program for women suffering from substance abuse and mental illness. The program will target high-risk female offenders who have at least six months remaining under supervision, and suffer from mental health challenges, substance abuse and/or trauma. Cognitive behavioral therapy will be added to address the negative thinking patterns that trigger criminal behavior.**

**If confirmed, I would like to continue the work that has already been initiated to accommodate female offenders. I would expect to begin an evaluation of the effectiveness of the various programs and I would incorporate the evaluation results into the performance management plan for the agency and the individual units working with female offenders so that we could track progress and remediate or expand agency approaches as needed. CSOSA will need to continue to reorganize programming and staffing to accommodate the emerging needs of female offenders.**

18. How should CSOSA help individuals under its supervision find employment, given the current elevated unemployment rate in the Washington, D.C. metropolitan area?

**In 2008, CSOSA signed an MOU with the Department of Employment Services (DOES) to provide transitional employment opportunities for up to 300 offenders. Consequently offenders were provided transitional employment through this partnership arrangement. CSOSA and DOES plan to update this MOU with a focus on providing training and employment opportunities to 225 offenders with funding support from the Federal Workforce Investment Act. To better align the training and employment opportunities with growth sectors and occupations, CSOSA will work with DOES to determine the best programming approaches to providing offenders with training in areas with projected job growth (e.g., food preparation and hair stylist/barber).**

**CSOSA will need to continue to redesign the curriculum for its Day Reporting Centers (DRCs) and restructure the staffing design. DRCs are designed to provide offenders with educational and social enrichment instructions within a classroom setting. The focus of the redesign will be to develop a multi-tiered curriculum that provides remedial, workforce preparedness, and skill reinforcement trainings. This approach will enable CSOSA to meet the needs of a wider array of offenders, to include unemployed and employed offenders in need of skill-building training to successfully navigate a crowded and competitive job market. To effectively staff this re-design, CSOSA will consolidate its DRC and VOTEE staff. (VOTEE staff provides vocational and educational services to unemployed and under-employed offenders who are in need of job-readiness and referral services.) CSOSA can be a workforce intermediary for recruitment and place offenders with employers and workforce development programs. VOTEE assesses all clients and can pre-screen and place them in one of three employment categories: 1) job ready with high school**



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**or GED, one year or more continuous work experience , a valid ID and 8th grade or more in reading /math functioning; 2) job preparatory with no high school diploma or GED, less than one year work experience and functioning on a 6-8th grade level; and 3) adult learning with no high school diploma/GED, less than one year work experience and less than 5th grade reading/math functioning.**

**If confirmed, I would like to explore partnering with organizations that can provide additional opportunities to ensure employment for CSOSA clients through innovative approaches such as a wage paying staffing service, state of the art skill development approaches, employment developers and employment coaches. The market has become much more competitive and we must work even harder to prepare our clients for employment and long-term self-sufficiency.**

19. What do you believe are the key elements that are critical to the successful reentry of an offender?

**Key elements include: timely intervention pathways so that the offender does not return from incarceration without any support systems in place to help them stabilize and reintegrate successfully. The stabilizers that are most immediately important are housing; employment; mental health, substance abuse and physical health treatment; and support networks such as family, constructive friendships or mentors. In addition, another key element is providing a clear understanding of the expectations of supervision and the consequences for poor compliance with those conditions. Swift sanctions and effective incentives also support successful reintegration. I believe that it is important to implement the risk and needs assessment quickly to determine a prescriptive plan for each offender upon their return to the community.**

20. If confirmed as Director of CSOSA, what steps do you plan to take to ensure that individuals under CSOSA's supervision receive the necessary tools for successful reentry?

**If confirmed, I would continue to examine internal and national policies and practices that demonstrate success in helping to reduce recidivism rates. I would continue to use strategies anchored in research and proven over time including CSOSA's use of a sophisticated risk and needs assessment instrument. Reentry planning with stakeholders (the Bureau of Prisons and the US Parole Commission) must begin at the time of prison admission. Carefully tailoring post release supervision to meet the needs of each offender's circumstances is a critical step. If confirmed, I will commit to maximizing internal resources and external partnerships to provide effective intervention pathways to support client success (housing, employment, treatment, etc.). Additionally, if confirmed, I will ensure**



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**that CSOSA officers are trained to respond to violations swiftly with consequences that are proportional to the seriousness of the offense and balance this response with effective incentives to reinforce the client's success.**

21. The National Capital Revitalization and Self-Government Improvement Act of 1997 established CSOSA as a federal agency with the responsibility to supervise offenders on probation, parole, and supervised release pursuant to the District of Columbia Code.

    a. What challenges does CSOSA face as a federal agency with a local mission and what steps would you take, if confirmed, to address these challenges?

    **As a federal agency with a local mission it appears that CSOSA has done a great job in meeting major challenges by putting in place a well thought out supervision model. The biggest challenge is one of resources and collaboration with local agencies. This challenge has been eased by the creation of the Criminal Justice Coordinating Council. This collaboration with the Office of the Mayor and other local and federal agencies has resulted in better dialogue and problem solving across agencies. The corrections (jail), treatment, employment and housing agencies are all local government functions. CSOSA has entered into memoranda of understanding with local agencies to create and/or designate treatment beds, and employment training slots for our clients. Our work with the Bureau of Prisons brings the challenge of working with a federal agency with a national mandate as well as a local mandate. Since the BOP is the exclusive prison system for the District, it is often more challenging for both CSOSA and BOP to structure efforts that specifically benefit DC code offenders. BOP has taken on this challenge to work closely with CSOSA and other reentry agencies to strengthen pre-release planning and continuity of care. If confirmed, I will continue to forge partnerships with local and federal agencies to improve the services provided to CSOSA clients. I would also use my relationships with the local and federal law enforcement and public safety agencies to strengthen citywide services and to ensure the safety of the DC community.**

    b. Please describe how CSOSA coordinates with other, locally controlled, District of Columbia agencies to meet community needs.

    **Effective partnerships and information sharing with other criminal justice agencies and community organizations is critical to the Agency's success. CSOSA works closely with the DC MPD to perform joint offender home visits and share offender arrest and GPS data. CSOSA is an active partner in the DC Criminal Justice Coordinating Council (CJCC) and provides leadership as the co-chair of the CJCC Reentry Steering Committee and chair of the Reentry Healthcare subcommittee. CSOSA is also an active partner with the DC GUNSTAT initiative that identifies and tracks violent gun offenders with all the**



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**law enforcement partners in the city to impact violent gun crimes. CSOSA works closely with MPD, USAO and other partners to identify, share intelligence and closely monitor offenders under our supervision. CSOSA has entered into a Memorandum of Understanding with juvenile justice agencies to better supervise and manage youth who have dual jackets under the adult and juvenile systems. Other efforts include the interagency workgroup consisting of managers and senior professionals with the US Parole Commission and CSOSA to discuss and review the proposed Technical Violation Severity Index, Sanctions Matrix and Incentives program. The purpose of the workgroup was to discuss the sanctioning of violation behavior especially non-criminal violations of supervision. CSOSA has joined with the DC Department of Corrections, the USPC and the BOP to implement the Secure Residential Treatment Program. This program provides an alternative placement for DC Code offenders on parole or supervised release who face a revocation hearing due to illegal drug use, other technical and in some cases, new criminal charges. Upon completion, the USPC reinstates the offenders to parole or supervised release without revocation to BOP.**

c. What challenges, if any, are there to such coordination? Please discuss what role you have played thus far in promoting effective interagency cooperation and what steps you would take if confirmed as Director.

**The primary challenge is the scarcity of city resources combined with CSOSA's fiscal constraints. I was the Executive Director of the CJCC for eight years prior to coming to CSOSA. In this capacity I played a central role in coordinated multi-agency public safety efforts in the city. At CSOSA I am the chair of the Reentry Healthcare subcommittee and facilitated the Cross Agency Juvenile Case Management MOU and protocol on behalf of CSOSA. As indicated earlier, if confirmed, I would continue to participate actively in interagency planning efforts that support public safety in the city. It would be important to strengthen relationships with the Department of Mental Health (DMH), the Addiction Prevention and Recovery Administrations (APRA) , the DC Housing Authority and the Department of Human Services (DHS) for enhanced treatment and support services to CSOSA's clients. I will continue to participate in the DC Sentencing Commission, the CJCC Executive Committee, the DC Sentencing and Code Revision Commission and the DC Superior Court Fathering Court. I will also continue to work with the CJCC Reentry Steering Committee, GUNSTAT and other interagency efforts that support a coordinated approach to public safety in the city.**

22. What is your approach to managing staff? What past experiences do you believe best demonstrate your approach and style in personnel management?



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**I believe that it is the responsibility of managers to provide staff with the best tools possible to perform the mission of the agency. These tools include training, technology, and an environment that encourages staff participation and promotes excellence. In one notable experience, I helped develop the infrastructure for the Criminal Justice Coordinating Council. To do so I increased the staff from one person to a staff of 15. Staff turnover was minimal because I encouraged staff mentoring and instituted a strategic approach to ensure staff could facilitate the achievement of agency goals. In other instances, I have had to manage organizational transformation and change which I achieved by; listening and responding to employees, providing them with resources, reengineering agency processes as needed, and hiring and aligning staffing with the agency business processes. I also feel that it is important to continually monitor the strategy through employee feedback and surveys.**

23. What challenges, if any, do you think CSOSA faces with respect to labor-management relations? If confirmed, what will you do to address these challenges? Have you taken any actions in your current position at CSOSA and in your previous positions to promote positive labor-management relations?

**CSOSA has approximately 363 employees represented by the American Federation of Government Employees (AFGE), Local 727. Of the 363 bargaining unit members, 338 hold law enforcement positions in the Agency's Community Supervision Services Division and 25 are employed in the Office of Information Technology. Pursuant to Executive Order 13522, CSOSA has created the Labor Management Forum (a joint effort between agency management and AFGE Local 727 officials). The Forum has conducted an employee survey to measure the state of labor relations in the agency. The issues identified included workload and caseload. To address these issues the Agency has put in place revised caseloads based on client risk. The revisions include a Kiosk-based automated reporting model (KIOSK) for the lowest-risk offenders. KIOSK reporting for fully and consistently compliant low-risk offenders will allow Officers to allocate more time to higher-risk offenders who need more intensive interventions and monitoring, resulting in lower caseloads. The Agency has also put in place specialized teams for women, as well as warrant only teams. It will take time to determine whether these changes will result in modified caseloads. I have not been involved in labor-management relations in my current position; however as Executive Director of the Rainbow Coalition I was involved in promoting worker rights and union representation. If confirmed, I will continue to institute staff satisfaction surveys and I will use Annual CSO day as a forum to further survey staff and to stay abreast of staff issues. The Agency has been without a director for three years so, if confirmed, one of my primary objectives is to rededicate the Agency to its mission and to invigorate the staff to work collaboratively on behalf of the agency's clients. Most importantly I would**



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**constantly solicit staff input into creative and proactive solutions to challenges and problems that confront the agency.**

## IV. Relations with Congress

24. Do you agree, without reservation, to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed? **Yes**

25. Do you agree, without reservation, to reply to any reasonable request for information from any duly constituted committee of the Congress if you are confirmed? **Yes**

## V. Assistance

26. Are these answers your own? Have you consulted with the D.C. Court Services and Offender Supervision Agency or any interested parties? If so, please indicate which entities. **These answers represent my views from the year and a half I have spent at CSOSA. I have not consulted with the Agency or any interested parties in preparing these responses.**



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AFFIDAVIT

I, Nancy Ware, being duly sworn, hereby state that I have read and signed the foregoing Statement on Pre-hearing Questions and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

Subscribed and sworn before me this 19 day of OCTOBER, 2011.

Notary Public

Alexander D. Ramos
Notary Public District of Columbia
My Commission Expires January 14, 2014



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United States
**Office of Government Ethics**
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

AUG 29 2011

The Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Nancy M. Ware, who has been nominated by President Obama for the position of Director, Court Services and Offender Supervision Agency for the District of Columbia.

We have reviewed the report and have also obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Don W. Fox
Acting Director

Enclosures - REDACTED (Financial Disclosure Report)

July 7, 2011

Dear Ms. Rowell:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Director of the Court Services and Offender Supervision Agency for the District of Columbia (hereinafter referred to as CSOSA).

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I own Momentum Strategies, LLC, with a family member. Upon confirmation, I will resign from my position as President of Momentum Strategies, LLC, and will cease providing any consulting services to clients of Momentum Strategies, LLC. Upon resignation, I will transfer my financial interest in this entity to the family member. I will not participate personally and substantially in any particular matter involving specific parties in which this firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which a former client of mine is a party or represents a party, for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Finally, I understand that as an appointee I am required to sign the Ethics Pledge (Exec. Order No. 13490) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this and any other ethics agreement.

Sincerely,

Nancy Ware

Nancy Ware

**Opening Statement of Danya A. Dayson**
**Nominee to be an Associate Judge of the Superior Court of the District of Columbia**
**November 8, 2011**

Mr. Chairman and members of the Committee, it is an honor and a privilege to appear before you today as a nominee to the bench of the Superior Court of the District of Columbia. I want to thank the Judicial Nomination Commission, in particular its Chair, the Honorable Emmet G. Sullivan, for recommending me to the White House and President Barack Obama for nominating me. I would also like to thank the Committee members and staff for their courtesy and professionalism during this process.

I would like to introduce my family members who are with me today. My parents, Don and Claudia Dayson, and my husband, Michael Murphy, are here. Discretion being the better part of valor, my daughter Wallace is not joining us today. I am grateful to have had their example, inspiration and support throughout the years. Also here are my sister-in-law, Janine Morris, and my godson, Nicholas Pohlman, who has come from North Carolina to witness a real live Senate hearing. In addition, I would like to thank my boss, Jeffrey O'Toole, and my other friends, colleagues, and mentors who have attended today for their continued guidance, support and wisdom.

While I was growing up, my parents always stressed the importance of education, not only for its own sake, but so that one could be of service to others. Their example of service, through my father's work with low income patients and my mother's literacy and housing volunteer work, using their abilities to serve others in need, led me to my ultimate path during law school. I have been fortunate to have colleagues, bosses, and mentors who have exemplified the best of the ideals of service. In my legal career, through my work as a law clerk to the Honorable Judge Robert Morin in the District of Columbia Superior Court, or in private practice as a partner to Jenifer Wicks or an associate at O'Toole, Rothwell, Nassau & Steinbach, I have sought to be of use to others and to assist them in times of genuine crisis in their lives. If confirmed, I would be honored to work with another set of colleagues and mentors who will continue to challenge and inspire me to live out this commitment to service.

I have lived, attended school and worked in the District since 1994. In my time as an attorney, I have had the good fortune to work in organizations and environments that have allowed me to provide assistance to my clients in a variety of ways – I have been able to advocate in the criminal, abuse and neglect and domestic relations arenas, and advise my small business and non-profit clients. In each of these roles, I learned the importance of using diligence, creativity and pragmatism to address the needs of my clients. I came to fully appreciate the extent to which advocating for each client, in whatever role, is an important responsibility, as well as a privilege and an honor.

I started my professional life in DC Superior court and have learned so many valuable lessons from the bench and practitioners there. I am extraordinarily humbled and grateful to be considered for a judgeship in the Superior Court, and, if confirmed, hope to carry the values and lessons about the practice of law, justice and service to the bench. Thank you for considering my nomination and I look forward to answering your questions.

# QUESTIONNAIRE FOR NOMINEES TO THE DISTRICT OF COLUMBIA COURTS COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS, UNITED STATES SENATE

## I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

1. **Full name (include any former names used).**

   Danya Ariel Dayson (born Danya Ariel Swinson).

2. **Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).**

   I am a citizen of the United States.

3. **Current office address and telephone number.**

   O'Toole, Rothwell, Nassau & Steinbach
   1350 Connecticut Ave., NW
   Suite 200
   Washington, D.C. 20036
   (202) 775-1550

4. **Date and place of birth.**

   New York, NY; October 1, 1972.

5. **Marital status (if married, include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).**

   I am married to Michael J. Murphy. My husband is a self employed green building and education consultant through DwellLightly, L.L.C. His business address is 817 Whittier Pl., NW, Washington, D.C. 20012.

6. **Names and ages of children. List occupation and employer's name if appropriate.**

   REDACTED

7. **Education. List secondary school(s), college(s), law school(s), and any other institutions of higher education attended; list dates of attendance, degree received, and date each degree was received. Please list dating back from most recent to earliest.**

   Georgetown University Law Center (Washington, D.C.); Attended 1995 – 1998; Received Juris Doctorate, 1998



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Appalachian State University (Boone, N.C.); Attended 1990 – 1994; Received Bachelor of Arts, 1994

8. **Employment record. List all jobs held since college, other than legal experience covered in question 16, including the dates of employment, job title or description of job, and name and address of employer. Please list dating back from most recent to earliest. If you have served in the US military, please list dates of service, rank or rate, serial number, and type of discharge received.**

1995 – 1997
Georgetown Seafood Grill (now closed) \
Capitol Restaurant Concept, Ltd. (Umbrella Company)
1305 Wisconsin Ave, NW, # A
Washington, D.C. 20007-3346
Waitress

9. **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.**

I received an Equal Justice Foundation fellowship the summer of 1996.

10. **Business relationships. List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, or educational or other institution.**

I was a partner at the law firm of Wicks & Dayson, L.L.C. from September 2001 to June 2003. I am currently an associate at O'Toole, Rothwell, Nassau & Steinbach, where part of my practice includes serving as outside counsel to small businesses and non-profit organizations.

11. **Bar associations. List all bar associations, legal or judicial-related committees, conferences, or organizations of which you are or have ever been a member, and provide titles and dates of any offices which you have held in such groups.**

American Bar Association, 1999 – present
District of Columbia Bar, Family Law Section, 2001 – present
Steering Committee, 2010 – present
Internet Coordinator, 2010 – 2011
Financial Officer, 2011 – present

12. **Other memberships. List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, public, charitable, or other**



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**organizations, other than those listed in response to Question 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion.**

I was a member of the Equal Justice Foundation from 1995 to 1998. I am a parishioner at St. Matthew's Cathedral. To the best of my knowledge, neither of these organizations currently discriminates or formerly discriminated on the basis of race, sex, or religion.

13. **Court admissions. List all courts in which you have been admitted to practice, with dates of admission and lapses in admission if any such memberships have lapsed. Please explain the reason for any lapse in membership. Please provide the same information for any administrative bodies which require special admission to practice.**

Superior Court for the District of Columbia, 1999 – present
United States District Court for the District of Columbia, 2001 – present
United States District Court for the District of Maryland, 2004 – present
United States District Court for the Western District of Tennessee, 2008 – present

There have been no lapses in membership.

14. **Published writings. List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited.**

None.

15. **Speeches. List the titles of any formal speeches you have delivered during the last five (5) years and the date and place where they were delivered. Please provide the Committee with four (4) copies of any of these speeches.**

None.

16. **Legal career.**

A. **Describe chronologically your law practice and experience after graduation from law school, including:**

(1) **Whether you served as a law clerk to a judge, and if so, the name of the judge, the court, and the dates of your clerkship;**

I served as a law clerk to Judge Robert E. Morin in the Superior Court for the District of Columbia from August 2000 until September 2001.

(2) **Whether you practiced alone, and if so, the addresses and dates;**



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I practiced as a solo practitioner from February 1999 until August 2000. I practiced out of my home office, but used the business address of 4005 Wisconsin Avenue, NW, # 4600, Washington, D.C.20016.

**(3) The dates, names, and address of law firms, companies, or governmental agencies with which you have been employed.**

May 1995 – August 1995; May 1996 – August 1996
Public Defender Service for the District of Columbia
633 Indiana Avenue, NW
Washington, D.C. 20001

June 1997 – August 1997
Federal Public Defender, District of Alaska
601 West 5th Avenue
Suite 800
Anchorage, AK 99501-6307

June 1998 – September 1998
Trak Legal Services
Placement at InterBank
1776 Eye Street, NW, #575
Washington, D.C. 20006

September 1998 – January 1999
Law Office of Kenneth Robinson
717 D Street, NW
Washington, D.C. 20001

February 1999 – August 2000
Law Office of Danya Dayson
4005 Wisconsin Avenue, NW, # 4600
Washington, D.C. 20016

August 2000 – September 2001
Superior Court of the District of Columbia
500 Indiana Avenue, NW
Washington, D.C. 20001

September 2001 – June 2003
Wicks & Dayson, L.L.C.
307 G Street, NW
Washington, D.C.20001

June 2003 – present



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O'Toole, Rothwell, Nassau & Steinbach
1350 Connecticut Avenue, NW
Suite 200
Washington, D.C. 20036

**B. Describe the general character of your law practice, dividing it into periods with dates if its character has changed over the years.**

I practice primarily in four areas: (1) criminal law; (2) family law; (3) outside counsel for small business and non-profit organizations; and (4) civil litigation.

In the first two years of my career, from 1999 until 2001, I focused solely on criminal law, practicing primarily pursuant to the Criminal Justice Act ("CJA") in the D.C. Superior Court. I clerked for one year after my solo career for Robert E. Morin in the D.C. Superior Court. Judge Morin served on both the Felony II and Domestic Relations II calendars during my clerkship, and provided judicial training in Evidence to fellow judges, which I assisted in developing.

After my clerkship, I formed my own firm with a colleague from law school, Jenifer Wicks, which lasted from approximately September 2001 until June 2003. I continued to focus on criminal law, but I also began practicing family law, both in the abuse and neglect and domestic relations branches of the D.C. Superior Court. In abuse and neglect, I served as both parent and caretaker counsel, as well as *Guardian Ad Litem* for Respondents. In my criminal practice, I still focused primarily on CJA cases in the D.C. Superior Court, but began to branch out and litigated in federal court. In addition, I began to take on retained cases, as well as CJA cases.

In 2003, after joining my current firm, I began working as outside counsel to several small business and non-profit organizations, advising them on matters related to employment law, business-specific contracts and corporate compliance. In addition, I continued my work in criminal and family law. With respect to my criminal cases, I began to work on federal death penalty cases, as well as continuing to represent clients in the D.C. Superior Court, in cases ranging from misdemeanors to felony cases. I also participated in consultation with other members of my firm regarding death penalty cases, at the appellate and post-conviction level, in which I was not directly involved. I have also been counsel in several non-death penalty cases on both the state and federal levels in the District of Columbia and other jurisdictions.

As part of the employment agreement that I negotiated with my new firm, I was allowed to retain all of my abuse and neglect clients, but did not pick up any new abuse and neglect cases. Therefore, at this time, I primarily focus on criminal and domestic relations litigation, and small business consultation, although I retain a few abuse and neglect clients in cases which have not yet aged out of the system.



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**C. Describe your typical former clients and describe the areas of practice, if any, in which you have specialized.**

In matters related to my criminal practice, my typical clients are indigent death penalty defendants or retained criminal clients. Many of these clients have a significant history of abuse, drug addiction, mental health issues and other non-criminal considerations that must be addressed in order to effectively represent them, both as an advocate and an advisor.

My typical domestic relations clients are divorcing clients, or those with child custody and/or child support matters. In addition, some of my clients have related issues regarding domestic violence, which raise special statutory and practical considerations.

My typical abuse and neglect client at this point is an older child, who is close to aging out of the system. Due to this demographic, I focus primarily on transitional planning.

My typical small business and non-profit clients are the heads of their organization or Human Resource officers who are seeking help with employment and transactional work. In this area, I provide counsel on wage and hour matters, Americans with Disabilities Act issues, and various employment discrimination matters. Moreover, in serving our small business clients, I am called upon often to review and negotiate contracts relating to general liability and property insurance coverage, commercial leases and other outside vendor contracts.

**D. Describe the general nature of your litigation experience, including:**

**(1) Whether you have appeared in court frequently, occasionally, or not at all. If the frequency of your court appearances has varied over time, please describe in detail each such variance and give applicable dates.**

I appeared in court frequently at the beginning of my legal career, as I handled mostly criminal matters in the D.C. Superior Court, and then a blend of abuse and neglect and criminal matters.

Since 2003, when I began at O'Toole, Rothwell, Nassau & Steinbach, I have appeared in court less frequently. My practice includes federal work, domestic relations work, and work as outside counsel for small businesses and non-profits. Since many of these matters are transactional or involve settlements, my court appearances have become less frequent. However, our practice takes on a limited number of death penalty and other federal cases, and there have been times during the past five-year period that I



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have been in court for extended periods of time on one matter.

In 2005, I was second chair in a federal death penalty case. Several motions hearings were held during 2004 and 2005 and the trial, including jury selection, lasted approximately three and a half months, during which I was in court on an almost daily basis.

In the spring 2006, I was part of the defense team that litigated a five week hearing on a joint motion to suppress multiple statements in a federal death penalty case.

There are also long periods of time where preparation of federal matters takes place outside of court. There are also large areas of my practice that deal more with advising clients, drafting contracts and attempting to assist clients in avoiding litigation, as in the case of domestic relations clients. During these periods, while I do still appear in court from time to time, the occasions during which I engage in substantive litigation are less frequent. Moreover, there are times when I provide support to other attorneys in the office who are in litigation. This includes assisting with client contact, drafting motions, and planning litigation strategy.

**(2) What percentage of these appearances was in:**

**(a) Federal courts (including Federal courts in D.C.;**
**(b) State courts of record (excluding D.C. courts);**
**(c) D.C. courts (Superior Court and D.C. Court of Appeals only);**
**(d) other courts and administrative bodies.**

I estimate that approximately 40% of my court appearances have been in federal court, 2% in state courts of record in Maryland (excluding D.C. Courts), 48% in D.C. courts, and 10% in other courts and administrative bodies, including the Virginia Employment Commission and the Executive Office for Immigration Review.

**(3) What percentage of your litigation has been:**

**(a) civil;**
**(b) criminal.**

I estimate that approximately 60% of my litigation has been civil and 40% has been criminal.

**(4) What is the total number of cases in courts of record you tried to verdict or judgment (rather than settled or resolved, but may include cases decided on motion if they are tabulated separately). Indicate**



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**whether you were sole counsel, lead counsel, or associate counsel in these cases.**

I have tried seven cases to verdict: two as sole counsel, one as lead counsel, and four as co-counsel.

I have tried six cases to judgment, including dispositive motions: one as lead counsel, two as sole counsel, and three as co-counsel.

**(5) What percentage of these trials was to**

**(a) a jury;**
**(b) the court (include cases decided on motion but tabulate them separately).**

I estimate that 20% of these trials were to a jury and 80% were to the court.

**17. Describe the five (5) most significant litigated matters which you personally handled. Provide citations, if the cases were reported, or the docket number and date if unreported. Give a capsule summary of the substance of each case and a succinct statement of what you believe was of particular significance about the case. Identify the party/parties you represented and 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 court and the name of the judge or judges before whom the case was litigated; and (c) the name(s) and address(es) and, telephone number(s) of co-counsel and of the principal counsel for the other parties.**

**1. *United States v. Karake*, 281 F. Supp. 3d 302 (D.D.C. 2003); *United States v. Karake*, 370 F. Supp. 2d 275 (D.D.C. 2005); *United States v. Karake*, 443 F. Supp. 2d 8 (D.D.C. 2006); U.S. District Court for the District of Columbia, Before Judge Ellen S. Huvelle. *Karake v. U.S. Dep't of Homeland Sec.*, 672 F. Supp. 2d 49 (D.D.C. 2009); U.S. District for the District of Columbia, Before Judge Ricardo M. Urbina.**

This was a three co-defendant death penalty case, in which the three Rwandan co-defendants were charged with the kidnapping, murder and/or conspiracy to murder eight tourists from the United States and four other nations. The crimes were alleged to have occurred in Uganda. Two of the tourists were American and this fact and the alleged intent to influence U.S. government action gave the U.S. District Court for the District of Columbia jurisdiction.

I, along with co-counsel, represented Leonidas Bimenyimana, one of the three co-defendants. I prepared and examined witnesses during a five-week suppression motions hearing, and made the oral argument on behalf of our client at the conclusion of that hearing.



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During the course of the case, I was also responsible for researching and drafting most of the pleadings regarding discovery, *Brady* requests, a response to a request by the Government for a show cause against lead counsel and our team's contribution to the joint suppression motion. In addition, I traveled with co-counsel and co-defendants' counsel on several occasions to multiple countries in Europe to locate and interview witnesses, including former cabinet members of the Rwandan government, for the motion to suppress statements, and to consult with experts and potential expert witnesses. I was involved in every aspect of the hearing preparation with lead counsel. I conducted the initial meetings with the experts who provided testimony regarding our client's physical evidence of torture. I also managed most of the witness travel, which involved coordinating between chambers for the appropriate orders, the United States Marshals Service, the appropriate government vendors and the witnesses.

The Court found that the statements given to the Rwandan officials were involuntary and that the statements given to the American law enforcement carried the taint of the original constitutional violations by the Rwandan government to such a degree that they too must be suppressed. Further, the Court found no valid waiver of the defendants' *Miranda* rights as they applied to specific statements. All 29 statements of all three co-defendants were suppressed. The Government declined to take an interlocutory appeal and moved to dismiss the case.

The most significant aspect of this case related to the suppression of a number of statements which were taken by the United States Government and agents of a foreign government, and the interplay between the obligations of the United States and those foreign governments with regard to those statements. The five-week suppression hearing on the matter culminated in the first published opinion of which I am aware in which a District Court suppressed statements taken by foreign law enforcement on the ground of involuntariness. *United States v. Karake*, 443 F. Supp. 2d 8 (D.D.C. 2006). This matter was also significant because it involved other aspects of complex litigation. This case involved multifaceted issues of discovery, litigation of the imputation of discovery obligations to the Government when foreign governments are involved, pre-trial *Brady* litigation, and international investigation.

Subsequent to the resolution of the criminal case, Jeffrey O'Toole and I continue to represent our client *pro bono*. First, we represented him in immigration court, fighting the Government's efforts to return our client to Rwanda. There, we obtained a deferral of removal pursuant to the U.N. Convention Against Torture ("CAT"). We continue to represent Mr. Bimenyimana in an action in the U.S. District Court for the District of Columbia, with the aid of another associate in our firm, in an attempt to block the State Department from accepting the assurances of the Rwandan government that he will not be tortured upon his return to Rwanda, and if such assurances are accepted by the State Department, to challenge their validity.

The post trial litigation is significant in that we have raised the issue of the legality of the



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procedures related to the acceptance of assurances from foreign governments that a person protected from removal from the United States by CAT will not be tortured. Currently, there is only one circuit in the United States that recognizes the appropriateness of judicial review of the State Department decisions of whether to credit such assurances. If necessary, we will be raising that issue for the first time in the District of Columbia federal court.

I began my representation of Mr. Bimenyimana in 2003, and continue to represent him in his immigration matters.

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**2. *United States v. Lighty;* PJM 03-457; U.S. District Court for the District of Maryland; Before Judge Peter Messitte. *United States v. Lighty*, 616 F.3d 321 (4th Cir. 2010); U.S. Court of Appeals for the Fourth Circuit; Before Judges Steven Agee, Clyde Hamilton, and Diana Gribbon Motz.**

This matter was a three co-defendant trial involving the kidnapping resulting in death of a police officer's son, in which the Government sought the death penalty against our client. One defendant was severed and we proceeded to trial in a joint trial with one other non-capital defendant. The case was later appealed to the Fourth Circuit. *United States v. Lighty*, 616 F.3d 321 (4th Cir. 2010). It is now a pending petition for certiorari with the Supreme Court of the United States. I served as co-counsel on the trial level and associate counsel at the appellate level.

This matter was significant because of the nature and complexity of the charges and the penalty sought by the United States. The case was tried to verdict. It was also significant in that we raised a novel claim as to the prejudice to a death-eligible defendant in being



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tried with a non-death eligible defendant.

Additionally, we litigated matters relating to the complex process by which mental health evidence was to be developed and presented by each side pursuant to Federal Rule of Criminal Procedure 12.2, which was a somewhat undeveloped area of litigation at that time. This area is particularly difficult to litigate, since it deals with balancing the constitutional rights of a Defendant against self incrimination with the Government's right to meet the Defendant's evidence at both the guilt/innocence and sentencing phase of trial. This balancing act is typically met now with the use of walled off attorneys, litigation over the types of tests administered, and specific orders regarding the timing of the exchange information and reports, all of which we were able to successfully litigate as part of our order regarding mental health evidence.

As co-counsel, I participated in every aspect of nearly two years of preparation of trial, dividing the work with lead counsel. I worked with the CJA Panel Administrator to develop a budget for the case, including making motions for the necessary case experts, investigators and consultants, and was primarily responsible for the administration of that budget. I aided in the management of the investigation, discovery litigation, and development of evidence and case theory. In addition, I was primarily responsible for researching and drafting trial and penalty phase motions, arguing pre-trial motions before the Court relating to both trial specific evidence and to broader issues relating to the constitutionality of the death penalty facially and as applied. I identified and prepared witnesses, and aided in developing theories of mitigation to present at the sentencing phase, analyzing legal issues relating to the Government's theories of aggravation, and developing a strategy for jury selection.

At trial, I worked with co-counsel and co-defendant's counsel in selecting a jury; including aiding in successfully arguing for a death penalty questionnaire for potential jurors, and for attorney-assisted voir dire. I delivered the opening and closing arguments of the guilt/innocence phase of the trial, conducted the cross-examination of many of the Government's key witnesses, prepared and conducted the direct examination of the mitigation expert and aided in the coordination and preparation of the defense witnesses at the sentencing phase. I was primarily responsible for drafting and arguing the jury instructions for both the guilt/innocence and penalty phases. I successfully argued a motion to allow the admission of "execution impact" evidence during the sentencing phase of trial. During the entire case, I was involved in client communication, and the coordination of the defense team, as prescribed by the ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases.

The jury returned a guilty verdict on all charges and a verdict of death against our client. In 2009, the matter returned to the trial level for a motion for a new trial and new sentencing based on newly discovered evidence which supported our theory at trial. I aided in managing the investigation of the new evidence and in fashioning the arguments for our motion for new trial and/or sentencing. We won the right to have an evidentiary hearing on the motion. Following a four-day motion hearing, the motion was denied.



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Both the original trial and sentence and the motion for a new trial were appealed. My office recruited Skadden, Arps, Skate, Meagher & Flom to assist with the appeal and I along with my co-counsel continued to assist in representing our client through appeal. Although the Fourth Circuit found error on two significant issues, they ruled the error harmless and the appeals and a subsequent motion for rehearing *en banc* were denied. A petition for *certiorari* is currently pending in the Supreme Court of the United States.

I began representing Mr. Lighty in 2003 and continue to represent him, although other attorneys have taken the lead in his appellate representation.

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**3. *In Re K.B.;* N-1082-01; Superior Court of the District of Columbia; Before Judge Hiram Puig Lugo, Judge Linda Turner, Judge Arthur Burnett, Magistrate Judge William Nooter.**

This was a child abuse and neglect case involving an infant Respondent who was abandoned at the hospital after being born with cocaine in her system. I was appointed shortly before disposition as *Guardian Ad Litem* ("GAL") to the Respondent child when the former GAL withdrew. I was the sole counsel to act as GAL from that time until the issuance of the final decree of adoption.

This case was significant because both the disposition and the termination of parental rights were contested and were tried to judgment. I was therefore involved in litigating almost every stage of an abuse and neglect case as it went through the abuse and neglect system. This case was also significant because, at least at the time of my initial appointment, there was a chance that reunification with a biological parent would be made possible by the parent's identification of a possible interim caretaker. At the time, concurrent goals were still set in neglect cases, although under the Adoptions and Safe Families Act, this is no longer possible. This case therefore challenged me to assess and advocate for the best interest of the child in a legal environment that was, for a time, uncertain. Lastly, this case was complicated by the desire of the foster parents to adopt almost immediately. While the foster parents provided a loving and nurturing home for the Respondent, their immediate efforts to adopt were not in strict compliance with their



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role as foster parents in a case with a concurrent goal of reunification. The tension this dilemma presented led me to play a role outside of court of mediator between the foster parents and the potential caretaker identified by the surviving parent.

I was involved in the litigation of the disposition of this case. I examined witnesses presented by the Government and the father's attorney in the adoption proceedings. I also examined the witnesses at the show cause hearing to determine why the biological father's consent to adoption should not be waived and presented argument regarding his consent.

During the pendency of the case, which lasted nearly eighteen months, I also conducted regular visits with the foster parents, both to monitor the Respondent's well-being and to assess their fitness as adoptive parents. Additionally, I met with the father's proposed caretaker and maintained regular contact with the father's attorney to evaluate the viability of reunification. I ensured that the Respondent was receiving appropriate services from Child and Family Services Agency by monitoring her needs and the appropriateness and frequency of services provided.

Ultimately, it became evident that the Respondent's father was not taking steps to reunify with his child. Moreover, it became clear that although the caretaker was caring for one of the Respondent's siblings, she was not willing or able to care for the Respondent. Therefore, at the show cause, I advocated that the father's consent should be waived. His consent was waived and the Respondent was adopted by the foster parents, whom she had been with almost since her birth.

I began serving as the Respondent's GAL in 2002 and the case concluded in 2003.

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**4. *Maryland v. McKee;* K-06-004702, Circuit Court for Baltimore, Maryland; Before Judge Ruth Jackobowski.**

This matter was a Sexual Abuse and Perverted Practice case involving allegations that our client had sexually abused a neighbor who was approximately 13 at the time of the alleged abuse. I served as lead counsel.

This case was significant because, due to the nature of the case, I had to clearly and persuasively communicate to a jury the concept of reasonable doubt and more importantly, convince them to apply it in the face of an emotionally charged allegation made by a sympathetic and compelling complaining witness. This case involved an allegation by the complaining witness, who was eighteen at the time of trial, that our client had forced her to engage in a sexual act that would have left no physical evidence and to which the complaining witness alleged there were no witnesses. The act was alleged to have occurred approximately seven years prior to trial, and not on a date certain. There was no way to rely on physical evidence, alibi or anything but competing testimony and highlighting the inconsistencies in the Government's case in our client's defense. In a way that was relatable to a jury made up mostly of citizens who had no legal background, not only did I have to argue the issue of reasonable doubt, but I had to convince the jury that this abstract legal theory was real and important enough to follow, even in the face of an understandable emotional reaction against it.

I was lead counsel in the case. I was responsible for cross examining the complaining



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witness, and preparing the defense case, which included the testimony of my client and other witnesses. My co-counsel and I together litigated pre-trial matters, including the exclusion of testimony regarding my client's refusal to take a polygraph. I also argued evidentiary matters as they arose at trial, including a motion in limine to exclude evidence of an extra- marital affair that I argued would be extremely prejudicial, given the essential battle-of- credibility nature of the case, and which lacked probative value because of the weak strength of the evidence. I also delivered the closing argument, in which I had to make the idea of reasonable doubt tangible enough to overcome the emotional desire of the jury to aid the complaining witness.

Our client was acquitted of all charges by the jury.

I represented Mr. McKee from 2006 until 2007.

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**5. *Branche v. Branche;* DR-805-02d; IF-614-02; Superior Court of the District of Columbia; Before Judge Ronna Beck, Judge Judith Macaluso.**

This was a divorce and custody case which dealt with issues of domestic violence and child abuse. I represented the Defendant husband who had pleaded guilty to an assault of his wife prior to the initiation of the divorce case. I was sole counsel in this case.

This matter was significant because I had to preserve my client's rights in the face of an adjudicated fact that he was, at least on one occasion, a perpetrator of spousal abuse, and that he had supervised visitation for a significant time at the beginning of the case. Later in the case, the Plaintiff wife made several unfounded allegations of child sexual abuse against my client. This forced me to deal with the parallel systems of the domestic relations case in which I was involved, the child abuse case that was being investigated by the Child and Family Services Agency ("CFSA") and the potential criminal case



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stemming from the investigation of the Metropolitan Police Department ("MPD").

As sole counsel in this case, I conducted discovery, managed the investigation of the case, and communicated with CFSA and MPD about what ended up being at least three allegations of child sexual abuse by the opposing party. I filed a pre-trial motion to reopen the issue of pre-trial visitation, and moved for the appropriate psychological studies and the appointment of a Guardian Ad Litem. I litigated a *pendente lite* evidentiary hearing on the pre-trial visitation matter, which included cross examination of the opposing party, direct and re-direct of my own client, and entry into evidence of the findings that the allegations were unsubstantiated by both CFSA and MPD, and the appropriate psychological evaluations. I successfully argued to the Court that, in light of the harm to the children occasioned by the multiple allegations of child sexual abuse and resulting investigations, my client should be granted sole custody and the client's wife should be relegated to supervised visitation.

After the Court granted my motion for *pendente lite* sole custody and supervised visitation, the parties negotiated the outstanding issues related to their divorce. Ultimately, through a series of graduated visitation arrangements, they came to an agreement whereby my client had primary custody and his wife had liberal unsupervised visitation. The consent order also included stipulations regarding my client's wife's ongoing mental health counseling to ensure the protection of the children's best interests.

I represented the Defendant father from 2002 until 2004.

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18. **Describe the most significant legal activities you have pursued, including significant litigation which did not proceed to trial or legal matters that did not involve litigation. Describe the nature of your participation in each instance described, but you may omit any information protected by the attorney-client privilege (unless the privilege has been waived).**

I have served as *Guardian Ad Litem* ("GAL"), parent's attorney and caretaker's attorney in the abuse and neglect system, and as such have been involved in some capacity in adoptions, guardianships and custody trials, and alternative planned living arrangement planning sessions. I have served, by judicial appointment, as a compensated Guardian Ad Litem in two highly contentious custody cases in the Domestic Relations branch.

I have been involved in the District of Columbia Family Bar since I began family law practice. I have served on the Domestic Relations/Paternity and Support Subcommittee



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of Family Implementation Committee since 2002. In this capacity, I was a member of the working subcommittee that was tasked with developing the Parenting and Cooperation in Contested Custody Cases (PAC) Program, which has emerged from its pilot phase to become a permanent fixture in the court. As part of this committee, I helped evaluate similar programs in courts around the country, aided in developing a request for proposals, was part of the team that assessed the proposals submitted and reviewed the pilot phase of that program. Now, PAC serves litigants in nearly every contested custody case litigated in the D.C. Superior Court. I have volunteered, as time allows, for the Attorney Negotiator Program and the Family Court Self Help Center. I currently serve on the Family Law Steering Committee section of the D.C. Bar. As part of that Committee, I helped secure the pilot Listserv program, so that members of the D.C. Family Section of the Bar may share information about resources, court procedures and information and emerging trends and cases related to the practice of family law in the District of Columbia. I also help plan and present programs that aid in informing, training and educating family law practitioners.

I have contributed to the professional development of other attorneys. I conducted a training for attorneys at the invitation of the D.C. Bar on issues of child support in 2008 in the *Family Court Self Help Center Volunteer Training Session.* I was asked to conduct a training on Motions Practice in a D.C. Bar Program, *Starting Strong: Critical Pre-Trial Preparation Strategies in Family Court* in 2009. In May 2010, I was asked to serve as a local trainer in the National Trial Advocacy Institute Trial Skills training for members of the Abuse and Neglect bar. I, along with national trainers, helped to train selected members of the Neglect and Abuse Bar on the law, strategy and tactics of direct examination, cross examination, introduction of exhibits and proper basis and technique for objecting at trial.

I have also helped contribute to the education and training of future lawyers. Since 2007, I have co-taught a seminar in Advanced Criminal law at George Washington University Law School each fall. I have served as a volunteer moot court judge in ABA National Moot court competitions and moot court competitions for local law schools.

19. **Have you ever held judicial office? If so, please give the details of such service, including the court(s) on which you served, whether you were elected or appointed, the dates of your service, and a description of the jurisdiction of the court. Please provide four (4) copies of all opinions you wrote during such service as a judge.**

No.

A. **List all court decisions you have made which were reversed or otherwise criticized on appeal.**

20. **Have you ever been a candidate for elective, judicial, or any other public office? If so, please give the details, including the date(s) of the election, the office(s) sought, and the results of the election(s).**



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I submitted an application for nomination to the Superior Court for the District of Columbia in April 2010, but withdrew it before the District of Columbia Judicial Nominating Commission made its recommendations. I have not otherwise been a candidate for elective, judicial or other public office.

21. **Political activities and affiliations.**

- **List all public offices, either elected or appointed, which you have held or sought as a candidate or applicant.**

  None.

- **List all memberships and offices held in and services rendered to any political party or election committee during the last ten (10) years.**

  None.

- **Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last five (5) years of $50 or more.**

  My husband and I contributed $100.00 to President Obama's presidential campaign in 2008.

  My husband and I made a $200.00 donation to Adrian Fenty's mayoral campaign in 2009.

22. **To your knowledge, have you ever been investigated, arrested, charged, or convicted (include pleas of guilty or nolo contendere) by federal, State, local, or other law enforcement authorities for violations of any federal, State, county, or municipal law, other than for a minor traffic offense? If so, please provide details.**

    No.

23. **Have you or any business of which you are or were an officer, director or owner ever been a party or otherwise involved as a party in any other legal or administrative proceedings? If so, give the particulars. Do not list any proceedings in which you were merely a guardian ad litem or stakeholder. Include all proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or co-respondent, and list any grand jury investigation in which you appeared as a witness.**

    No.



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**24. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar or professional association, disciplinary committee, or other professional group? If so, please provide the details.**

No.



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## II. POTENTIAL CONFLICTS OF INTEREST

1. **Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organization(s) if you are confirmed?**

   Yes.

2. **Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates, or clients.**

   If confirmed, I will receive no deferred compensation or other financial benefits from my law firm or any other entity or person.

3. **Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.**

   My husband's former company has an outstanding judgment in the D.C. Superior Court against a former client, enforcement of which has not yet been sought.

4. **Describe any business relationship, dealing, or financial transaction which you have had in the last ten (10) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest other than while in a federal government capacity.**

   My former law partner, Jenifer Wicks, still practices as an attorney in the D.C. Superior Court, as do one partner and two associates at my current law firm. In my capacity as a lawyer for my current firm, O'Toole, Rothwell, Nassau & Steinbach, I have provided counsel to several businesses and non-profit organizations. If confirmed, an appearance by any of these individuals or entities before me as a party or attorney for a party would present a conflict of interest.

5. **Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.**

   I have attended a fundraiser for the Southern Center for Human Rights almost every year during the last ten years. The Southern Center for Human Rights is a non-profit organization which represents death penalty defendants, and advocates for prison reform and improvements in indigent defendant representation.

6. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.**

   I am currently scheduled to co-teach an advanced criminal law seminar at George



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Washington University Law School in the fall of 2011 as an adjunct professor, for which I expect to receive compensation. If confirmed, I would consult the Code of Judicial Conduct for District of Columbia Courts and the Chief Judge to assure that my commitment would not conflict with my judicial duties. If it did, my co-professor is aware of my situation and has indicated that he is willing to teach the course by himself if necessary.

7. **Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three (3) copies of any trust or other relevant agreements.**

If confirmed, I would review cases promptly and thoroughly for any actual or potential conflicts of interest or circumstances that could give rise to the appearance of a conflict of interest. I would resolve such conflicts through the application of the Code of Judicial Conduct for the District of Columbia, and any other relevant ethical cannons. Where appropriate, I would consult my colleagues and the Chief Judge.

If confirmed, I would recuse myself from any case involving members of my firm, and my former law partner. I would recuse myself from any case regarding my husband's former or current business.

8. **If confirmed, do you expect to serve out your full term?**

Yes.

## III. FINANCIAL DATA - REDACTED

**All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)**



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## IV. DISTRICT OF COLUMBIA REQUIREMENTS

**Supplemental questions concerning specific statutory qualifications for service as a judge in the courts of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, D.C. Code Section I I - 150 1 (b), as amended.**

1. **Are you a citizen of the United States?**

   Yes

2. **Are you a member of the bar of the District of Columbia?**

   Yes

3. **Have you been a member of the bar of the District of Columbia for at least five (5) years? Please provide the date you were admitted to practice in the District of Columbia.**

   Yes. I was admitted to the bar of the District of Columbia on January 8, 1999.

4. **If the answer to Question 3 is "no" –**

   A. **Are you a professor of law in a law school in the District of Columbia?**

   B. **Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?**

   C. **Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?**

   D. **Upon what grounds is that eligibility based?**

5. **Are you a bona fide resident of the District of Columbia?**

   Yes.

6. **Have you maintained an actual place of abode in the greater Washington, D.C. area for at least five (5) years? Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.**

   Yes.

   REDACTED Washington, D.C. 20012, May, 2010 – present
   Washington, D.C. 20016, July 2009 – May 2010
   Washington, D.C. 20009, August 1998 – July 2009



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7. **Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?**

No.

8. **Have you been a member of either of these Commissions within the last 12 months?**

No.

9. **Please provide the committee with four (4) copies of your District of Columbia Judicial Nomination commission questionnaire.**

Four copies are attached.

AFFIDAVIT

Danya A. Dayson, being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

SUBSCRIBED and SWORN TO before me this 2 day of August 2011.

Notary Public

Olga Q. Blumenstock
Notary Public, District of Columbia
My Commission Expires 12/14/2012



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**Opening Statement of Peter A. Krauthamer**
**Nominee to be an Associate Judge of the Superior Court of the District of Columbia**
**November 8, 2011**

Mr. Chairman and members of the Committee, I am grateful for the opportunity to appear before you today as a nominee to be an Associate Judge of the Superior Court of the District of Columbia. I want to thank President Obama and the District of Columbia Judicial Nomination Commission, in particular, its Chair, the Honorable Emmet G. Sullivan, for this great honor. I also want to thank you, Mr. Chairman, and this Committee for holding this hearing and the Committee staff for all of the work that goes into making these hearings possible.

I would like to acknowledge and thank my family and friends. My wife, Tanya Chutkan, and my two sons, Nicholas and Max Krauthamer; my mother, Eleanor Krauthamer; my sister, Michele Krauthamer, and her daughter, Sarah Bohannon; I also want to thank my many friends, colleagues, and other family members, a number of whom are in attendance today or who are watching from their home or from their offices. I would like to thank them all for inspiring and supporting me over the years.

I have dedicated my career to working to promote fairness in our justice system, particularly for those least able to afford representation and advocate for themselves. After graduating from Boston University Law School, I worked for eleven years at the Public Defender Service for the District of Columbia (PDS); I joined the D.C. Federal Defender Office for a little under a year, before being fortunate enough to teach at Howard University School of Law. When I left Howard University, I joined the District of Columbia Pretrial Service Agency and finally returned to PDS. During the course of my career, I have primarily represented and supported indigent clients in the District of Columbia local and federal courts.

Over my twenty-eight years of practicing law in the District of Columbia, I have had the honor to appear before many thoughtful and talented judges for whom I have tremendous respect and admiration. I have a good understanding of the challenges and rewards that come with serving on the bench and it would be an honor and a privilege to continue serving the city that has been my home for so many years. I will endeavor to be worthy of the trust that has been placed in me and to continue to uphold the high standards of judicial fairness and integrity. Thank you for considering my nomination, and I look forward to answering your questions.



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**QUESTIONNAIRE FOR NOMINEES TO THE DISTRICT OF COLUMBIA COURTS COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS, UNITED STATES SENATE**

## I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

1. **Full name (include any former names used).**

   Peter Arno Krauthamer

2. **Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).**

   I am a citizen of the United States.

3. **Current office address and telephone number.**

   Public Defender Service for the District of Columbia
   633 Indiana Avenue, NW
   Washington, DC 20004
   (202) 628-1200

4. **Date and place of birth.**

   September 6, 1957; New York, New York

5. **Marital status (if married, include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).**

   I am married to Tanya Sue Chutkan. She is an attorney at Boies, Schiller & Flexner LLP, 5301 Wisconsin Avenue, NW, Washington, DC 20015.

6. **Names and ages of children. List occupation and employer's name if appropriate.**

   REDACTED

7. **Education. List secondary school(s), college(s), law school(s), and any other institutions of higher education attended; list dates of attendance, degree received, and date each degree was received. Please list dating back from most recent to earliest.**

   Boston University Law School (Boston, Massachusetts); Attended 1979 – 1982; Received Juris Doctor, 1982.

   Brandeis University (Waltham, Massachusetts); Attended 1975 – 1979; Received Bachelor



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of Arts, 1979.

Bethesda-Chevy Chase High School (Bethesda, Maryland); Attended 1971 – 1975; Received high school degree, 1975.

8. **Employment record. List all jobs held since college, other than legal experience covered in question 16, including the dates of employment, job title or description of job, and name and address of employer. Please list dating back from most recent to earliest. If you have served in the US military, please list dates of service, rank or rate, serial number, and type of discharge received.**

June 1981 – August 1981
Southern Prisoner's Defense Committee
83 Poplar Street, N.W.
Atlanta, GA 30303
Summer Law Clerk

June 1980 – August 1980
District of Columbia Bar Lawyer Referral Information Service
1016 16th Street, N.W.
Washington, DC 20036
Summer Legal Assistant

9. **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.**

In 2010, I received the Boston University Law School Public Service Award.

10. **Business relationships. List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, or educational or other institution.**

None.

11. **Bar associations. List all bar associations, legal or judicial-related committees, conferences, or organizations of which you are or have ever been a member, and provide titles and dates of any offices which you have held in such groups.**

None.

12. **Other memberships. List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, public, charitable, or other organizations, other than those listed in response to Question 11. Please indicate whether any of these organizations formerly discriminated or currently**

**discriminates on the basis of race, sex, or religion.**

None.

13. **Court admissions. List all courts in which you have been admitted to practice, with dates of admission and lapses in admission if any such memberships have lapsed. Please explain the reason for any lapse in membership. Please provide the same information for any administrative bodies which require special admission to practice.**

District of Columbia Bar, 1982
United States District Court for the District of Columbia, 1983

There have been no lapses in membership.

14. **Published writings. List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited.**

None.

15. **Speeches. List the titles of any formal speeches you have delivered during the last five (5) years and the date and place where they were delivered. Please provide the Committee with four (4) copies of any of these speeches.**

Panelist, "A Jury of Your Peers? Race, Ethnicity and the Jury Selection Process," District of Columbia Bar, Washington, DC (March 15, 2011). I did not prepare any text for this panel session.

Keynote Address, Boston University School of Law Government/Public Interest Orientation, Boston, MA (September 20, 2010). A copy of my speech has been supplied.

Panelist, "No Holds Barred!" 10th Annual D.C. Pretrial Services Agency Training and Professional Development Conference, Washington, DC (May 8, 2008). I did not prepare any text for this panel session.

16. **Legal career.**

A. **Describe chronologically your law practice and experience after graduation from law school, including:**

(1) **Whether you served as a law clerk to a judge, and if so, the name of the judge, the court, and the dates of your clerkship;**

I have never served as a law clerk.

(2) **Whether you practiced alone, and if so, the addresses and dates;**

I have never practiced law alone.

**(3) The dates, names, and address of law firms, companies, or governmental agencies with which you have been employed.**

1983 – 1994
Public Defender Service for the District of Columbia
633 Indiana Avenue, NW
Washington, DC 20004
Staff Attorney (1983 – 1988)
Deputy Chief, Trial Division (1988 – 1990)
Trial Chief (1990 – 1992)
Training Director (1992 – 1994)

1994 – 1995
Federal Public Defender for the District of Columbia
625 Indiana Avenue, NW
Washington, DC 20004
Assistant Federal Defender

1995 – 2000
Howard University School of Law
2900 Van Ness Street, NW
Washington, DC 20008
Assistant Professor and Clinical Instructor

2000 – 2004
District of Columbia Pretrial Services Agency
633 Indiana Avenue, NW
Washington, DC 20004
Deputy Director

2004 – present
Public Defender Service for the District of Columbia
633 Indiana Avenue, NW
Washington, DC 20004
Deputy Director (2004 – present)
Acting Human Resource Director (2008 – present)

**B. Describe the general character of your law practice, dividing it into periods with dates if its character has changed over the years.**

From 1983 to 1984, I worked as a public defender at the Public Defender Service for the District of Columbia (PDS), where I represented indigent people charged with crimes. My practice changed over the years; in my first year as a PDS staff



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attorney, I represented juvenile clients charged with committing crimes in the D.C. Superior Court Juvenile Division. The following year, I represented adults charged with misdemeanors and in subsequent years I represented adults charged with a range of felonies, ranging from drug and weapons cases to more serious charges such as armed assault, burglary, arson, robbery, etc. Within a few years, I was promoted to a Felony One lawyer and I represented clients charged with murders, rapes and child sex crimes. During my six years as a Felony One lawyer, I tried numerous cases alone and as lead counsel. While a Felony One lawyer, I was promoted to Supervisor, Deputy Trial Chief, Chief of the Trial Division, and Training Director. My responsibilities included supervising junior attorneys in preparing their cases, and, as Deputy Trial Chief and Trial Chief, I managed the Trial Division attorneys in juvenile and adult court, interacted with D.C Superior Court judges and CJA attorneys, set case load levels, and was responsible for quality control of all PDS trial lawyers and day to day management of the Trial Division.

As Training Director, I was responsible for overseeing the training of all newly hired PDS attorneys. This was a comprehensive and intensive six-week course that covered all aspects of trial practice in the D.C. Superior Court, including review of relevant legal principles embodied in case and statutory law, trial advocacy skills, case theory, and all aspects of criminal defense representation. In addition, I conducted a monthly CJA course that covered basic D.C. Superior Court criminal practice and trial advocacy skills.

Upon leaving PDS and joining Federal Public Defender for the District of Columbia (FPD) in 1994, I assumed a varied case load that included drug distribution, felons in possession of guns, bank robbery, major drug distribution, assault with intent to kill, and kidnapping.

I left FPD in 1995 to become an assistant professor and clinical instructor at Howard University School of Law. While there, I taught Evidence, served as an advisor to the appellate and trial moot court teams, and helped run the Criminal Justice Clinic, supervising and advising student-attorneys in the Criminal Justice Clinic who represented clients charged with misdemeanor offenses in the D.C. Superior Court.

In 2000, I joined the District of Columbia Pretrial Services Agency (PSA). PSA is an independent entity within the Court Services and Offender Supervision Agency (CSOSA). Both CSOSA and PSA are Title V federal agencies with a substantial segment of the staff that qualify for law enforcement status. PSA is responsible for the supervision and, where appropriate, the drug treatment of defendants released into the community by both D.C. Superior Court and D.C. Federal Court judges. As Deputy Director, I was responsible for assisting the Director in setting overall policy, managing a staff of approximately 320, assisting with budget formulation and execution, handling human resource issues, collaborating and participating on the Criminal Justice Coordinating Committee and its Pretrial Subcommittee, and



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setting organizational priorities for PSA that supported the D.C. District Court and D.C. Superior Court operations, such as Drug Court. I also participated in the early planning stages and establishment of the Superior Court East of the River Community Court. In addition, I was involved in collaborating with and setting policies for both CSOSA and PSA.

As Deputy Director of PDS, a position I have held since 2004, I assist the Director in managing a staff of approximately 220 (including approximately 110 attorneys), establishing and implementing policies, participating in budget formulation and execution, and providing advice on legislative initiatives. In addition, I interact with D.C. Superior Court judges and the CJA bar, supervise trial attorneys in both adult and juvenile court, and occasionally try particularly difficult or complex cases. In my capacity as acting Human Resources Director, I handle EEO and other employment-related legal issues.

**C. Describe your typical former clients and describe the areas of practice, if any, in which you have specialized.**

My typical clients have been indigent defendants charged with crimes in either the D.C. Superior Court or U.S. District Court for the District of Columbia. My specialization is in criminal defense.

Although my primary duties involve assisting the Director in running the Public Defender Service, over the past seven years I have also represented clients charged with homicide. In addition, I have for several years represented a father facing termination of his parental rights.

**D. Describe the general nature of your litigation experience, including:**

**(1) Whether you have appeared in court frequently, occasionally, or not at all. If the frequency of your court appearances has varied over time, please describe in detail each such variance and give applicable dates.**

From 1983 until 2000, I appeared almost daily in court. From 2000 until 2005, when I joined the District of Columbia Pretrial Services Agency, I did not make any court appearances. Upon rejoining the Public Defender Service, I have made somewhat frequent court appearances.

**(2) What percentage of these appearances was in:**

**(a) Federal courts (including Federal courts in D.C.);**
**(b) State courts of record (excluding D.C. courts);**
**(c) D.C. courts (Superior Court and D.C. Court of Appeals only);**
**(d) other courts and administrative bodies.**

While I was employed by the Federal Public Defender Service, 100% of my

court appearances were in Federal court. During my time with the Public Defender Service and Howard University School of Law, 100% of my appearances have been in the D.C. Superior Court. I have never appeared in state courts or any other courts or administrative bodies.

**(3) What percentage of your litigation has been:**

**(a) civil;**
**(b) criminal.**

My practice has been solely criminal except for one civil case.

**(4) What is the total number of cases in courts of record you tried to verdict or judgment (rather than settled or resolved, but may include cases decided on motion if they are tabulated separately). Indicate whether you were sole counsel, lead counsel, or associate counsel in these cases.**

To the best of my knowledge and recollection, I have tried at least 70 cases to verdict. I was sole counsel in all of those cases except for approximately 11, when I was lead counsel, and three, when I was an associate or junior counsel.

**(5) What percentage of these trials was to**

**(a) a jury;**
**(b) the court (include cases decided on motion but tabulate them separately).**

Approximately 90% of these trials were to a jury, and 10% were to the court.

**17. Describe the five (5) most significant litigated matters which you personally handled. Provide citations, if the cases were reported, or the docket number and date if unreported. Give a capsule summary of the substance of each case and a succinct statement of what you believe was of particular significance about the case. Identify the party/parties you represented and 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 court and the name of the judge or judges before whom the case was litigated; and (c) the name(s) and address(es) and, telephone number(s) of co-counsel and of the principal counsel for the other parties.**

**1. United States v. Proctor, Case No. 2008 CF1 11044, Superior Court of the District of Columbia, Before Judge Gerald Fisher.** Reginald Proctor was charged with First Degree Murder while Armed with a Firearm, Obstruction of Justice, and other weapons-related charges; a jury acquitted Mr. Proctor of all charges. I was principal



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counsel.

His case is what is commonly referred to as a cold case as he was arrested in 2008 for a murder that occurred in 2005. The decedent suffered multiple gunshot wounds from one or more large caliber weapons. Two other co-defendants were implicated, but one was murdered in an unrelated incident before he could be arrested, and the other co-defendant pled guilty to manslaughter while armed and, pursuant to a plea agreement, cooperated and testified for the government at Mr. Proctor's trial.

I believe this case is significant because it represents the quintessential case that is handled by PDS: a client charged with a horrific and serious crime who faces seemingly overwhelming evidence, and yet a very conscientious jury considered the evidence for more days than the presentation of the evidence and decided to acquit. I believe this is what makes our justice system unique, the fact that a poor person can get quality representation in our nation's capital.

I represented Mr. Proctor; I took over this case because his previous PDS attorneys were unable to try the case due to scheduling and availability conflicts. I had a junior co-counsel, PDS attorney Liyah Brown, but was the lead counsel in all phases of the litigation. I coordinated the ongoing investigation, determined the defense theory and the trial strategy, and reviewed and supervised all aspects of Ms. Brown's trial preparation. I litigated some pretrial and in limine motions, conducted cross-examinations of critical government witnesses, and delivered the closing argument. Mr. Proctor was acquitted of all charges after a jury trial.

The prosecutors were Glenn Kirschner, (202) 252-7383, and Emily Miller, (202) 252-6988, Office of the United States Attorney for the District of Columbia, 555 4th Street, N.W., Washington D.C. 20001.

**2. United States v. Jacks, Case No. 2008 CF1 0837, Superior Court of the District of Columbia, Before Judge Frederick Weisberg.** Banita Jacks was charged with 8 counts of First Degree Murder in the death of her 4 daughters along with other related charges. She was convicted after a bench trial and the case is pending appeal. I was principal counsel.

Ms. Jacks was charged in the deaths of her four daughters and faced multiple counts of First Degree Murder under various theories of liability, Cruelty to Children, and other related charges. Because of the gruesome nature of the crime scene and the vulnerable ages of her children, the case drew national attention. It also received publicity because the D.C. Child and Family Services Agency was blamed for failing to adequately monitor the situation in the Jacks household and it was thought that appropriate intervention would have saved the children's lives. The case contained significant legal and factual complexities; the case had all of the characteristics for raising an insanity defense but Ms. Jacks refused to pursue this option and I was precluded from raising this issue with the court. This placed Ms. Jacks and her lawyers at odds with each other and tested the outer limits of a client-centered approach to litigation.



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The forensic evidence was also very challenging; by the time the police entered the Jacks home, the decedents' bodies had decomposed to such an extent that their cause of death could not be determined. The prosecutors had to rely on experts, including a world renowned entomologist, an expert from the Smithsonian, and another expert on the decomposition of bodies, in order to establish their timelines and support their theory of prosecution. Preparing for the cross-examination and challenging the experts' qualifications and findings were all unique challenges that make this case one of the most memorable I have tried.

This case presented some novel and challenging legal and ethical issues. I tried to provide to my client the lawyering and the humanity that she and her family deserved. I represented Ms. Jacks from the moment she was charged. I was lead counsel and was responsible for all phases of the litigation; my junior co-counsel was PDS attorney and now D.C. Superior Court Magistrate Judge Lloyd Nolan. I coordinated the investigation, was responsible for pretrial and trial strategy, consulted with numerous experts, litigated pretrial motions, supervised all aspects of Mr. Nolan's trial preparation, conducted the cross-examination of critical government witnesses, delivered the closing argument, and advocated at Ms. Jacks' sentencing. After her bench trial, Ms. Jacks was convicted of First Degree Murder in the deaths of her four daughters along with associated counts of cruelty to children; she is currently serving a sentence of 120 years.

The prosecutors were Deborah Sines, (202) 252-7455, and Michele Jackson, (202) 252-7230, Office of the United States Attorney for the District of Columbia, 555 4th Street, N.W., Washington D.C. 20001.

**3. In Re Petition of S.M. & R.S., In Re K.A.D., In Re J.D., H.O., Superior Court of the District of Columbia, Before Judge William Jackson.** H.O. was my client, the D.C. government successfully sought to terminate his parental rights and his children were adopted against his will. The D.C. Court of Appeals reversed both the adoption and the termination of his parental rights and the case is reported at 985 A.2d 413 (D.C. 2009). I was principal trial counsel.

The facts in this case are rather convoluted, as this litigation has lasted for almost seven years, but can be summarized as follows: My client, H.O. was charged with neglecting his twin boys after an allegation of sexual abuse by the biological daughter of the mother of the twin boys; this daughter was not related to H.O. The District of Columbia also alleged in the neglect complaint that the children were living in unsanitary conditions. At some point in time, the mother renounced her rights to the twins; during this time period the goal in the neglect case was reunification of the twins with H.O. Upon being convicted of sexual abuse, the court changed the goal of reunification with H.O. to adoption.

From the moment the twins were taken from H.O. in November of 2004, and placed in the custody of the Child and Family Services Agency in various foster homes, and until a final decree of adoption was issued on July 15, 2008, H.O. was a model father who never missed a single visitation, was gainfully employed, and appeared at all court review hearings.



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Significantly, his conviction that precipitated the change of the goal to adoption was reversed on appeal and the charges subsequently dismissed.

The D.C. Court of Appeals panel, composed of Chief Judge Washington, Associate Judge Blackburne-Rigsby, and Senior Judge Steadman, who wrote the opinion, reversed the adoption and the termination of parental rights because the trial court had not accorded H.O. the presumption and preference to which he was entitled because he was the biological father; it should be noted that the District of Columbia conceded this point on appeal. Up until this case, the practice in the D.C. Superior Court was for the government to proceed under the less stringent requirements of the waiver proceeding statute instead of the more stringent parental termination statute, thereby placing the burden on the parents to explain why their parental rights should not be terminated in the face of a contested adoption. This case recognized the fundamental rights of parents to have and care for their children.

After the reversal, H.O. agreed to enter into an open adoption with the original adoptive parents. The case has been settled with a consensual open adoption agreement that was finalized before D.C. Superior Court Judge McKenna.

At the behest of James Klein, the Chief of the PDS Appellate Division, I joined this case slightly before the beginning of H.O.'s termination of parental rights trial. I cross examined all witnesses and delivered the closing arguments. I did not make all of the legal arguments or legal motions, many of these were conducted by my co-counsel, James Klein; Angela Acree, a PDS attorney in our Civil Legal Division, was a junior co-counsel, and Ronald Colbert, a panel attorney who originally had the case, was also part of H.O's legal team.

Aisha Lewis, (202) 727-7064, 400 Sixth Street, S.W., Washington, D.C. 20024, was one of many Assistant Attorney Generals who handled the case; Jenny Epstein, (202) 337-1137, P.O. Box 32048, Washington, D.C. 20007, was the attorney for appellees; Sharon Taylor Smith, P.O. Box 1405, Annandale, VA 22191 was *guardian ad litem*; Marion Bauerly, (202) 607-0543, 711 S. Dixie Highway East, Pompano Beach, FL 33060, was appointed by the DCCA as *guardian ad litem*.

**4. United States v. Johnson, Case No. F-524-89, Superior Court of the District of Columbia, Before Chief Judge Lee Satterfield.** James Johnson was convicted of First Degree Murder while Armed and related charges. Mr. Johnson's conviction was affirmed and is reported at 596 A.2d 980 (D.C. 1991). I represented Mr. Johnson in an unsuccessful collateral attack in an effort to vacate his conviction pursuant to D.C. Code § 23-110 due to gross prosecutorial misconduct. I was principal counsel at all of the evidentiary hearings.

James Johnson was convicted in 1989 of First Degree Murder while Armed and Carrying a Pistol without a License. The prosecutor on the case was Assistant United States Attorney G. Paul Howes. In our motion to dismiss the indictment or, in the alternative, to seek a new trial, we alleged that Mr. Howes engaged in a pattern of deceitful and unlawful conduct including knowingly presenting false or misleading testimony, withholding evidence from



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the defense that he was constitutionally obligated to disclose under *Brady v. Maryland*, and making illegal payments to a government witness. Much of the allegations in this case stem from an investigation in a separate case that was conducted by the Office of Professional Responsibility of the United States Department of Justice, the Office of the United States Attorney for the District of Columbia, and the FBI. During the course of this investigation, Mr. Howes made statements to the FBI that cast serious doubt on the testimony of witnesses in Mr. Johnson's case, Mr. Howes' own trial statements, and non-disclosures to defense counsel who represented Mr. Johnson and his co-defendant. Sandra Levick, Chief of the PDS Special Litigation Division, initiated the investigation in this case and when the case was set on D.C. Superior Court Chief Judge Satterfield's docket, I was asked to handle the evidentiary aspects of this litigation. The government called civilian and police witnesses from the original trial in an attempt to defeat our case while distancing themselves from Mr. Howes' unsavory prosecutorial tactics.

The case was significant because a finding in Mr. Johnson's favor would undoubtedly have led to a flood of litigation by others who either believed or would assert that their convictions were obtained as a result of Mr. Howes' prosecutorial misconduct. Mr. Howes testified and did admit to malfeasance consistent with his testimony before the D.C. Bar Counsel, but the court found that neither his testimony nor the other evidence presented at this hearing sufficiently and directly impacted the outcome of this case.

This case highlights the potential problems that are created when a prosecutor does not follow the rules and the difficulty in correcting improprieties that occurred at trial over twenty years ago.

I represented Mr. Johnson in this protracted evidentiary hearing to dismiss the indictment due to gross prosecutorial misconduct. I conducted the cross examination of all but one government witness, and conducted the direct examination of all witnesses. Mr. Johnson is currently waiting to be released on parole.

The lead prosecutor was James Sweeney, Special Proceedings Division, (202) 254-7564, Office of the United States Attorney for the District of Columbia, 555 4th Street, N.W. Washington D.C. 20001.

**5. United States v. Henderson, Superior Court of the District of Columbia, Before Judge Steffen Graae.** Michael Henderson was charged with First Degree Murder while Armed and related charges; he was convicted at trial and his conviction was reversed and is reported at 632 A.2d 419 (D.C. 1995). I was principal trial counsel.

Mr. Henderson was charged with first-degree murder of his estranged wife and was convicted by a jury of second-degree murder while armed. The case was largely circumstantial and the prosecutor's case focused on portions of my client's statement to the police to show his consciousness of guilt; the prosecutor also asked the jury to draw a negative inference from my client's decision to hire an attorney after the murder but prior to his arrest, and my client's subsequent decision to not discuss his whereabouts at the time of the murder with family and friends. I tried this case solo before Judge Graae; the



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prosecutor was Assistant United States Attorney G. Paul Howes.

A three judge panel of the D.C. Court of Appeals consisting of Judges Rodgers, Sullivan, and Steadman reversed and remanded the case for violations of the evidentiary rule of completeness and improper references by the prosecutor to my client's pre-arrest consultation with counsel. For reasons that remain unknown to me, upon remand the government dismissed all charges.

The significance of this case is the emphasis the Court of Appeals placed on the fairness concerns when it determined that the trial judge had misinterpreted and misapplied the rule of completeness. Even though the reversal was based on this evidentiary mistake along with the improper arguments of government counsel, the overarching concern in this circumstantial case was a fairness standard regarding what portions of my client's statement should be properly presented to the jury. Ultimately, after all of the legal wrangling of very complex legal principles was over, the ultimate winner was the public's ability to trust our judicial system; this is rooted in the belief that fairness of the process and of the rule of law must be the controlling precepts.

I represented Michael Henderson; there was no co-counsel in this case. I was responsible for all aspects of the litigation and pretrial preparation and investigation, including expert consultation. Mr. Henderson was convicted on all counts at trial, and the D.C. Court of Appeals reversed his convictions. The government subsequently dismissed all charges against Mr. Henderson.

The prosecutor was G. Paul Howes, current address unknown, but at the time of the litigation he was at the Office of the United States Attorney for the District of Columbia, 555 4th Street, N.W., Washington D.C. 20001.

**18. Describe the most significant legal activities you have pursued, including significant litigation which did not proceed to trial or legal matters that did not involve litigation. Describe the nature of your participation in each instance described, but you may omit any information protected by the attorney-client privilege (unless the privilege has been waived).**

None.

**19. Have you ever held judicial office? If so, please give the details of such service, including the court(s) on which you served, whether you were elected or appointed, the dates of your service, and a description of the jurisdiction of the court. Please provide four (4) copies of all opinions you wrote during such service as a judge.**

I have never held judicial office.

**A. List all court decisions you have made which were reversed or otherwise criticized on appeal.**



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20. **Have you ever been a candidate for elective, judicial, or any other public office? If so, please give the details, including the date(s) of the election, the office(s) sought, and the results of the election(s).**

No.

21. **Political activities and affiliations.**

- **List all public offices, either elected or appointed, which you have held or sought as a candidate or applicant.**

None.

- **List all memberships and offices held in and services rendered to any political party or election committee during the last ten (10) years.**

None.

- **Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last five (5) years of $50 or more.**

My wife has made a total of $1,500 in three different contributions in 2008 and 2009 to Obama for America.

22. **To your knowledge, have you ever been investigated, arrested, charged, or convicted (include pleas of guilty or nolo contendere) by federal, State, local, or other law enforcement authorities for violations of any federal, State, county, or municipal law, other than for a minor traffic offense? If so, please provide details.**

No.

23. **Have you or any business of which you are or were a officer, director or owner ever been a party or otherwise involved as a party in any other legal or administrative proceedings? If so, give the particulars. Do not list any proceedings in which you were merely a guardian ad litem or stakeholder. Include all proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or co-respondent, and list any grand jury investigation in which you appeared as a witness.**

Yes. I was briefly named as party in a lawsuit filed by a former student at Howard University Law School against the law school and/or the university. The student had been expelled from the law school after having failed the Criminal Justice Clinic course that I taught. Early in the litigation, my name was removed as a party in this litigation. I do not know how this case was resolved.

**24. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar or professional association, disciplinary committee, or other professional group? If so, please provide the details.**

No. I have had one client who filed an ineffective assistance of attorney claim against me pursuant to D.C. Code § 23-110; the client withdrew the motion before it could be litigated. The case number is criminal no.1989-Fel-2375 and the motion was placed on Superior Court Judge Epstein's calendar.

The PDS Chief Financial Officer filed a grievance with the PDS Board of Trustees pursuant to the PDS Grievance Procedure complaining that I and the PDS Director harassed him and engaged in age discrimination. The PDS Board of Trustees investigated and found no evidence of misconduct or wrongdoing by either me or the Director.

## II. POTENTIAL CONFLICTS OF INTEREST

1. **Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organization(s) if you are confirmed?**

   Yes.

2. **Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates, or clients.**

   None.

3. **Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.**

   None.

4. **Describe any business relationship, dealing, or financial transaction which you have had in the last ten (10) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest other than while in a federal government capacity.**

   None.

5. **Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.**

   None.

6. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.**

   No.

7. **Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three (3) copies of any trust or other relevant agreements.**

   If any conflict of interest arises, I will resolve it pursuant to the D.C. Code of Judicial Conduct.

8. **If confirmed, do you expect to serve out your full term?**

   Yes.

## III. FINANCIAL DATA - REDACTED

**All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)**

## IV. DISTRICT OF COLUMBIA REQUIREMENTS

**Supplemental questions concerning specific statutory qualifications for service as a judge in the courts of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, D.C. Code Section I I - 150 1 (b), as amended.**

1. **Are you a citizen of the United States?**

   Yes.

2. **Are you a member of the bar of the District of Columbia?**

   Yes.

3. **Have you been a member of the bar of the District of Columbia for at least five (5) years? Please provide the date you were admitted to practice in the District of Columbia.**

   Yes, I have been a member of the bar of the District of Columbia since 1982.

4. **If the answer to Question 3 is "no" --**

   A. **Are you a professor of law in a law school in the District of Columbia?**

   B. **Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?**

   C. **Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?**

   D. **Upon what grounds is that eligibility based?**

5. **Are you a bona fide resident of the District of Columbia?**

   Yes.

6. **Have you maintained an actual place of abode in the greater Washington, D.C. area for at least five (5) years? Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.**

   Yes. For the last five years, I have lived at REDACTED Washington, DC 20011.

7. **Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?**

   No.

8. **Have you been a member of either of these Commissions within the last 12 months?**

No.

9. **Please provide the committee with four (4) copies of your District of Columbia Judicial Nomination commission questionnaire.**

Four copies are supplied.

**AFFIDAVIT**

Peter A. Krauthamer being duly sworn, hereby states that he has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

SUBSCRIBED and SWORN TO before me this 29th day of July 2011.

Notary Public

Lakecia S. Evans
Notary Public, District of Columbia
My Commission Expires 4/14/2016

**Opening Statement of John F. McCabe**
**Nominee for Associate Judge, District of Columbia Superior Court**
**November 8, 2011**

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before you as a nominee for a position as an Associate Judge in the District of Columbia Superior Court. I am grateful to the Judicial Nomination Commission and its chair, Judge Emmet Sullivan, for recommending me to the White House, and am grateful to the President for nominating me for this position. I would also like to thank the Committee and its staff for handling this process expeditiously, despite all the other important matters pending before the Senate.

I grew up in New Jersey, and attended college in North Carolina, and law school in Louisiana. I worked for three years at a law firm in Atlanta, Georgia, and then moved to the District of Columbia in 1989. For the past 22 years, I have worked in public service positions in the District of Columbia. As a staff attorney at the Legal Aid Society, I represented indigent clients in family law and Social Security disability matters. From 1990 to 1998, I was an Assistant Attorney General, and handled civil matters and cases involving victims of child abuse and domestic violence. From 1998 to 2002, I was a prosecutor with the United States Attorney's Office. For the past nine years, I have served as a Magistrate Judge in the District of Columbia Superior Court, and have presided in both criminal and family law matters. I am currently the Deputy Presiding Magistrate Judge, and the Alternate Chairperson of the District of Columbia Commission on Mental Health.

I am honored to be considered for a position as an Associate Judge and I look forward to the opportunity to continue my career in public service. Thank you very much for your consideration.



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# QUESTIONNAIRE FOR NOMINEES TO THE DISTRICT OF COLUMBIA COURTS COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS, UNITED STATES SENATE

## I. BIOGRAPHICAL AND PROFESSIONAL INFORMATION

1. **Full name (include any former names used).**

   John Francis McCabe, Jr.

2. **Citizenship (if you are a naturalized U.S. citizen, please provide proof of your naturalization).**

   I am a citizen of the United States.

3. **Current office address and telephone number.**

   District of Columbia Superior Court
   500 Indiana Ave., NW, Suite 4450
   Washington, DC 20001
   Tel: (202) 879-0042

4. **Date and place of birth.**

   September 15, 1958; New York, NY

5. **Marital status (if married, include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).**

   Single, never married.

6. **Names and ages of children. List occupation and employer's name if appropriate.**

   I have no children.

7. **Education. List secondary school(s), college(s), law school(s), and any other institutions of higher education attended; list dates of attendance, degree received, and date each degree was received. Please list dating back from most recent to earliest.**

   Tulane University Law School (New Orleans, LA); Attended 1983 – 1986; Received Juris Doctor, May 1986.

   Duke University (Durham, NC); Attended 1976 – 1980; Received Bachelor of Arts, May 1980.



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Madison Township High School (Old Bridge, NJ); Attended 1972 – 1976; Received high school diploma, June 1976.

8. **Employment record. List all jobs held since college, other than legal experience covered in question 16, including the dates of employment, job title or description of job, and name and address of employer. Please list dating back from most recent to earliest. If you have served in the US military, please list dates of service, rank or rate, serial number, and type of discharge received.**

1984 – 1986
Camp, Carmouche, Barsh, Hunter, Gray, Hoffman, & Gill
New Orleans, LA
Law Clerk

Summer 1985
Peterson Young Self & Asselin
Atlanta, GA
Law clerk

Spring 1984
Tulane University Law School
New Orleans, LA
Staff Assistant

Fall 1983
Woolworth Retail Store
New Orleans, LA
Cashier

1981 – 1983
Baker & Hostetler
Washington, DC
Paralegal

1980 – 1981
Wheatley & Wollesen
Washington, DC
File Clerk and Paralegal

9. **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.**

Special Achievement Award, Office of the United States Attorney, 2002

Letter of Commendation from then-Mayor Sharon Pratt Kelly, 1994

Nominated for Hagans Award for D.C. Government Employee of the Year, 1992

Award from D.C. Coalition Against Domestic Violence, 1992

Letter of Recognition from former D.C. Corporation Counsel John Ferren

Letter of Recognition from Sarah Anderson, whom I represented in a domestic violence proceeding

Graduated cum laude from Tulane University Law School

Selected for Moot Court Board at Tulane University Law School after finishing in top 11 % of first-year class

Received American Jurisprudence Award for achieving highest grade in Civil Procedure class

In high school, member of National Honor Society, graduated in top 1 % of class (ranked 4th of approximately 450 graduates), and selected for induction in 2010 into the Old Bridge High School "Wall of Fame."

10. **Business relationships. List all positions currently or formerly held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, or educational or other institution.**

Since 2010, I have been a member of the Board of Directors of the Abramson Scholarship Foundation, a charitable organization which provides college scholarships to District of Columbia students.

11. **Bar associations. List all bar associations, legal or judicial-related committees, conferences, or organizations of which you are or have ever been a member, and provide titles and dates of any offices which you have held in such groups.**

District of Columbia Bar
State Bar of Georgia
Family Court Training Committee, D.C. Superior Court
Co-chair, 2010
CCAN Panels Committee, D.C. Superior Court
Domestic Violence Coordinating Council

12. **Other memberships. List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, public, charitable, or other organizations, other than those listed in response to Question 11. Please indicate whether any of these organizations formerly discriminated or currently**



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**discriminates on the basis of race, sex, or religion.**

During college, from 1977 to 1980, I was a member of the Theta Chi Fraternity, which was for men only.

Since 2010, I have been a member of the Board of Directors of the Abramson Scholarship Foundation, a charitable organization which provides scholarships for college students in the District of Columbia. In addition to my duties as a member of the board of directors, I have been a volunteer mentor for the Foundation. The Foundation does not discriminate, and has not discriminated in the past, on the basis of race, sex, or religion.

For the past nine years, I have been a volunteer tutor for Community Club at the New York Avenue Presbyterian Church in Washington, DC. The Community Club does not discriminate, and has not discriminated in the past, on the basis of race, sex, or religion.

For the past year, I have been a volunteer mentor at Thurgood Marshall Academy Public Charter School. The school does not discriminate, and has not discriminated in the past, on the basis of race, sex, or religion.

For the past several years, I have been a member of numerous health and fitness clubs, including the following: Vida Fitness, Tenley Sport & Health Club, Gold's Gym, the D.C. Road Runners Club, the Montgomery County Road Runners Club, the D.C. Triathlon Club, the D.C. Recreation and Parks Masters Swim Team, and the Montgomery Ancient Mariners Swim Team. None of these organizations discriminates on the basis of race, sex, or religion, nor have they so discriminated in the past.

13. **Court admissions. List all courts in which you have been admitted to practice, with dates of admission and lapses in admission if any such memberships have lapsed. Please explain the reason for any lapse in membership. Please provide the same information for any administrative bodies which require special admission to practice.**

State of Georgia, 1986
United States District Court for the Northern District of Georgia, 1987
District of Columbia, 1989
United States District Court for the District of Columbia, 1995
United States Court of Appeals for the District of Columbia Circuit, 2000

After moving back to the District of Columbia in 1989, I maintained inactive bar status in the state of Georgia for several years. In 1995, I chose not to renew my membership in the Georgia State Bar, as I did not intend to resume practice there. There have been no other lapses in membership.

14. **Published writings. List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited.**

I was co-author of the revisions to the section on domestic violence of the District of Columbia Bar Manual, published in 1994 by the District of Columbia Bar.

15. **Speeches. List the titles of any formal speeches you have delivered during the last five (5) years and the date and place where they were delivered. Please provide the Committee with four (4) copies of any of these speeches.**

I have not given any formal speeches. However, on four or five occasions in the past five years, I have provided training on evidence to attorneys practicing in the D.C. Superior Court. A copy of the outline of such training is attached.

16. **Legal career.**

A. **Describe chronologically your law practice and experience after graduation from law school, including:**

(1) **Whether you served as a law clerk to a judge, and if so, the name of the judge, the court, and the dates of your clerkship;**

I have not served as a law clerk to a judge.

(2) **Whether you practiced alone, and if so, the addresses and dates;**

I have not practiced law alone.

(3) **The dates, names, and address of law firms, companies, or governmental agencies with which you have been employed.**

1986 – 1989
Peterson Young Self & Asselin
Atlanta, Georgia
Associate

1989 – 1990
Legal Aid Society of the District of Columbia
666 11th Street, NW
Washington, DC 20001
Staff Attorney

1990 – 1998
Office of the Corporation Counsel
441 4th Street, NW
Washington, DC 20001
Assistant Corporation Counsel

1998 – 2002
Office of the United States Attorney
555 4th Street, NW
Washington, DC 20001
Assistant United States Attorney

2002 – Present
Superior Court of the District of Columbia
500 Indiana Avenue, NW
Washington, DC 20001
Magistrate Judge

**B. Describe the general character of your law practice, dividing it into periods with dates if its character has changed over the years.**

From 1986 to 1989, I was an associate in the law firm of Peterson Young Self & Asselin, in Atlanta, GA. I handled all aspects of a commercial real estate practice, including negotiating the terms of transactions, drafting documents, and supervising closings.

From 1989 to 1990, I was a staff attorney with the Legal Aid Society of the District of Columbia. I represented indigent clients in child custody, child support, domestic violence, and public benefits matters in District of Columbia Superior Court and before the Social Security Administration.

From 1990 to 1998, I was an Assistant Corporation Counsel in the Office of the Corporation Counsel in Washington, DC. From 1990 to 1992, I handled child abuse and neglect matters in the District of Columbia Superior Court. From 1992 to 1995, I was the Chief of the Domestic Violence Section of the Office, and handled domestic violence matters in the District of Columbia Superior Court. From 1995 to 1998, I handled civil litigation matters in the District of Columbia Superior Court and the United States District Court for the District of Columbia.

From 1998 to 2002, I was an Assistant United States Attorney with the Office of the United States Attorney. I prosecuted misdemeanor and felony criminal cases in the District of Columbia Superior Court, presented cases to Superior Court grand juries, and argued cases before the District of Columbia Court of Appeals.

Since October 2002, I have been a Magistrate Judge in the District of Columbia Superior Court. From October 2002 to December 2010, I worked in the Family Court and handled primarily child abuse and neglect matters, but also handled some juvenile delinquency, domestic violence and mental health matters. Since January 2011, I have worked in the Criminal Division and presided over misdemeanor traffic trials, as well as arraignments and preliminary hearings.

C. **Describe your typical former clients and describe the areas of practice, if any, in which you have specialized.**

From 1986 to 1989, while working as an associate at a law firm in Atlanta, I represented real estate developers in commercial real estate transactions.

From 1989 to 1990, while working as a staff attorney at the Legal Aid Society of the District of Columbia, I represented indigent clients in family law and Social Security disability matters.

From 1990 to 1992, at the Office of the Corporation Counsel for the District of Columbia, I represented the District of Columbia in child abuse and neglect proceedings. From 1992 to 1995, I represented victims in domestic violence matters as an Assistant Corporation Counsel. From 1995 to 1998, I represented the District of Columbia and its employees in civil litigation as an Assistant Corporation Counsel.

From 1998 to 2002, I represented the United States in criminal matters as an Assistant United States Attorney.

D. **Describe the general nature of your litigation experience, including:**

(1) **Whether you have appeared in court frequently, occasionally, or not at all. If the frequency of your court appearances has varied over time, please describe in detail each such variance and give applicable dates.**

(2) **What percentage of these appearances was in:**

(a) **Federal courts (including Federal courts in D.C.);**
(b) **State courts of record (excluding D.C. courts);**
(c) **D.C. courts (Superior Court and D.C. Court of Appeals only);**
(d) **other courts and administrative bodies.**

**What percentage of your litigation has been:**
(a) **civil;**
(b) **criminal.**

From 1986 to 1989, while working for the law firm of Peterson Young Self & Asselin, I did not appear in court at all, as I was not handling litigation matters.

From 1989 to 1990, while working as a staff attorney at the Legal Aid Society of the District of Columbia, I appeared in the D.C. Superior Court in family law civil matters a few times per month, and occasionally handled disability matters before the Social Security Administration.



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From 1990 to 1995, while working as an Assistant Corporation Counsel for the Office of the Corporation Counsel (now called the Office of the Attorney General) in Washington, DC, I handled civil matters in D.C. Superior Court on a regular basis. During this period, I appeared in court almost every day handling child abuse and neglect and domestic violence matters. From 1995 to 1998, I handled general civil matters, approximately two-thirds of which were in the D.C. Superior Court and one-third of which were in the United States District Court for the District of Columbia.

From 1998 to 2002, as an Assistant United States Attorney, I handled criminal matters in the D.C. Superior Court. From 2000 to 2001, I worked in the appellate division of the Office of the United States Attorney. Approximately 80 % of the appellate matters I handled were in the District of Columbia Court of Appeals and 20 % were in the United States Court of Appeals for the District of Columbia Circuit.

From 2002 to the present, I have been a magistrate judge in the D.C. Superior Court. From 2002 to December of 2010, I handled family law civil matters. Since January of 2011, I have handled criminal matters.

(3) **What is the total number of cases in courts of record you tried to verdict or judgment (rather than settled or resolved, but may include cases decided on motion if they are tabulated separately). Indicate whether you were sole counsel, lead counsel, or associate counsel in these cases.**

(4) **What percentage of these trials was to**

(a) **a jury;**
(b) **the court (include cases decided on motion but tabulate them separately).**

I do not recall the exact number of cases I tried to verdict while I worked at the Legal Aid Society from 1989 to 1990. However, I estimate that I handled about 3 bench trials in family law matters (and no jury trials) during that time, and I was sole counsel on each case.

I do not recall the exact number of cases I tried to verdict while I worked at the Office of the Corporation Counsel from 1990 to 1998. However, I estimate that I tried about 25 child abuse and neglect bench trials (no child abuse and neglect jury trials), more than 100 domestic violence bench trials (no domestic violence jury trials), and three jury trials in civil matters. I was sole counsel in each of these cases.

I do not recall the exact number of cases I tried to verdict while I worked at the Office of the United States Attorney from 1998 to 2002. However, I

estimate that I tried about 50 criminal cases before a judge, and 10 to 12 criminal jury trials. I was sole counsel on all but one of those cases.

17. **Describe the five (5) most significant litigated matters which you personally handled. Provide citations, if the cases were reported, or the docket number and date if unreported. Give a capsule summary of the substance of each case and a succinct statement of what you believe was of particular significance about the case. Identify the party/parties you represented and 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 court and the name of the judge or judges before whom the case was litigated; and (c) the name(s) and address(es) and, telephone number(s) of co-counsel and of the principal counsel for the other parties.**

1. *In re S.M.*; Superior Court of the District of Columbia; Before Judge Zinora Mitchell-Rankin.

I was the assigned Assistant Corporation Counsel in every aspect of this neglect proceeding, from filing of the petition in August of 1990, through the trial in January of 1991 in the District of Columbia Superior Court, and at disposition and review hearings thereafter.

The case was petitioned in court based on an allegation that the child, who was three months old at the time of filing, had been neglected by her parents due to inadequate feeding and medical care, and was a "failure to thrive" child. The case was unique in that the parents were very well educated (mother was a medical doctor and father held a Ph.D. in engineering), and they maintained that the child's poor medical condition was due to birth defects, not to inappropriate care.

Because of the complex medical issues involved, the case was in trial for more than a week, and competing medical experts testified. At the conclusion of the trial, the Court concluded that the government had shown that the child was a neglected child due to inadequate care by the parents. As a result of the government's intervention, the child received better medical care and was restored to a much more stable condition. In addition, the parents became much more actively involved in attending to the special needs of their daughter, and were eventually able to resume custody of her. The case was closed after several review hearings during which the Court and the government concluded that the parents were sufficiently able to care for the child.

The case was significant because of the complexity of the medical issues and the severity of the child's medical condition when the petition was filed. It is conceivable that the child would have died within a matter of days if not for the intervention of the government. Furthermore, the case was a success because, as a result of government intervention, the parents improved their parenting skills and regained custody of their child.

Other counsel included Kenneth Rosenau, 1304 Rhode Island Ave., NW, Washington, DC, (202) 387-8680, guardian *ad litem*; Donald Terrell, P.O. Box 4580, Washington, DC, (202)

462-6015, and Al Gonzalez, 601 Pennsylvania Ave., NW, Washington, DC, (240) 462-3482, counsel to the parents.

2. *In re M.N.*, Superior Court of the District of Columbia; Before Judge Gregory Mize.

I was the assigned Assistant Corporation Counsel in every aspect of this neglect proceeding, from filing of the petition in June of 1991 until the trial in March of 1992 in the District of Columbia Superior Court, and at disposition and review hearings thereafter. The allegation was that the child, who was three at the time of the petition, had been sexually abused because he was found to be suffering from gonorrhea during a routine medical examination.

The case was significant in that it involved complex medical issues. Since the child was too young to reveal whether or not he had been sexually abused, the government had to rely almost exclusively upon medical evidence to prove its case. Several experts testified at the trial as to the testing performed to determine the presence of a sexually transmitted disease, and the reliability of such testing. After the government made a successful prima facie case of neglect, the father of the child entered into a stipulation and the child was adjudicated neglected.

In prosecuting this case, I identified two substantial problems in the way sexual abuse cases were investigated by the police department and hospital personnel. The procedures used by the police department resulted in a delay of a few days prior to the case being reported to the Office of the Corporation Counsel. This delay allowed sufficient time for the abuser of the child to receive medical treatment that could have removed the symptoms of gonorrhea. In addition, hospital personnel did not perform the complete battery of tests that would have reduced the chance of errors in their conclusion that the child was suffering from a sexually transmitted disease. As part of my prosecution of this case, I notified officials of both the police department and the hospital of the risks inherent in the procedures they were utilizing, and advised them as to how they might modify these procedures.

Other counsel included Rex Wingerter, current address unknown, guardian *ad litem*; Judith Lovelace, P.O. Box 1190, Temple Hills, MD, (301) 316-0006, and Robert Garske, current address unknown, counsel to the parents.

3. *Price v. Jones*; Superior Court of the District of Columbia; Before Judge Evelyn Queen and Before Judge John Bayly.

I represented the Petitioner, Anita Price, in her request for a Civil Protection Order ("CPO") in the District of Columbia Superior Court against her former paramour, Anthony Jones. The CPO was obtained by consent of the Respondent in August of 1992, before the Honorable Evelyn Queen. However, Respondent later obtained counsel, Debra Ackerman, and filed a Motion to Vacate the CPO on jurisdictional grounds. Specifically, Respondent argued that the Court lacked jurisdiction to enter the CPO against him because he and the Petitioner were never married, had no children in common, and had never "shared a



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residence." A multi-day trial was held on this motion in September of 1992 before the Honorable John Bayly. The Petitioner prevailed in defeating the Motion to Vacate, and the Order remained in effect.

The case was significant in that it was a case of first impression in interpreting the phrase "shared a mutual residence" contained in D.C. Code Section 16-1001(5) as it existed in 1992 (as discussed below, the statute was later amended). There was conflicting testimony at the trial as to the actual place of abode of the Respondent. The Petitioner would not have been able to obtain a CPO had she not prevailed in proving that she shared a residence with the Respondent. While Petitioner prevailed at the trial, this case helped to demonstrate a significant jurisdictional problem with the intrafamily provisions of the D.C. Code – specifically, in 1992, a victim of domestic violence could not obtain a CPO unless the victim was married to, had a child with, or shared a residence with the perpetrator.

I cited the *Price v. Jones* case in my testimony before the City Council in support of Bill 10-477, the "Domestic Violence in Romantic Relationships Act of 1993." The provisions of the bill were enacted in 1995, and the jurisdictional coverage of the statute was expanded to include unmarried individuals who had never shared a residence and had no children in common, but had maintained an intimate relationship.

Mr. Jones was represented by Debra L. Ackerman, 400 East Jefferson Street, Suite 208, Rockville, MD, (301) 340-8190.

4. *United States v. Spencer*; 2002 FEL 916; Superior Court of the District of Columbia; Before Judge Frederick Weisberg

I was the assigned Assistant United States Attorney in this criminal case, and successfully prosecuted the defendant on charges of assault with a dangerous weapon. The defendant had fired a gun several times in the area surrounding a crowded housing complex in the District of Columbia; fortunately, no one was injured. As is true in many criminal matters, it was difficult to find witnesses willing to testify against the defendant in this case. However, by listening to tapes of 911 calls, I was able to identify an eyewitness to the shooting, and through diligent efforts, was able to locate the witness in North Carolina. I was then able to secure the testimony of the witness at trial, which was essential to successful prosecution of the case. I was the sole prosecutor on the case from investigation through trial and sentencing. The case was significant because of the substantial investigative efforts to locate the essential witness, and the thorough preparation of a reluctant witness for trial testimony. The jury convicted the defendant on all charges, and he was sentenced to five years in prison. The conviction was affirmed on appeal to the District of Columbia Court of Appeals.

The defendant was represented by Reginald Addison, 2736 Loring Drive, # 304, Forestville, MD 20747, (301) 420-2180.

5. *In re K.B. and C.B.*; Superior Court of the District of Columbia; Before Judge Robert Tignor



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I was the assigned Assistant Corporation Counsel in this child abuse and neglect case from initial papering of the case through the trial in 1991. K.B. and C.B. are sisters, who were about 12 and 7 years of age at the time of the trial. The government alleged that the father of the girls had engaged in sexual intercourse on more than one occasion with his 12 year-old daughter. The United States Attorney's Office declined to prosecute criminal charges due to the absence of physical evidence, and the understandable reluctance of the 12 year-old girl to testify. However, I met for an extended period of time with the victim on several occasions, and was able to gain her trust and prepare her for testimony in the non-criminal child abuse matter. The victim testified at the trial, and the judge found her testimony credible, and sustained the child abuse allegations against the father. The victim and her sister were able to obtain needed counseling and other services. They remained in the care of their mother, and did not have to participate in visitation with their father. Several years after the trial, I was pleased to learn that the victim, who was then about 20 years old, had graduated high school and obtained a challenging full-time job.

Opposing counsel was Martin W. Rosendorf, 14105 Burning Bush Lane, Silver Spring, MD, (301) 460-4582.

18. **Describe the most significant legal activities you have pursued, including significant litigation which did not proceed to trial or legal matters that did not involve litigation. Describe the nature of your participation in each instance described, but you may omit any information protected by the attorney-client privilege (unless the privilege has been waived).**

I have been fortunate to participate in many varied legal activities throughout the past 30 years. From 1980 to 1981, prior to attending law school, I worked part-time as a volunteer intern for the Public Defender Service of the District of Columbia. In that capacity, I assisted a staff attorney in the investigation of criminal matters. I visited defendants who were detained in jail and interviewed witnesses to help the attorney prepare for trial. This experience provided valuable insight into the criminal justice system.

From 1980 to 1983, I worked full-time as a paralegal. At the firm of Baker & Hostetler, I was privileged to be exposed to a broad spectrum of legal disciplines, including antitrust, aviation, communications, banking, litigation, securities, and tax law. I gained valuable insight into the process of lawmaking by attending numerous Congressional hearings surrounding the passage of the Tax Equity and Fiscal Responsibility Act of 1982.

From 1989 to 1990, I was a staff attorney at the Legal Aid Society of the District of Columbia. In one of my more memorable cases, I represented a young mother who had permitted her one year-old son to visit with relatives in California. The relatives refused to return the child to the mother as previously agreed. Through my work with courts in the District of Columbia and the state of California, the relatives were ordered to return the child to the mother, and she was successfully reunited with her son.

From 1992 to 1995, I was Chief of the Domestic Violence Section at the Office of the



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Corporation Counsel for the District of Columbia. I was the only attorney in the District of Columbia government working on domestic violence cases throughout that period. In addition to assisting hundreds of victims in obtaining orders of protection, I did substantial community outreach. I often visited shelters, churches, and community centers to speak to victims about their rights.

I was also instrumental in improving the community and legal response to domestic violence through my participation in the Domestic Violence Coordinating Council ("DVCC"), which consisted of attorneys, judges, court personnel, and advocates for victims. Through the efforts of the DVCC, a separate branch of the D.C. Superior Court was created to deal with domestic violence issues.

Finally, on three occasions, I presented the testimony of the executive branch before the D.C. City Council on proposed legislation. One of the bills dealt with child custody issues. Another provided for expansion of the coverage of the domestic violence laws, and the third created a new criminal offense of stalking. Each of these bills was passed and became law.

When I began working at the United States Attorney's Office in 1998, I was assigned to the misdemeanor domestic violence section. The prosecutors in this section handled domestic assaults in which the victim was an adult and cases in which the victim was a child. Because of my substantial prior experience in this area, I was the first prosecutor chosen to specialize in cases involving child victims.

Since 2002, I have been a Magistrate Judge in the D.C. Superior Court. Throughout my tenure, in addition to my duties as a judicial officer, I have volunteered on many occasions as a judge in moot court competitions at local law schools. As co-chair of the Family Court Training Committee, I have provided training for attorneys and other judicial officers on various family law issues.

19. **Have you ever held judicial office? If so, please give the details of such service, including the court(s) on which you served, whether you were elected or appointed, the dates of your service, and a description of the jurisdiction of the court. Please provide four (4) copies of all opinions you wrote during such service as a judge.**

Since October 2002, I have been a magistrate judge in the District of Columbia Superior Court. I am now in my third four-year term, as my term was renewed in 2006 and again in 2010. I was appointed to this position by the Chief Judge of the District of Columbia Superior Court. The jurisdiction of magistrate judges in D.C. Superior Court is set forth in D.C. Code Section 11-1732 and 11-1732A.

Copies of my opinions are attached.

A. **List all court decisions you have made which were reversed or otherwise criticized on appeal.**

*In re J.C.*, No. 06-FS-1626; decision vacated and remanded by the District of Columbia Court of Appeals.

20. **Have you ever been a candidate for elective, judicial, or any other public office? If so, please give the details, including the date(s) of the election, the office(s) sought, and the results of the election(s).**

I was an unsuccessful applicant in 1994 for a position as a Hearing Commissioner in the District of Columbia Superior Court, and in January 2002 for a position as a Magistrate Judge in the District of Columbia Superior Court.

I successfully applied for a position as a Magistrate Judge in the District of Columbia Superior Court in July 2002, and began work in that capacity in October 2002. I was appointed to a second four-year term in 2006, and to a third four-year term in 2010.

I was an unsuccessful candidate for a position as an Associate Judge of the Superior Court of the District of Columbia in September 2006, May 2008, October 2008, December 2008, March 2009, July 2009, November 2009, April 2010, and October 2010.

I have not otherwise been a candidate for elective, judicial or other public office.

21. **Political activities and affiliations.**

- **List all public offices, either elected or appointed, which you have held or sought as a candidate or applicant.**

  None.

- **List all memberships and offices held in and services rendered to any political party or election committee during the last ten (10) years.**

  None.

- **Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity during the last five (5) years of $50 or more.**

  None.

22. **To your knowledge, have you ever been investigated, arrested, charged, or convicted (include pleas of guilty or nolo contendere) by federal, State, local, or other law enforcement authorities for violations of any federal, State, county, or municipal law, other than for a minor traffic offense? If so, please provide details.**

No.

23. **Have you or any business of which you are or were an officer, director or owner ever been a party or otherwise involved as a party in any other legal or administrative proceedings? If so, give the particulars. Do not list any proceedings in which you were merely a guardian ad litem or stakeholder. Include all proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or co-respondent, and list any grand jury investigation in which you appeared as a witness.**

I was named as a defendant (along with my supervisors in the Office of the Corporation Counsel) in the case of *Harry T. Spikes v. the District of Columbia*, in the United States District Court for the District of Columbia (Case Number 97CV02852). Mr. Spikes is an attorney who had represented a plaintiff (Eugene Byars) in a civil litigation matter in the District Court involving an inmate in the custody of the District of Columbia Department of Corrections. I had represented the District of Columbia and certain of its employees who were named as defendants in the *Byars* litigation, which was settled out of court.

On the date of a deposition in the *Byars* matter, a physician employed by the District of Columbia Department of Corrections informed me that Mr. Spikes had suggested that this physician not testify truthfully about the physical condition of Mr. Byars, so that Mr. Spikes might obtain a larger sum of money in his litigation against the District of Columbia. I reported the doctor's allegation regarding Mr. Spikes to my superiors at the Office of the Corporation Counsel. The Office of the Corporation Counsel reported this information to the District of Columbia Bar Counsel, noting its obligations under Rule 8.3(a) of the Rules of Professional Conduct.

Mr. Spikes filed his lawsuit in the District Court following the report to Bar Counsel by the Office of the Corporation Counsel. He alleged, *inter alia*, that the Office of the Corporation Counsel had fabricated its report to Bar Counsel. All claims in Mr. Spikes' lawsuit were dismissed upon the filing of a pre-trial motion by the District of Columbia. In addition, Mr. Spikes was suspended from the practice of law for 30 days by the Office of the Bar Counsel on the ground that his lawsuit against the Office of the Corporation Counsel was frivolous and involved conduct that seriously interfered with the administration of justice, in violation of Rule 8.4(d) of the Rules of Professional Conduct.

In 2010, I was named as a defendant in a civil suit filed by a party in one of the child abuse and neglect matters over which I presided as a Magistrate Judge. The civil suit was dismissed with prejudice on January 4, 2011. The case number is 2010 CAMSLD 7513, *P.J. v. Magistrate Judge John McCabe* (initials are used herein for the name of the plaintiff due to the confidential nature of neglect proceedings, and because the Order dismissing the case was placed under seal).

24. **Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar or professional association, disciplinary committee, or other professional group? If so, please provide the details.**

No.

## II. POTENTIAL CONFLICTS OF INTEREST

1. **Will you sever all connections with your present employer(s), business firm(s), business association(s), or business organization(s) if you are confirmed?**

   Not applicable, as I am already working at the District of Columbia Superior Court.

2. **Describe all financial arrangements, deferred compensation agreements, or other continuing dealings with your law firm, business associates, or clients.**

   Not applicable.

3. **Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest.**

   None.

4. **Describe any business relationship, dealing, or financial transaction which you have had in the last ten (10) years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest other than while in a federal government capacity.**

   None.

5. **Describe any activity during the last ten (10) years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of legislation or affecting the administration and execution of law or public policy other than while as a federal government employee.**

   None.

6. **Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service as a judge? If so, explain.**

   No.

7. **Explain how you will resolve any potential conflicts of interest, including any that may have been disclosed by your responses to the above items. Please provide three (3) copies of any trust or other relevant agreements.**

   If any conflict of interest arises, I will resolve it pursuant to the District of Columbia Code of Judicial Conduct.

8. **If confirmed, do you expect to serve out your full term?**

   Yes.

## III. FINANCIAL DATA – REDACTED

**All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)**

## IV. DISTRICT OF COLUMBIA REQUIREMENTS

**Supplemental questions concerning specific statutory qualifications for service as a judge in the courts of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, D.C. Code Section 1 1 - 150 1 (b), as amended.**

1. **Are you a citizen of the United States?**

   Yes.

2. **Are you a member of the bar of the District of Columbia?**

   Yes.

3. **Have you been a member of the bar of the District of Columbia for at least five (5) years? Please provide the date you were admitted to practice in the District of Columbia.**

   Yes, I was admitted to the bar of the District of Columbia in 1989.

4. **If the answer to Question 3 is "no" --**

   A. **Are you a professor of law in a law school in the District of Columbia?**

   B. **Are you a lawyer employed in the District of Columbia by the United States or the District of Columbia?**

   C. **Have you been eligible for membership in the bar of the District of Columbia for at least five (5) years?**

   D. **Upon what grounds is that eligibility based?**

5. **Are you a bona fide resident of the District of Columbia?**

   Yes.

6. **Have you maintained an actual place of abode in the greater Washington, D.C. area for at least five (5) years? Please list the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last five (5) years.**

   Yes. Since April 2005, I have resided at REDACTED Washington, DC 20008.

7. **Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nominating Commission?**

   No.

8. **Have you been a member of either of these Commissions within the last 12 months?**

   No.

9. **Please provide the committee with four (4) copies of your District of Columbia Judicial Nomination commission questionnaire.**

   Four copies are attached.

**AFFIDAVIT**

John Francis McCabe, Jr., being duly sworn, hereby states that he has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his knowledge, current, accurate, and complete.

John McCabe

John Francis McCabe, Jr.

SUBSCRIBED and SWORN TO before me this 2nd day of August 2011.

Notary Public

The District of Columbia
Subscribed and sworn to before me
this 2nd day of August 2011
Lisa Renee Johnson
Notary Public
My commission expires 10/31/2011

LISA RENEE JOHNSON
NOTARY PUBLIC
DISTRICT OF COLUMBIA

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NERGY -OIG
NVIRONMENTAL PROTECTION AGENCY - CID & OIG
EDERAL DEPOSIT INSURANCE CORPORATION - OIG
ENERAL SERVICES ADMIN.-OIG
EALTH & HUMAN SERVICES
Food & Drug Administration & OIG
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Bureau of Indian Affairs
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Fish & Wildlife Service
National Park Service
OIG
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STICE
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UCLEAR REGULATORY COMMISSION - OIG
OSTAL SERVICE-OIG & Inspection
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ECURITIES & EXCHANGE COMMISSION - OIG
MALL BUSINESS ADMINISTRATION - OIG
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DUNCAN TEMPLETON
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RASHEED TAHIR
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SHANON MART-MCPHERSON
egislative Counsel
Siff and Associates
ublic Affairs Director
Jenny Mattingley

September 28, 2011

The Honorable Joseph I. Lieberman
Chairman, Homeland Security and
Governmental Affairs Committee

The Honorable Susan Collins
Ranking Member, Homeland Security and
Governmental Affairs Committee

Dear Chairman Lieberman and Ranking Member Collins:

As the National President of the 26,000 members of the Federal Law Enforcement Officers Association (F.L.E.O.A.), I am writing to you regarding the nomination of Michael A. Hughes for the position of U.S. Marshal for the District of Columbia's Superior Court. Mr. Hughes is currently employed with the U.S. Marshals Service as a Chief Inspector at their headquarters in Washington, DC. As a career Marshals Service employee, Chief Hughes has distinguished himself as a dedicated law enforcement officer and as an outstanding leader.

In my capacity as the National President of F.L.E.O.A., I have had the distinct pleasure of working with Chief Hughes on issues that impact my Marshals Service members nationwide. Some of these issues were rather challenging, and to the credit of Chief Hughes' strong leadership ability, we were able to resolve them in an equitable professional manner. The position of District Marshal requires strong interpersonal skills, the ability to handle complex personnel issues, and manage the budget and resources of a large office. Chief Hughes possesses these qualities and a strong institutional knowledge of the Marshals Service, and F.L.E.O.A. formally supports him for the District of Columbia's Superior Court Marshal position.

Please don't hesitate to call should you have any questions regarding the remarkable credentials of Chief

Michael A. Hughes. I look forward to working closely with both of you and your respective committee members regarding issues that impact the federal law enforcement community.

Regards,

J. Adler

Jon Adler
National President

**ELEANOR HOLMES NORTON**
DISTRICT OF COLUMBIA

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**
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RANKING MEMBER, ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS AND EMERGENCY MANAGEMENT
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**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM**
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FEDERAL WORKFORCE, U.S. POSTAL SERVICE AND LABOR POLICY
GOVERNMENT ORGANIZATION, EFFICIENCY AND FINANCIAL MANAGEMENT

# Congress of the United States
## House of Representatives
Washington, DC 20515–1501

October 19, 2011

The Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20515

The Honorable Susan M. Collins
Ranking Member
Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20515

Dear Chairman Lieberman and Ranking Member Collins:

I write to strongly recommend Nancy Ware for Director of the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA). Ms. Ware's career in federal and District of Columbia law enforcement, most recently in a top position at CSOSA itself, as well as her first-rate recommendations from knowledgeable sources, makes her an ideal candidate to lead CSOSA at this time. My confidence in Ms. Ware is further bolstered by my first-hand experience with her when she was the executive director of the District of Columbia Criminal Justice Coordinating Council (CJCC), a federal agency that coordinates the many intersections between the District and federal criminal justice systems.

Ms. Ware has spent much of her career assisting District and federal law enforcement agencies resolve often difficult issues created by the unique interlocking relationship between the District and federal criminal justice systems. Ms. Ware's unusually broad background and reputation concerning federal and District criminal justice matters lead me to believe she is ideally suited to lead CSOSA, a federal agency bound by both D.C. and federal law.

CSOSA is a federal agency, but it provides supervision of and social services to adult D.C. Code felons on probation, parole, and supervised release, while also engaging in extensive research to assist its law enforcement, crime prevention, and social service missions. Congress created the agency to relieve the District of the cost of several state law enforcement functions. To accomplish its mission, CSOSA must engage a crosssection of law enforcement agencies, including the Federal Bureau of Prisons (BOP), the United States Parole Commission (USPC), the D.C. courts, the D.C. police, and the U.S. attorney, who prosecutes local crimes in the District.



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From 2002-2010, Ms. Ware served as executive director of the CJCC, an independent agency established by Congress whose members include the U.S. Attorney for the District of Columbia, the D.C. police chief and other city officials, the director of the BOP and the chairman of the USPC. CSOSA also works closely with all of the agencies on the CJCC. The CJCC identifies issues and proposes solutions to improve public safety in the local and federal criminal justice systems in the District. The CJCC's relationship to CSOSA's mission is perhaps best exemplified by the appointment of a highly-regarded former director of CSOSA, Paul Quander, as executive director of the CJCC after Ms. Ware's departure. Mr. Quander is now the D.C. Deputy Mayor for Public Safety.

Before serving as executive director of the CJCC, Ms. Ware served at the U.S. Department of Justice (DOJ) as director of technical assistance and training for DOJ's well-regarded "Weed and Seed" program, where she was responsible for supporting hundreds of sites nationwide in their implementation of strategic plans for public safety, and as the director of Program Development, National Programs at the Bureau of Justice Assistance. Her decades of deep experience in developing and implementing programs, as well as in managing multimillion-dollar budgets and employees, would serve CSOSA particularly well.

After Ms. Ware left the CJCC, CSOSA's present interim management persuaded her to join the agency as the management analyst to write its five-year strategic plan, mandated by federal law. In writing the plan, she has evaluated each department—from community supervision to information technology—and has worked with them to develop objectives and performance metrics. Thus, Ms. Ware would come to CSOSA with deep and unprecedented real-time working knowledge of the agency, giving her a critical head start in taking the helm without missing a beat. Considering the importance of CSOSA's law enforcement mission, and that the agency has been without permanent leadership for several years, I cannot over-emphasize the importance of her expert familiarity with CSOSA.

I personally spoke with three law enforcement officials who have worked with Ms. Ware—D.C. Superior Court Chief Judge Lee Satterfield, then-BOP Director Harley Lappin, and USPC Chairman Isaac Fulwood, Jr, a former D.C. police chief—before recommending her to the President. Their evaluations of Ms. Ware's ability, prior experience, management, character, and collegiality were remarkably similar, and each recommended her highly. Chief Judge Satterfield, who perhaps, among the three, worked closest with Ms. Ware, said she was outstanding, always top-notch, very reliable, knew how to select people and was excellent in other aspects of management. Then-Director Lappin said that Ms. Ware was very capable professionally, well organized, and knowledgeable about the widely varying issues affecting the many law enforcement agencies with which she worked. She never belabored a point, and always sought common ground to resolve problems. Then-Director Lappin also said that Ms. Ware got the job done and worked as easily with staff as with him. Chairman Fulwood said that, without a doubt, Ms. Ware would be splendid and would bring valuable skills to CSOSA, and that she has great interpersonal skills.

I also stress the importance of filling this long-vacant leadership position at a public safety agency of great importance to the District. This position has gone unfilled since part of the prior administration. This position has been difficult to fill because of the scarcity of



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applicants, perhaps because CSOSA, an agency geared entirely to the District, is not a typical federal agency. Fortunately, CSOSA has been led by a competent caretaker and stable management, and the House has had frequent hearings during the period when CSOSA has been without permanent leadership. Still, this important public safety agency urgently needs new and experienced leadership.

I would greatly appreciate your approval of Ms. Ware for this important federal law enforcement agency, which would considerably benefit of the residents of the District of Columbia.

Sincerely,

Eleanor Holmes Norton



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**STATEMENT OF SENATOR PAUL STRAUSS**
**UNITED STATES SENATOR FOR THE DISTRICT OF COLUMBIA**
**On the Nominations of**

**Nancy M. Ware to be Director of Court Services and Offender Supervision Agency for the District of Columbia.**
**Michael A. Hughes, to be U.S. Marshal of Superior Court of the District of Columbia**
**and**
**Danya A. Dayson, Esq., Peter A. Krauthamer, Esq., and Hon. John F. Mc.Cabe To be Associate Judges of Superior Court of the District of Columbia.**

Chairman Akaka and Members of the Senate Committee on Homeland Security and Governmental Affairs, I am Paul Strauss, United States Senator for the District of Columbia, and I am also a practicing attorney in the District of Columbia. In each of these capacities, I appreciate the opportunity to provide this statement on behalf of my constituents in the District of Columbia. I wish to express my enthusiastic and wholehearted support of President Barack Obama's nominations of Nancy M. Ware to be Director of Court Services and Offender Supervision Agency for the District of Columbia, Michael A. Hughes, to be U.S. Marshal for Superior Court of the District of Columbia, Danya A. Dayson, Peter A. Krauthamer and John F. Mc.Cabe to be Associate Judges of the District of Columbia Superior Court.

I have personally taken the time to familiarize myself with the record of the nominees, and have spent some time with all but one of them on an individual basis. As a result of these efforts, I am confident that the nominees are extremely well qualified candidates and will undoubtedly make excellent additions to the District of Columbia.

I will begin with Ms. Nancy M. Ware who currently serves as a Management Analyst for the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA). Prior to joining CSOSA, Ms. Ware served for eight years as the Executive Director for the District of Columbia Criminal Justice Coordinating Council, where she developed the infrastructure to support law enforcement, juvenile justice, and other criminal justice branches. Previously, Ms. Ware was the Director of Technical Assistance and Training for the Department of Justice Executive Office for Weed and Seed, and before this served as the Director of Program Development for the Bureau of Justice Assistance in the Office of Justice Programs. Earlier in her career, Ms. Ware also served as an Executive Director of the Rainbow Coalition where she worked closely with DC's first elected US Senator, Rev. Jesse Jackson Sr. She also worked for Mayor Sharon Pratt Kelly as Executive Director of the District of Columbia Mayor's Youth Initiatives. She holds a B.A. and M.Ed. from Howard University.

Ms. Ware's extensive professional experience and exceptional education have inarguably prepared her for the immense responsibilities as a Director of the District of Columbia Court Services and Offender Supervision and I have full faith that she will serve as a competent and honorable Director. After such a significant career in public service, she deserves this honor, but more importantly, the District of Columbia deserves the benefit of her experience.

I have not had the privilege of meeting with Michael A. Hughes, prior to today's hearing. He currently serves as the Chief of the Office of Crisis Services within the U.S. Marshal Service's Tactical Operations Division. Michael A. Hughes has spent his entire law enforcement career with the United States Marshals Service. He began his tenure in 1991, and has held various posts within the Marshals Service, including a stint with the Witness Security Division and an assignment to the protection detail of the Deputy Attorney General. Mr. Hughes was also detailed by the U.S. Marshals Service to the Washington, D.C. office of Senator Frank Lautenberg. He graduated from Montclair State University in New Jersey with a bachelor's degree and received a Master of Public Administration degree from my Alma Mater American University in 2007. I look forward to working more closely with him in the future.

I now like to extend my sincere support to Ms. Danya A. Dayson, an attorney with the law firm of O'Toole, Rothwell, Nassau & Steinbach. Ms. Dayson is a graduate of Appalachian State University in Boone, North Carolina and earned her law degree from the Georgetown University Law Center in 1998. She served as a judicial clerk to the Honorable Robert E. Morin, an incumbent associate judge of the District of Columbia Superior Court. Ms. Dayson's diverse practice includes litigation in both state and federal courts. She has represented criminal defense clients, in cases ranging from drug offenses to federal death penalty cases. During the course of her career, Ms. Dayson has also focused on family law, advising and representing clients in divorce and custody cases, and serving as Guardian ad Litem and parent and caretaker attorney in abuse and neglect cases. Ms. Dayson serves on the Domestic Relations and Paternity and Support Subcommittee of the Family Court Implementation Committee, serves on the Family Law Steering Committee for the Family Law Section of the Bar and volunteers as a trainer and volunteer worker at the Family Court Self Help Center at the District of Columbia Court. As outside counsel for small business and non-profits, She advises clients on issues of employment law and corporate compliance and has represented clients in civil cases and in arbitration. She has appeared on her clients' behalf before administrative agencies such as the Unemployment Compensation Commission and the Department of Homeland Security. She is an adjunct professor at George Washington University School of Law. She has also earned the story support of other academics including Professor Molly Cannon, of the Columbus School of Law at Catholic University.

Most importantly, Ms. Dayson brings to the bench rare experience from private practice, when so many Superior Court judges come from government service. There is no question that Ms. Dayson possesses the requisite criteria to serve the District in this capacity, and certainly the citizens of D.C. deserve to have such an accomplished and dignified associate judge sitting on the District of Columbia Superior Court.

Mr. Peter Arno Krauthamer is currently serving as the Deputy Director for the Public Defender Service for the District of Columbia where he manages a staff of approximately 220, including 110 attorneys. He is responsible for establishing and implementing policies, participating in the formulation and execution of the budget, and providing advice to the Director on various legislative initiatives. Mr. Krauthamer served as a staff attorney at the Public Defender Service. He was then promoted to Chief of the Trial Division and later on as a Training Director. Mr. Krauthamer was also a staff attorney with the Federal Public Defender for the District of Columbia. He joined the faculty of the Howard University School of Law as an Assistant Professor



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and Clinical Supervising Attorney and remained in those positions until 2000. He also has experience as the Deputy Director for the District of Columbia Pretrial Services Agency. He received a Bachelor of Arts degree from Brandeis University and earned his law degree from Boston University School of Law.

His hard work in the legal profession and high standards of conduct has made Mr. Krauthamer an appropriate choice for judicial services. I expect that his history of service in both legal and education institutions will serve him well on the bench. He is also a strong advocate for the needy and a solid proponent of social justice, thereby demonstrating his competence as a lawyer and dedication to serve his community, especially for the District of Columbia.

I strongly support the Honorable John F. McCabe, who was appointed a Magistrate Judge by Chief Judge Rufus J. King III. Judge McCabe is one of the longest serving Magistrate Judges, a role which in my opinion prepares him ideally for the role he has been nominated for. He graduated from Duke University with a degree in economics, and received his J.D., cum laude, from Tulane University Law School. He was an associate at a law firm in Atlanta. He was also a staff attorney at the Legal Aid Society for the District of Columbia where he represented indigent clients in domestic relations and public benefits proceedings, and was Assistant Corporation Counsel with the Office of the Corporation Counsel (now the Office of the Attorney General) in Washington D.C. During his tenure at the Office of the Corporation Counsel, he handled child abuse and neglect matters, was chief of the Domestic Violence Section, and handled civil litigation in Superior Court and the United States District Court for the District of Columbia. Judge McCabe also has an accomplished record as an Assistant United States Attorney with the Office of the United States Attorney in Washington D.C. During his tenure as an Assistant U.S. Attorney, he served in the misdemeanor, felony, appellate, grand jury and homicide sections.

What I find most compelling about this nominee are his personal credentials, and not merely his judicial qualifications. He is a strong magistrate judge and there is no question that Mr. McCabe will surely make a strong associate judge. I fully support Mr. McCabe in his nomination.

I urge the committee to promptly move on these nominations. Although these individuals are deserving of all the requisite prestige which accompanies a Presidential nomination and the advice and consent of this esteemed Senate, I look forward to the day when all of us in the District of Columbia will enjoy the even greater dignity of full citizenship. Until that day, since neither I, nor any other District resident can cast a vote in the Senate, I am limited to asking you to cast your votes to confirm the nominations on our behalf.

In closing I want to thank Mr. Dov Amiel Haddad, a member of my legislative staff for his assistance in coordinating the meetings with our nominees, and for assisting in the background research necessary for the preparation of this statement. Thank you again, Senator Akaka, for the opportunity to present this statement for the record.

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